



## Statutory Planning Committee

Notice is hereby given that a meeting of the  
Statutory Planning Committee will be held on:

**Tuesday 13 November 2012**  
**10.00 am**

**Level 2, Room 2.40**  
**One40 William Street**  
**Perth**



**Noelene Jennings**  
Executive Director, Governance and People Services

# Statutory Planning Committee

## Membership:

Member	Representation in accordance with <i>Planning and Development Act 2005</i>	Term of office ends
Mr Gary PRATTLEY	Chairperson, WAPC Schedule 2 clause 4(2)(a)	20/4/2013
Mr Eric LUMSDEN	Proxy for Chairperson	28/09/12 to 27/11/12
Mr Eric LUMSDEN	Director General, Department of Planning Schedule 2 clause 4(2)(b)	Ex officio
Mr Henty FARRAR	Regional Minister nominee Schedule 2 clause 4(2)(c)	26/9/2013
Ms Elizabeth TAYLOR	Community representative Schedule 2 clause 4(2)(d)	5/11/2014
Mr Ian HOLLOWAY	Professions representative Schedule 2 clause 4(2)(e)	5/11/2014
Mayor Carol ADAMS	Local Government representative Schedule 2 clause 4(2)(f)	1/02/2012
Ms Sue BURROWS	WAPC Appointee Schedule 2 clause 4(2)(g)	5/11/2014
Ms Megan BARTLE	WAPC Appointee Schedule 2 clause 4(2)(g)	5/11/2014

## Quorum: 4

In accordance with the Western Australian Planning Commission (WAPC) Standing Orders 2009, 3.7 - Quorum for meetings:

- (2) A quorum for a meeting of a committee is at least 50% of the number of offices (whether vacant or not) of members of the committee.

## Role:

Schedule 2(4)(4) of the *Planning and Development Act 2005*

The Statutory Planning Committee is the WAPC's regulatory decision-making body and performs such of the statutory planning functions of the WAPC under the *Planning and Development Act 2005* and Part II of the *Strata Titles Act 1985* as are delegated to the Statutory Planning Committee under section 16 and such other functions as are delegated to it under that section. These functions include approval of the subdivision of land, approval of leases and licenses, approval of strata schemes, advice to the Minister for Planning on local planning schemes and scheme amendments, and the determination of certain development applications under the Metropolitan Region Scheme.

## Delegated Authority

- 2.1 Power to determine applications for approval to commence and carry out development lodged with or referred to the WAPC pursuant to the provisions of a region scheme.

- 2.2 Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the provisions of a region scheme and power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of a region scheme have been complied with.
- 2.3 Power to determine whether or not proposals and the ongoing implementation of a region scheme comply with conditions (if any) applied pursuant to sections 48F and 48J of the *Environmental Protection Act 1986*.
- 2.4 Power to determine whether or not applications to commence and carry out development are of State or regional importance, or in the public interest, pursuant to any resolution of the WAPC made under a region scheme requiring such determination.
- 2.5 Power to request the Minister for Planning to approve the WAPC disregarding the advice of the Swan River Trust in whole or in part in relation to the approval of development of land within the Riverbank or Development Control Area as defined under the *Swan and Canning Rivers Management Act 2006* where the determining authority is the WAPC.
- 2.6 All functions of the WAPC as set out in -
- (i) Sections 14(a), 14(c), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 185, 214, 215, 216 of the Act;
  - (ii) Town Planning Regulations 1967;
  - (iii) Regulations 21, 22, 24 and 27 of the Planning and Development Regulations 2009;
  - (iv) *Strata Titles Act 1985* or the provisions of a strata or survey-strata scheme;
  - (v) Strata Titles General Regulations 1996;
  - (vi) Section 52 and section 85 of the *Land Administration Act 1997*;
  - (vii) Section 40 of the *Liquor Control Act 1988*;
  - (viii) *Perry Lakes Redevelopment Act 2005*.
- 2.7 Power to determine requests for variations to plans of subdivision where WAPC approval is required pursuant to the provisions of an approved local planning scheme.
- 2.8 Power to provide comment on and grant approval to plans known generally as outline development plans, structure plans and similar plans, and to planning policies and similar documents or amendments thereto, requiring the approval or endorsement of the WAPC pursuant to the provisions of a local planning scheme.
- 2.9 Power to provide comments or advice on behalf of the WAPC to a local government or a redevelopment authority where a provision of a local planning scheme or a redevelopment scheme requires comments from the WAPC.
- 2.10 Power to execute and accept the benefit of easements in gross, covenants in gross, records on title and other instruments for dealings in land for subdivisions, strata subdivisions and developments in accordance with any applicable policy and legislation.
- 2.11 Power to make recommendations to the Minister for Planning in relation to requests from local governments to expend monies paid by subdividing land owners in lieu of

setting aside free of cost to the Crown, areas of land for public open space, where such recommendations are in accordance with WAPC policy.

- 2.12 Power to determine whether or not a proposal is likely to have a significant effect on the environment pursuant to section 38(1) of the *Environmental Protection Act 1986* and to refer such proposal to the Environmental Protection Authority.
- 2.13 Power to waive or clear conditions affixed as conditions of approval.
- 2.14 Power to endorse diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the Act and the *Land Administration Act 1997*.
- 2.15 Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the Act.
- 2.16 Power to defend and otherwise deal with applications for review lodged with the State Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.
- 2.17 Power to defend, respond, appeal and otherwise deal with legal proceedings.
- 2.18 Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.
- 2.19 Power to determine matters under Regional Interim Development Orders.
- 2.20 Such powers and functions of the WAPC as set out in-
  - (i) Part 5 of the Act;
  - (ii) *Town Planning Regulations 1967*

as are necessary for the preparation, promulgation and the making of recommendations in relation to the Improvement Scheme authorised by Improvement Plan No. 37 for the Browse Liquefied Natural Gas Precinct.

**This meeting is not open to members of the public.**

## RELEVANT INFORMATION FOR MEMBERS

### Disclosure of interests

In accordance with the *Planning and Development Act 2005* and Part 6 of the Standing Orders 2009, members of Committees (and certain employees) are required to disclose the following types of interests that they have or persons closely associated to them, have:

- direct and indirect pecuniary interests (financial);
- proximity interests (location); and
- impartiality interests (relationship).

A “**direct pecuniary interest**” means a relevant person’s interest in a matter where it is reasonable to expect that the matter if dealt with by the board or a Committee, or an employee in a particular way, will result in a financial gain, loss, benefit or detriment for the person.

An “**indirect pecuniary interest**” means a relevant person’s interest in a matter where a financial relationship exists between that person and another person who requires a board or Committee decision in relation to the matter.

A “**proximity interest**” means a relevant person’s interest in a matter if the matter concerns -

- (i) a proposed change to a planning scheme affecting land that adjoins the person’s land;
- (ii) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (iii) a proposed development, maintenance or management of the land or of services or facilities on the land that adjoins the person’s land.

An “**Impartiality interest**” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the member having the interest and includes an interest arising from kinship, friendship, partnership or membership of an association or an association with any decision making process relating to a matter for discussion before the board or a Committee.

Members disclosing any pecuniary or proximity interests for an item can not participate in discussion or the decision making procedure relating to the item and must leave the meeting room during the discussion of the item. Members disclosing an impartiality interest in an item must also leave the room during the discussion or the decision making procedure relating to the item unless the Committee, by formal resolution, allows the member to remain. The reason to allow a member to remain must be stated in the formal resolution and will be minuted.

### Disclosure of representations

Where a member has had verbal communication with or on behalf of a person with an interest in a matter which is before a meeting, the member is to disclose the interest.

Where a member is in receipt of relevant written material (including email) from or on behalf of a person with an interest in a matter which is before a meeting, the member is to table the material at the meeting for the information of members and relevant employees.

## **ORDER OF BUSINESS**

- 1. Declaration of opening**
- 2. Apologies – Mr Gary Prattley**
- 3. Members on leave of absence and applications for leave of absence**
- 4. Disclosure of interests**
- 5. Declaration of due consideration**
- 6. Deputations and presentations**
- 7. Announcements by the Chairperson of the board and communication from the WAPC**
- 8. Confirmation of minutes of the meeting of 23 October 2012**
- 9. Reports (see attached index of reports)**
- 10. Confidential items (see attached index of reports)**
- 11. General business**
- 12. Items for consideration at a future meeting**  
**Nil**
- 13. Closure - next meeting to be held on 27 November 2012**

## Statutory Planning Committee

Minutes  
of ordinary meeting 7470  
held on Tuesday 23 October 2012

### Attendance

#### Members

Mr Eric Lumsden	Proxy for WAPC Chairman (Presiding Member)
Mayor Carol Adams	Local Government representative
Ms Sue Burrows	Nominee of Director General, Department of Planning
Mr Henty Farrar	Regional Minister's nominee
Mr Ian Holloway	Professional representative
Ms Elizabeth Taylor	Community representative

#### Officers

Ms Lindsay Baxter	<b>Department of Planning</b> Planning Director, Perth and Peel Planning (Items 6.1 and 6.2)
Mr Mark Jendrzeczak	Senior Planning Officer, Great Southern Region

#### Observers

Mr Brian Webb	Freshlink Exports Pty Ltd (Item 6.1 - refer item 9.1)
Mr Ray Jackson	Goldrange Pty Ltd (Item 6.2 - refer Item 9.1)
Ms Carly Rundle	Harley Global (Item 6.3 - refer Item 10.4)

#### Presenters

Mr George Hajigabriel	Greg Rowe & Associates (Item 6.1 - refer Item 9.1)
Mr Brian McCubbing	Freshlink Exports Pty Ltd (Item 6.1 - refer item 9.1)
Mr Brian McMurdo	Lavan Legal (Item 6.2 - refer Item 9.1)
Mr Ed Turner	Turner Master Planners (Item 6.2 - refer Item 9.1)
Mr Henry Dykstra	Harley Global (Item 6.3 - refer Item 10.4)
Mr Peter Simpson	TPG Town Planning (Item 6.4 - refer Item 10.5)

#### Committee Support

Mrs Leah Carr	Committee Support Officer - Department of Planning
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### 7470.1 Declaration of Opening

Due to the absence of the Presiding Member and in accordance with Instrument of Delegation P1403 gazetted 13 July 2007, Mr Lumsden (proxy to the WAPC Chairman) presided over the meeting.

The Presiding Member declared the meeting open at 9.05 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

## Statutory Planning Committee

Minutes  
of ordinary meeting 7470  
held on Tuesday 23 October 2012

### 7470.2 Apologies

Mr Gary Prattley WAPC Chairman (Presiding Member)

### 7470.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

### 7470.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Ms Sue Burrows	9.1	3	Impartiality
Mr Ian Holloway	9.1	3	Impartiality

Ms Burrows declared an impartiality interest due to having detailed involvement as the previous reporting officer on this issue.

Ms Burrows declared she would depart the meeting for Item 9.1 Drovers Place Precinct Local Structure Plan No. 80 – Amendment 1, and to take no part in discussion or voting on the item.

Mr Holloway declared an impartiality interest due to his son being a store manager with Coles Liquor Group.

Mr Holloway declared he would depart the meeting for Item 9.1 Drovers Place Precinct Local Structure Plan No. 80 – Amendment 1, and to take no part in discussion or voting on the item.

#### **Resolved**

***Moved by Mr Farrar. seconded by Mayor Adams***

*In accordance with clause 6.10(6) of the Standing Orders 2009, members of the Statutory Planning Committee agree that the members listed above, who have disclosed an impartiality interest, is not permitted to participate in discussion or vote on the item Drovers Place Precinct Local Structure Plan No. 80 – Amendment 1..*

***The motion was put and carried.***

### 7470.5 Declaration of Due Consideration

No declarations were made.

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### 7470.6 Deputations and Presentations

7470.6.1 **Drover's Place Precinct Local Structure Plan No.80 – Amendment 1** (refers Item 9.1)

Presenter Mr George Hajigabriel  
Mr Brian McCubbing

Mr McCubbing tabled a handout entitled 'Drovers Place Precinct Local Structure Plan No. 80'. A copy of the handout has been placed on file.

Mr Hajigabriel tabled a map of the Proposed Commercial Development portion of Lot 19, an ariel view of Drover's Place and addressed the technical town planning aspects of the proposal. Copies of these maps have been placed on file.

7470.6.2 **Drover's Place Precinct Local Structure Plan No.80 – Amendment 1** (refers Item 9.1)

Presenter Mr Ed Turner  
Mr Brian McMurdo

Messrs Turner and McMurdo addressed the Committee regarding the proposed additional uses of a liquor store and hairdresser and stated that the definitions of a 'growers mart' and 'showroom' in SP80 were considered inappropriate.

7470.6.3 **Amendment No. 310 City of Albany Local Planning Scheme No.3 – Consent to Advertise** (refers Item 10.4)

Presenter Henry Dykstra

Mr Dykstra tabled Proposed ALPS Map 913 and made the following comments relating to the officer's recommendation:

- Presence of raw minerals on site;
- Rural zoning of the property in ALPS;
- The property not being identified for Rural Residential in ALPS.

A copy of the map has been placed on file.

7470.6.4 **SAT Reconsideration of Subdivision to create 2 lots for residential purpose: lot 187 Pioneer Court, Bouvard** (refers Item 10.5)t

Presenter Mr Peter Simpson

Mr Simpson briefed the Committee on the outcome of the discussions held at the SAT Mediation Session.

## Statutory Planning Committee

Minutes  
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### 7470.7 Announcements by the Chairperson of the Board and communication from the WAPC

No announcements were made.

### 7470.8 Confirmation of Minutes

#### 7470.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 9 October 2012

**Resolved**

***Moved by Mr Holloway, seconded by Ms Taylor***

*That the minutes of the Statutory Planning Committee meeting held on Tuesday 9 October 2012, be confirmed as a true and correct record of the proceedings.*

***The motion was put and carried.***

### 7470.9 Reports

#### 7470.9.1 Drovers Place Precinct Local Structure Plan No.80 - Amendment 1

File	SPN/0125
Report Number	SPC/269
Agenda Part	C
Reporting Officer	Acting Planning Manager: Planning Appeals

**Ms Burrows and Mr Holloway disclosed an interest.**

<b>Member</b>	<b>Nature of Interest</b>
Ms Burrows	Impartiality
Mr Holloway	Impartiality

**Ms Burrows and Mr Holloway departed the meeting at 10.05 am.**

**Ms Burrows did not vote on the item.**

**Mr Holloway did not vote on the item.**

In reaching its decision, the Committee modified the recommendation acknowledging the content of the submission on the applicant's proposal by the City of Wanneroo, had regard to the focus and scope of the amendment, the zoning (general rural) of the land subject of

## Statutory Planning Committee

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the amendment; and did not support the Liquor Store as a bulky goods activity on the basis that although the activity was located in a large building, the land uses of 'liquor store and hairdresser' were typical of a retail activity centre land use.

### Officer's Recommendation

That the Western Australian Planning Commission resolves:

1. pursuant to Part 9 of the City of Wanneroo's District Planning Scheme No. 2, to adopt Amendment 1 to the Drovers Place Precinct Local Structure Plan No. 80 subject to the following modifications:
  - a) delete the following land uses on the basis that the uses were incorporated into the structure plan under the Commission's resolution of 10 July 2012:
    - i. Car wash
    - ii. Dry cleaning premises
    - iii. Recreation Centre
    - iv. Retail nursery
  - b) insert the following discretionary ('D') land use in Table C of Structure Plan 80:
    - i. Large format liquor store (Lots 810 and 811 only. Minimum NLA 1,250m<sup>2</sup>)
2. to not support the applicant's proposal for inclusion of Hairdresser and modification of definitions for Growers Mart and Showroom within the Drovers Place Precinct Local Structure Plan No. 80;
3. to advise the City of Wanneroo accordingly.

### Resolved

***Moved by Ms Taylor, seconded by Mayor Adams***

*That the Western Australian Planning Commission resolves:*

- 1 *Pursuant to Part 9 of the City of Wanneroo's District Planning Scheme No. 2, to adopt Amendment 1 to the Drovers Place Precinct Local Structure Plan No. 80 subject to the following modification:*

## Statutory Planning Committee

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- *delete the following land uses on the basis that the uses were incorporated into the structure plan under the Commission's resolution of 10 July 2012:*
  - i. *Car wash*
  - ii. *Dry cleaning premises*
  - iii. *Recreation Centre*
  - iv. *Retail nursery*
- 2. *to not support the applicant's proposal for the inclusion of the Hairdresser, a large format liquor store (Lots 810 and 811 only. Minimum NLA 1,250m<sup>2</sup>) and modifications of the definitions for Growers Mart and Showroom within the Drivers Place Precinct Local Structure Plan No. 80.*
- 3 *advise the City of Wanneroo accordingly.*

***The motion was put and carried.***

***Ms Burrows and Mr Holloway returned to the meeting at 10.15 am.***

**7470.9.2**

### **Kutkubabba Layout Plan 1 – For Endorsement**

File 057/1/1/25P139V  
Report Number SPC/270  
Agenda Part D  
Reporting Officer Manager Planning – Aboriginal Communities

The members enquired if the report writer could find another word when referring to the designated streets in the Layout plan, as these settlements are not streets in terms of the Transfer of Land Act.

**Resolved**

***Moved by Mr Farrer, seconded by Ms Taylor***

*That the Western Australian Planning Commission resolves to endorse the Kutkubabba Layout Plan 1.*

***The motion was put and carried.***



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**7470.10.4 Amendment No. 310, City of Albany Local Planning Scheme No. 3 - Consent to Advertise**  
File TPS/0861  
Report Number SPC/275  
Agenda Part E  
Reporting Officer Planning Officer, Great Southern Region

**THIS ITEM IS CONFIDENTIAL**

**7470.10.5 Sat Reconsideration of Subdivision to Create 2 Lots for Residential Purpose: Lot 187 Pioneer Court, Bouvard**  
File 145590  
Report Number SPC/276  
Agenda Part E  
Reporting Officer Planning Manager

**THIS ITEM IS CONFIDENTIAL**

### **7470.11 General Business**

**7470.11.1 Request for list of landmark decisions made by the Statutory Planning Committee**  
Mr Farrar requested a list be compiled of landmark decisions made by SPC (sub-divisions in particular) which could be viewed on an ongoing basis. This idea was not supported due to the many Planning considerations that must be considered in any application for approval.

### **7470.12 Items for Consideration at a Future Meeting**

<b>Item No</b>	<b>Report</b>	<b>Request</b>	<b>Report Required by</b>
12.1	Residential Design Codes	DoP presentation on how R Codes relate to greenfields/brownfields	TBC

### **7470.13 Closure**

The next ordinary meeting is scheduled for 9 am on 13 November 2012.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 11 am.

**PRESIDING MEMBER** \_\_\_\_\_

**DATE** \_\_\_\_\_

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## ITEM NO: 9.1

### SUBDIVISION TO CREATE 105 SURVEY STRATA LOTS AND ONE COMMON PROPERTY LOT: LOT 500 COOTHALLIE ROAD, CHIDLOW

**WAPC OR COMMITTEE:** Statutory Planning Committee

REPORTING AGENCY: Department of Planning  
REPORTING OFFICER: Planning Manager, Metropolitan Planning North East  
AUTHORISING OFFICER: Planning Director, Metropolitan Planning North East  
AGENDA PART: C  
FILE NO: 656-12  
DATE: 15 October 2012  
ATTACHMENT(S): 1 - Subdivision Plan  
2 - Location/Zoning Map  
3 - LSIP 375  
4 - Previous Subdivision Approval (1157-07)  
5 - HV Power Line Plan  
REGION SCHEME ZONING: Rural  
LOCAL GOVERNMENT: Shire of Mundaring  
LOCAL SCHEME ZONING: Special Purpose (Eco-Village)  
LGA RECOMMENDATION(S): Conditional Approval  
REGION DESCRIPTOR: Perth Metro North East  
RECEIPT DATE: 31 July 2012  
PROCESS DAYS: 88 days  
APPLICATION TYPE: Subdivision  
CADASTRAL REFERENCE: Lot 500 (2300) Coothallie Road, Chidlow

**RECOMMENDATION:**

***That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 500 Coothallie Road, Chidlow into 105 Survey Strata lots including one common property lot as shown on the plan date-stamped 31 July 2012 subject to the following conditions and advice:***

**CONDITIONS:**

1. ***Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:***
  - a) ***lots can accommodate their intended use; and***

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- b) ***finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting. (Local Government)***
2. ***Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government)***
3. ***Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the Planning and Development Act 2005. (Local Government)***
4. ***No residential survey strata lots being less than 1000m<sup>2</sup> in area. (Local Government)***
5. ***A Management Statement being prepared and submitted for the Western Australian Planning Commission's consideration and written confirmation in accordance with Section 5C of the Strata Title Act 1985 (as amended), to include the following additions to the by-laws contained in Schedules 1 and 2 of that Act:***
- (a) Management of common property;***
  - (b) Provision of affordable housing;***
  - (c) Insurance;***
  - (d) Safety and security;***
  - (e) Business operations;***
  - (f) Keeping of pets;***
  - (g) Maintenance of infrastructure and services;***
  - (h) Guarantee for provision and maintenance of minimum 100kW solar photovoltaic panels for electrical energy production;***
  - (i) Conflict and dispute resolution processes;***
  - (j) Development and/or redevelopment on the residential strata lots, non-residential and common property land is to comply with a development approval issued by the local government and is to incorporate as required:***
    - (i) Effluent disposal;***
    - (ii) Power;***
    - (iii) Residential Design Guidelines;***
    - (iv) Traffic movements and regulations;***
    - (v) Fencing;***
    - (vi) Recycling and waste management.***
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***Amendment to or repeal of the above provisions cannot be effected without the WAPC's agreement. (Local Government)***

- 6. The 6.0ha village centre site being depicted as a common property lot on the Survey Strata Plan and retained in the ownership of the Strata Management Body to the satisfaction of the Western Australian Planning Commission. (Local Government)***
- 7. Satisfactory arrangements being made with the Shire of Mundaring for the provision of a minimum of ten (10) residential strata lots for the purpose of affordable housing to the satisfaction of the Western Australian Planning Commission. (Local Government)***
- 8. An endorsement in accordance with Section 6 of the Strata Titles Act 1985 is to be placed on the strata plan, delineating the lots proposed for the purposes of affordable housing, restricting the use of the lots to affordable housing only in accordance with Clause 5.1.1 of the Local Subdivision and Infrastructure Plan (Local Government)***
- 9. Prior to the commencement of subdivision works an environmental management plan is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan. (Department of Environment and Conservation)***
- 10. Satisfactory arrangements being made with the Shire of Mundaring for the upgrading of Ash Road and provision of a roundabout at the intersection of Ash Road and Progress Drive and the main entry access road, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. Detailed engineering drawings must be submitted to the Shire for approval prior to commencement of any on-site works or clearing. (Local Government)***
- 11. Satisfactory arrangements being made with the Shire of Mundaring for the upgrading of the Railway Heritage Trail / KEP track where it is affected by the subdivision works, to the satisfaction of the Western Australian Planning Commission. (Local Government)***
- 12. Satisfactory arrangements being made with the Shire of Mundaring for the provision of all internal access arrangements generally in accordance with the Local Subdivision and Infrastructure Plan, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. Detailed engineering drawings must be submitted to the Shire for approval prior to commencement of any on-site works or clearing. (Local Government)***
- 13. Satisfactory arrangements being made with the Shire of Mundaring for the provision of internal directional signage for the residential clusters, village centre, visitor car parking, emergency access ways and rural activities, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)***

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14. ***Residential Design Guidelines are to be prepared for approval of the Shire of Mundaring addressing housing density, cluster common areas, building setbacks, dwelling design and materials, rainwater tanks, minimum 1kW solar photovoltaic panel, open space and access/car parking (including disability access requirements). (Local Government)***
  15. ***Village Centre and Ancillary Development Design Guidelines are to be prepared for approval of the Shire of Mundaring addressing building setbacks and location, external service and storage areas, fencing, car parking and access, water supply and hydrological efficiency, built form and character, materials, finishes and colour, and signage. (Local Government)***
  16. ***The provision of non-potable water supply via onsite sub-surface and surface harvesting, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. In the event that sufficient water cannot be sourced on site, each residential lot and the village centre site must be connected to a reticulated water supply. (Local Government)***
  17. ***Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed residential lots advising that no reticulated water supply can be provided to the land by a licensed water service supplier and as a consequence owners will be obliged to provide, as part of development of dwellings on the lots, a minimum 60,000 litres of domestic water storage capacity for potable water in one or more water storage tanks, and subsequent owners will be obliged to maintain and replace, if necessary, the tanks. (Local Government)***
  18. ***The provision of a water storage tank or reservoir with a total capacity of 250,000 litres, located at the highest point in the application area and connected to each proposed residential strata lot, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)***
  19. ***The provision of designated combined grey-water collection and disposal systems for each residential cluster located on common property and the village centre site, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)***
  20. ***A Grey-Water Buffer Landscaping Plan for each residential cluster to be prepared for approval of the Shire of Mundaring prior to clearance of tiles, detailing the location, types and number of species to be planted. The plan shall be implemented in stages as residential development is completed and thereafter all plantings must be maintained to the satisfaction of the Western Australian Planning Commission. (Local Government)***

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21. ***The provision of a solar photovoltaic panel array for electrical energy production with an initial minimum capacity of 25kW and connected to each residential strata lot and the village centre site via a 240V AC supply, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. The solar array must be located no closer than 50 metres from the centreline of the water course. (Local Government).***
  
  22. ***A restrictive covenant, to the benefit of the local government pursuant to Section 129BA of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:***  
  
***'No development of a dwelling or occupation of dwellings on the lot shall occur without provision of a solar photovoltaic panel for electrical energy production with a minimum capacity of 1 kW either on the lot or by the owner/s of the lot on the common solar panel array, such that the minimum 1 kW capacity of the panel can be realised without obstruction from shade producing structures or vegetation.'***  
***(Local Government)***
  
  23. ***The provision of a liquefied petroleum gas bulk storage tank in an existing cleared area and connected to all residential strata lots and the village centre site, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. The location of the tank must be approved by the Shire of Mundaring prior to commencement of works. (Local Government)***
  
  24. ***The provision of telecommunications connection to each residential strata lot and the village centre site, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)***
  
  25. ***The provision of a centralised composting facility within the common property area, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)***
  
  26. ***The provision of a waste collection facility for solid waste materials located within the common property area adjacent to but visually screened from the 150 visitor bay car park, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)***
  
  27. ***A Fire Management Plan being prepared and implemented to the specifications of the local government and the Fire and Emergency Services Authority. (Local Government)***
  
  28. ***A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice***

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*of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

*'The lot is subject to a fire management plan.'*  
(Local Government)

29. *Implementation of the Environmental Management Plan required by Condition 9 above, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)*
30. *Preparation and implementation of an Integrated Water Management Plan consistent with the Liveable Neighbourhoods Policy 2006 and Stormwater Management Manual of WA 2004 to the satisfaction of the Western Australian Planning Commission. (Department of Water)*
31. *A fence restricting the access of humans and livestock into the adjoining State Forest reserve is to be erected and maintained along the entire length of the common boundary. (Department of Environment and Conservation)*
32. *A biophysical assessment is to be undertaken to determine if a vegetated buffer is required adjacent to the watercourse. If a vegetated buffer is required, this is to be provided and maintained. (Department of Water)*
33. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the removal, relocation and/or replacement of electricity supply infrastructure, including plant and/or equipment located on or near the lots shown on the approved plan of subdivision. (Western Power)*
34. *A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

*'A network electricity supply is not available to the lot/s.'* (Western Power)

**ADVICE:**

1. *Clearing of native vegetation in Western Australia is prohibited unless the clearing is authorised by a clearing permit obtained from the Department of Environment and Conservation or is of a kind that is exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Regulation 5 Environmental Protection (Clearing of Native Vegetation) Regulations 2004.*
2. *The subject proposal has the potential to significantly impact upon a matter of national environmental significance under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC)*

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**Act), namely the forest red-tail cockatoo and Carnaby's cockatoo. It is recommended that the applicant/owner seek advice from the Commonwealth Department of Sustainability, Environment, Water, Population and Communities to determine if there is a requirement for the action to be referred to the Department for assessment under the EPBC Act.**

- 3. No drainage/stormwater infrastructure is to be placed within State Forest or the regional park, nor is there to be any direct discharge of drainage/stormwater into the State Forest or the regional park.**
- 4. No vegetation, earth spoil or debris of any kind is to be stored or disposed of within the boundary of the State Forest or the regional park.**
- 5. Flora species known to be invasive or environmentally damaging shall not be used in any landscaping where they may spread into the adjacent State Forest or the regional park. The proponent should take steps to minimise the risk of the introduction and spread of weeds and dieback by cleaning earth-moving machinery of soil and vegetation prior to entering and leaving the subject site; and ensuring no weed or dieback affected soil or fill is brought onto the subject site.**

#### **Advice to Western Power**

**Western Power is advised that the endorsed Local Subdivision and Infrastructure Plan 357 allows the subject site to be serviced with renewable energy in the form of an on-site solar collection station and photovoltaic (PV) panels on buildings. This arrangement is also consistent with the previous survey strata approval on the site (1157-07) which did not require the connection to power.**

#### **Advice to The Department of Health**

**The Department of Health is advised that it is not considered necessary to require the dry composting systems to be located within common property as this is not required in the endorsed Local Subdivision and Infrastructure Plan (LSIP) or required under the previous subdivision approval. However, in accordance with the endorsed LSIP and previous subdivision approval, a condition is imposed requiring the grey water collection and disposal systems be located within common property.**

#### **SUMMARY:**

The application proposes the subdivision of Lot 500 Coothallie Road, Chidlow into 106 survey strata lots comprising of 104 residential lots, 1 lot for commercial land use (Village Centre), and 1 common lot for recreation, rural and infrastructure land use. The land is zoned Special Purpose - Eco-Village Development under the Shire of Mundaring Town Planning Scheme No.3. A Local Subdivision and Infrastructure Plan was endorsed by the Western Australian Planning Commission (WAPC) in 2008 to guide a future eco-village development on the site. The application is referred to the Statutory Planning Committee (SPC) for determination as approval is

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recommended, however the proposal does not comply with the Planning for Bushfire Protection Guidelines. The City of Swan, Department of Environment and Conservation and service authorities have recommended conditional approval. The Department of Health does not support the proposal.

A previous survey strata subdivision application was considered by the SPC on 3 June 2008 and approved in 2008 by the State Administrative Tribunal (SAT) by consent orders following a deemed refusal. The current subdivision application is consistent with the previous subdivision approval.

It is recommended that the application be approved.

### **LEGISLATION / STRATEGIC PLAN / POLICY:**

**Legislation** *Planning and Development Act 2005*  
Section: Part 10

**Strategic Plan**  
Strategic Goal: Strategic Goal 2: Planning  
Outcomes: Effective Delivery of Integrated Plans  
Strategies: Implement State and Regional Planning priorities

**Policy**  
Number and / or Name: Local Subdivision and Infrastructure Plan No 357  
Development Control Policy DC 1.3 Strata Titles  
Development Control Policy DC 3.4 Rural  
Subdivision

### **INTRODUCTION:**

This application proposes the subdivision of Lot 500 Coothallie Road, Chidlow into 106 survey strata lots comprising of 104 residential lots, 1 lot for commercial land use (Village Centre), and 1 common lot for recreation, rural and infrastructure land use (**Attachment 1** - Subdivision Plan). The application has been submitted by the receivers and managers for Somerville EcoVillage Holdings.

The subject site is zoned 'Rural' under the Metropolitan Region Scheme and 'Special Purpose - Eco-Village Development' under the Shire of Mundaring Town Planning Scheme No. 3 (TPS 3). (**Attachment 2** - Location/Zoning Map).

Local Subdivision and Infrastructure Plan (LSIP) No 357 - Somerville Eco-village was approved for the site in 2008. (**Attachment 3** - Local Subdivision and Infrastructure Plan No 357)

A subdivision application for 104 residential survey strata lots plus two common property lots was approved by the State Administrative Tribunal (SAT) in 2008 following a deemed refusal (**Attachment 4** - Subdivision Approval 1157-07). The previous subdivision application was presented to the Statutory Planning Committee on 3 June 2008 to seek the endorsement of the recommended conditions of consent from the SAT. The previous approval has lapsed, hence the applicant has lodged a new application.

The proposed subdivision is consistent with the previous subdivision approval.

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## **CONSULTATION:**

The Shire of Mundaring has recommended approval subject to the same conditions imposed on the previous approval.

The Department of Environment and Conservation has recommended a number of conditions and advice.

ATCO Gas and the Department of Education have no objections to the proposal. The Fire and Emergency Services Authority has advised that the Shire of Mundaring is the authority regarding fire protection in this instance and expects a condition be imposed regarding compliance with the Planning for Bush Fire Protection Guidelines.

Western Power supports the proposal subject to standard conditions and advice. The Department of Water has requested a condition regarding the implementation of the approved Integrated Water Management Plan. The Water Corporation has requested an advice note regarding water pressure.

The Department of Health (DoH) advised that it does not support the proposal as it is not consistent with their previous advice which required wastewater disposal systems for the lots smaller than 2000m<sup>2</sup> being located on common property. Further clarification was sought from the DoH, and it has been confirmed that DoH supports the use of dry composting toilets on individual lots, however grey water collection and disposal systems must be located within common property. This will be discussed further in the officer's comments.

## **COMMENTS:**

### Proposed subdivision

The survey strata subdivision application proposes 104 residential survey strata lots, a village centre lot and the remainder of the site as common property. Each residential strata lot will be part of a cluster of around 8-12 strata lots on lots no smaller than 1000m<sup>2</sup>. The centrally located village centre lot is 6ha and the remaining common property lot is 143.69ha.

The justification and rationale for the proposed eco-village development was previously examined as part of Amendment 58 which rezoned the site special use under TPS No 3 and LSIP 357 which guides subdivision and development.

The Somerville Ecovillage is a unique proposal with the key philosophy being a development which is environmentally, socially and economically sustainable with beneficial or minimal environmental impact.

The proposed subdivision is consistent with the previous survey-strata subdivision approval on the site (1157-07). The previous subdivision application was approved by the State Administrative Tribunal (SAT) following the applicant appealing a deemed refusal. The recommended conditions for the current subdivision application are generally consistent with the previous approval, except in regards to the following:

- a new condition and advice notes as recommended by the DEC;

- 
- conditions modified were necessary to accord with the model subdivision conditions; and
  - conditions modified/removed if requirements have been satisfied since the previous subdivision approval.

### Mundaring Town Planning Scheme No 3

The subject site is zoned 'Special Purpose - Eco-Village Development' under the Shire of Mundaring TPS 3. Within Schedule 1 - Special Purposes zone, the permissibility of uses and special conditions are detailed. The following special conditions relate to the subdivision of the subject land;

- *As a prerequisite to any subdivision or development of the land, a Local Subdivision and Infrastructure Plan (LSIP) shall be submitted to and approved by Council in accordance with the provisions and procedures in the Scheme;*
- *The only individual owned lots shall be the residential lots, with the remaining land retained in common ownership;*
- *The development of the land will be based on a rural cluster design within the framework of the Strata Title Act 1985;*
- *Provided there has been compliance with the LSIP in regard to water, power and affordable housing the land may be subdivided to the full extent shown in the LSIP, that is with a total of 104 lots;*
- *Until servicing has been provided or substantially provided in accordance with clause 5.5 of the LSIP, no more than the 80 lots for the Somerville Eco-village referred to in clause 5.1.1 of the LSIP will be created; and*
- *Compliance with the above requirements to provide servicing shall be confirmed by the Western Australian Planning Commission, following submission of appropriate supporting evidence by the proponents.*

The following discussion is provided in relation to how the above requirements of the Scheme have or can be satisfied:

- Consistent with the previous approval a condition is recommended requiring the village centre lot be common property;
- The LSIP requires 10 lots to be retained by Somerville EcoVillage Pty Ltd to enable the construction of affordable rental accommodation. To satisfy this requirement, the previous subdivision approval incorporated conditions relating to satisfactory arrangements being made for the provision of 10 residential strata lots for affordable housing. Another condition required endorsement in accordance with Section 6 of the Strata Titles Act 1985 to be placed on the strata plan, delineating the lots for affordable housing and restricting the use of the lots to affordable housing only. Although, the property is likely to be developed by a different entity, the conditions imposed on the previous subdivision approval are still sufficient to satisfy the TPS3 requirements; and
- In relation to services for power and water, these will be staged through the subdivision and development process, whereby some services will be provided upfront as part of the subdivision works and others provided when dwellings are constructed. For the required 100kW needed for power, a

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25kW solar collection station to be constructed as part of the subdivision with each dwelling required to provide 1kW photovoltaic panels. To ensure the panels on the dwellings are constructed, conditions are recommended requiring suitable design guidelines and restrictive covenant stipulating dwellings are not to be occupied until the solar panels are provided. Water will be provided via a storage tank/reservoir and also grey-water collection and disposal system constructed/installed as part of the subdivision. Rain water takes will be provided as part of dwelling construction and conditions are recommended requiring suitable design guidelines and Section 70A notification advising future landowners of this requirement. Gas (liquefied petroleum gas bulk storage and reticulated to each lot) and phone services will be provided in accordance with the LSIP as part of the subdivision works.

The Shire of Mundaring resolved to adopt a new Local Planning Scheme on 31 July 2012 and forward it to the WAPC for endorsement. The provisions for the eco-village have been incorporated into the new LPS.

### Local Subdivision and Infrastructure Plan

Local Subdivision and Infrastructure Plan (LSIP) No 357 - Somerville Eco-village was endorsed by the WAPC in June 2008 with some minor modifications undertaken in September 2008. The minor modifications reflected matters raised through mediation of the related survey strata application. The LSIP was prepared to comply with the requirements of TPS 3 by addressing a range of matters including a comprehensive site assessment, land use, servicing and technical guidelines. The LSIP establishes the framework for the future subdivision and development of the eco-village.

The LSIP proposes to subdivide the land into 104 survey strata lots for residential use, a common property lot comprising the centrally located village centre, and the remainder of the site as a common property lot. The proposed survey strata subdivision, subject to conditions, is consistent with the LSIP.

### Development Control Policy No. 3.4 (DC 3.4) *Subdivision of Rural Land*

The WAPC's Policy DC 3.4 *Subdivision of Rural Land* outlines that subdivision of rural and agricultural land for closer settlement (rural-residential, rural-smallholdings and cluster dwellings) should be properly planned through the preparation of regional and local planning strategies and provided for in local planning schemes prior to subdivision. In this case, the land is suitably zoned under TPS3 and a LSIP has been endorsed by the WAPC to allow for the subdivision and development of an eco-village.

### Planning for Bushfire Management

The endorsed LSIP includes a Fire Management Plan which includes, inter alia, the following requirements:

- A 30m building protection zone around all buildings;
- A further 30m hazard separation zone beyond the building protection zone (60m total);
- Dwellings to be constructed to AS3959; and

- 
- One access linking to a road system to the north and an emergency access linking to the national park to the south.

The Planning for Bush Fire Protection Guidelines (edition 2) require the following acceptable solutions in respect to the above:

- A 20m building protection zone around all buildings;
- A 100m hazard separation zone (including the 20m building protection zone). This may be reduced where buildings are constructed in accordance with AS3959; and
- Two different vehicular access routes, both of which connect to the public road network, are available to all residents/the public at all times.

The proposal does not meet the requirements relating to providing two different vehicle access routes to the public road network.

However, the Planning for Bush Fire Protection Guidelines are not intended to deal with the bush fire protection requirements of the following;

*'new subdivisions where the subdivision is based on a structure plan, outline development plan, subdivision guide plan or similar that was approved by a local government and the WAPC prior to the introduction of Planning for Bush Fire Protection in December 2001'.*

In considering the above provision, the Planning for Bush Fire Protection Guidelines do not apply to new subdivisions where an endorsed LSIP and associated Fire Management Plan were approved prior to the endorsement of the guidelines. It is understood that the December 2001 date is incorrect and should be May 2010 as this is the date Edition 2 of the guidelines came into operation. Therefore the proposed subdivision can be approved, provided it is in accordance with the existing LSIP and Fire Management Plan which is the case.

### Environmental conservation

The subject land contains extensive areas of remnant vegetation with some cleared areas located centrally and within the western portion of the site. The subdivision generally focusses on the cleared portions of the site. An Environmental Management Plan (EMP) was prepared in 2007 to inform the LSIP which indicates that bushland at the site is of varying condition. It is dominated by jarrah and marri, with areas of wandoo, blackbutt and roadside tea tree in the north. Based on the cluster design, the LSIP indicates at least 80 per cent of the existing native vegetation is retained and protected. The DEC supports the proposal and recommends the implementation of the EMP to the satisfaction of the Shire of Mundaring as a subdivision condition.

### Servicing

The eco-village is not intended to be connected to all traditional services and infrastructure; instead it proposes the utilisation of servicing infrastructure which is sustainable, renewable and self-sufficient in the following manner:

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## **Water**

Consistent with the LSIP and the previous survey strata subdivision approval, water will be provided via the following methods:

- Potable water will be provided by 60,000L tanks to each dwelling;
- Non-potable water provided via grey-water collection and disposal system for each residential cluster located on common property; and
- A 250,000L water storage tank or reservoir which is reticulated to each lot.

Suitable conditions are recommended, consistent with the previous approval, to ensure these services are provided.

## **Effluent disposal**

In accordance with the LSIP it is proposed that all dwellings, businesses and community facilities will adopt dry composting toilets of a type approved by the Department of Health (DoH). As part of the subdivision referral of this current survey strata subdivision application the DoH advised that it does not support the proposal as it is not consistent with their previous advice which required wastewater disposal systems for the lots smaller than 2000m<sup>2</sup> being located on common property. Further clarification was sought from the DoH, and it has been confirmed that DoH supports the use of dry composting toilets on individual lots, however grey water collection and disposal systems must be located within common property.

This is consistent with the endorsed LSIP and previous subdivision approval which indicates grey water collection and disposal systems for each residential cluster are to be located within common property. A suitable condition is recommended regarding the location of grey water disposal within common property consistent with the previous subdivision approval.

## **Power**

The LSIP indicates that electrical power shall be sourced from solar photovoltaic (PV) panels. This will include an on-site solar collection station as well as on the roofs of homes and other buildings. The total sent-out power capacity of the system must be at least 100kW as required under the LSIP. Consistent with the previous approval, photovoltaic (PV) panels with 25kW capacity will be provided on the common property solar array and all lots will be connected to the array prior to creation of the lots. Provision of a total 100kW power will be staged during development of each lot when a minimum 1kW will be provided by individual owners as dwellings are constructed. This arrangement is in accordance with the approved LSIP and will result in a total end capacity of 129kW when all dwellings are constructed.

Consistent with the previous approval, a condition should be imposed requiring a restrictive covenant stipulating that no development or occupation of dwellings on the lots shall occur without provision of a solar photovoltaic panel for electrical energy production with a minimum capacity of 1kW.

It is noted Western Power requested a standard condition regarding connection to power for this subdivision application. Western Power has advised that if this condition is not imposed, then the model subdivision condition requiring a Section 70

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notification on the Certificate of Title advising that a network electricity supply is not available should be imposed.

Western Power also requested standard conditions on the previous subdivision application regarding connection to power, however as part of the SAT mediation, conditions regarding connection to power were not required as the proposal will be using renewable energy. Given the endorsed LSIP and previous approval allowed the site to be serviced with renewable energy in the form of photovoltaic panels, the model subdivision condition regarding the Section 70 notification is considered suitable in this instance.

Western Power has also advised that there is an overhead High Voltage (HV) power line affecting part of the property which currently has 2 active meters (refer **Attachment 5** - HV Power Line Plan). The HV power line affects the proposed survey strata lots and therefore the line will need to be relocated to ensure safe and unimpeded use of the lots in a residential capacity. Western Power has therefore recommended a model subdivision condition regarding the removal, relocation and/or replacement of electricity supply infrastructure. Although this condition was not included in the previous SAT decision, this is a necessary condition and it is recommended that the condition be imposed.

### **Gas**

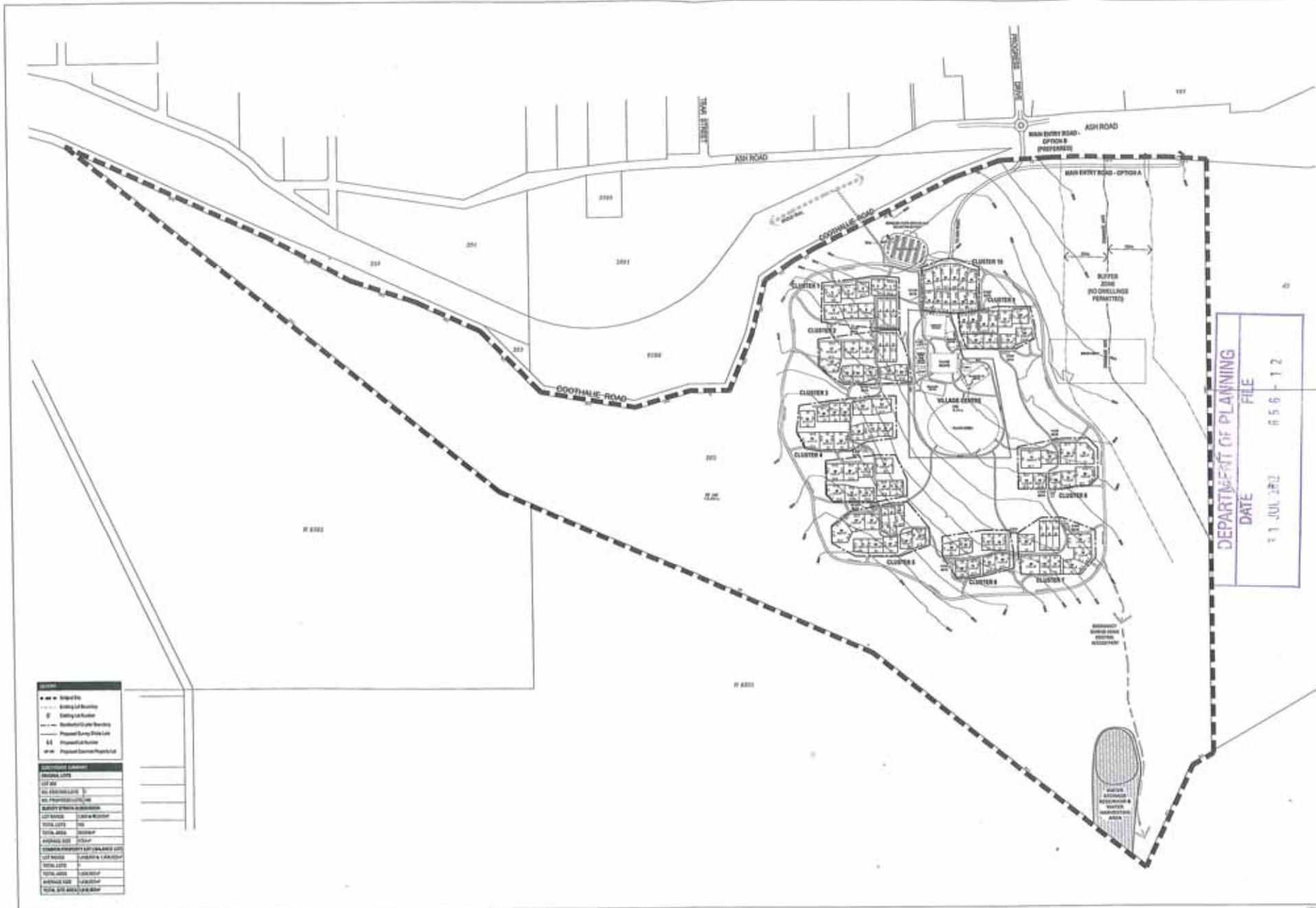
The LSIP indicates that a single commercial gas 'bullet' cylinder shall be installed on the subject site with gas reticulated to all buildings. A suitable condition should be imposed consistent with the previous subdivision approval.

### **Telecommunication**

The LSIP indicates that landline services are available and should be utilised throughout the village. A suitable condition should be imposed consistent with the previous subdivision approval.

### **CONCLUSION:**

The application is referred to the SPC as the previous decisions regarding the eco-village have been determined by the SPC and the proposed survey strata subdivision is not consistent with the Planning for Bush Fire Protection Guidelines in relation to providing two access points. However, the Planning for Bushfire Protection Guidelines are not intended to be applied where there is an existing LSIP that was approved by the local government and the WAPC prior to the introduction of the Planning for Bush Fire Protection Guidelines. In this case the proposed subdivision is consistent with TPS No.3, LSIP 357 and associated Bush Fire Management Plan and the previous survey strata subdivision approval. Conditional approval is recommended consistent with the previous SAT orders, except where conditions have been revised to accord with the model subdivision conditions and to address matters raised by Western Power.



DEPARTMENT OF PLANNING  
FILE  
DATE 11 JUL 2012 #56-12

LEGEND	
---	Survey Line
---	Survey Lot Boundary
---	Subdivided Lot Boundary
---	Proposed Survey State Lot
---	Proposed Lot Number
---	Proposed Common Property Lot

SUBDIVISION SUMMARY	
PROPOSED LOTS	
LOT 500	
NO. OF LOTS	11
NO. PROPOSED LOTS	11
SURVEY STATE LOT SUMMARY	
LOT 500	1
TOTAL LOTS	11
PROPOSED COMMON PROPERTY	
LOT 500	1
TOTAL LOTS	11
PROPOSED COMMON PROPERTY SUMMARY	
LOT 500	1
TOTAL LOTS	11
PROPOSED COMMON PROPERTY SUMMARY	
LOT 500	1
TOTAL LOTS	11

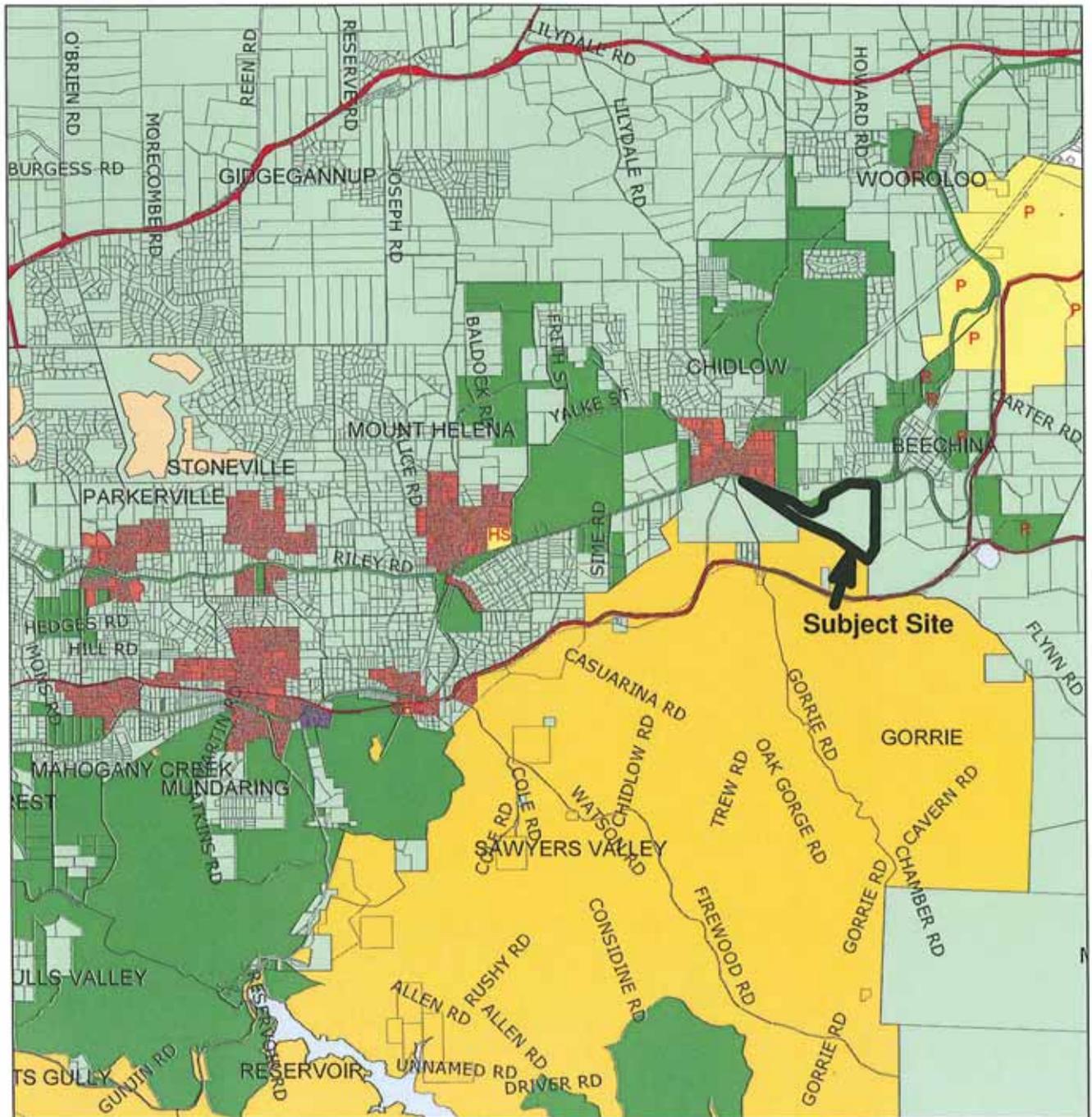
PROPOSED SURVEY STRATA SUBDIVISION

LOT 500 (2300) COOTHALLIE ROAD  
CHIDLOW  
WESTERN AUSTRALIA

SCALE 1:1,000 @ A1  
DATE 26 July 2012  
FILE 120708 2020 Plan.dwg  
REVISION 20/WIRC DRAFT reviewed 08.07.12  
20/WIRC Legend & text mod 23.07.12

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Suburbs	PRIMARY REGIONAL ROADS	PP - HIGH SCHOOL
Cadastre with Lot Numbers	WATERWAYS	PP - STATE ENERGY COMMISSION
URBAN	PARKS & RECREATION	PP - PRISON
URBAN DEFERRED	PARKS & RECREATION RESTRICTED	
INDUSTRIAL	RAILWAYS	
RURAL	STATE FORESTS	

Scale 1:120,201 2.5 km

Prepared by: mcarbone  
 Prepared for: SPC  
 Date: Thursday, October 25, 2012 09:04  
 Plot Identifier: P20121025\_0903

**DP INTERNAL USE ONLY**



Location/Zoning Plan  
 Proposed Survey Strata Subdivision  
 Lot 500 Coothallie Road, Chidlow

**General Subdivision and Lot Layout Design**

- Subdivision and lot layout shall generally be in accordance with the conceptual layout depicted in the Technical Guidelines Plan;
- The allocation of land uses shall be designed in accordance with the McHarg Overlay Method;
- Principal access and egress to and from the Somerville Ecovillage™ shall be provided by Ash Road in a location with sufficient sight lines to promote safe access and egress;
- Residential clusters shall locate on the fringes of a centralised Village Centre component, which is no less than 6.0 hectares;
- Each residential cluster shall contain no more than 12 dwellings and should comprise north-south orientated lots to maximise solar access;
- Each residential lot within a cluster shall achieve a minimum area of 1,000m2, with an associated building setbacks to address fire management and vegetation retention; and
- Each residential dwelling shall have either direct car access or access to a dedicated vehicle parking bay within a 50 metre walking distance.

Provided there has been compliance with LISP in regard to water, power and affordable housing the land may be subdivided to the full extent shown in the LISP, that is with a total of 104 lots.

Until servicing has been provided or substantially provided in accordance with clause 5.5 of the LISP, no more than 80 lots for the Somerville Eco-village referred to in clause 5.1.1 of the LISP will be created.

Compliance with the above requirements to provide servicing shall be confirmed by the Western Australian Planning Commission, following submission of appropriate supporting evidence by the proponents.

**Internal Access Arrangements**

- The Village Centre shall remain 'car-free' with the exception of emergency access vehicles;
- All dwellings and buildings associated with the Village Centre shall be contained within the confinements of a ring road;
- Each residential cluster shall have pedestrian and cyclist access connecting (directly or indirectly) the cluster with the Village Centre, parking areas and bicycle stations;
- Emergency access shall be provided in accordance with an approved Fire Management Plan; and,
- Access arrangements shall generally be in accordance with the 'Access Hierarchy' provisions depicted on the Technical Guidelines Plan and within the LISP report.

**Communal Transport Facilities**

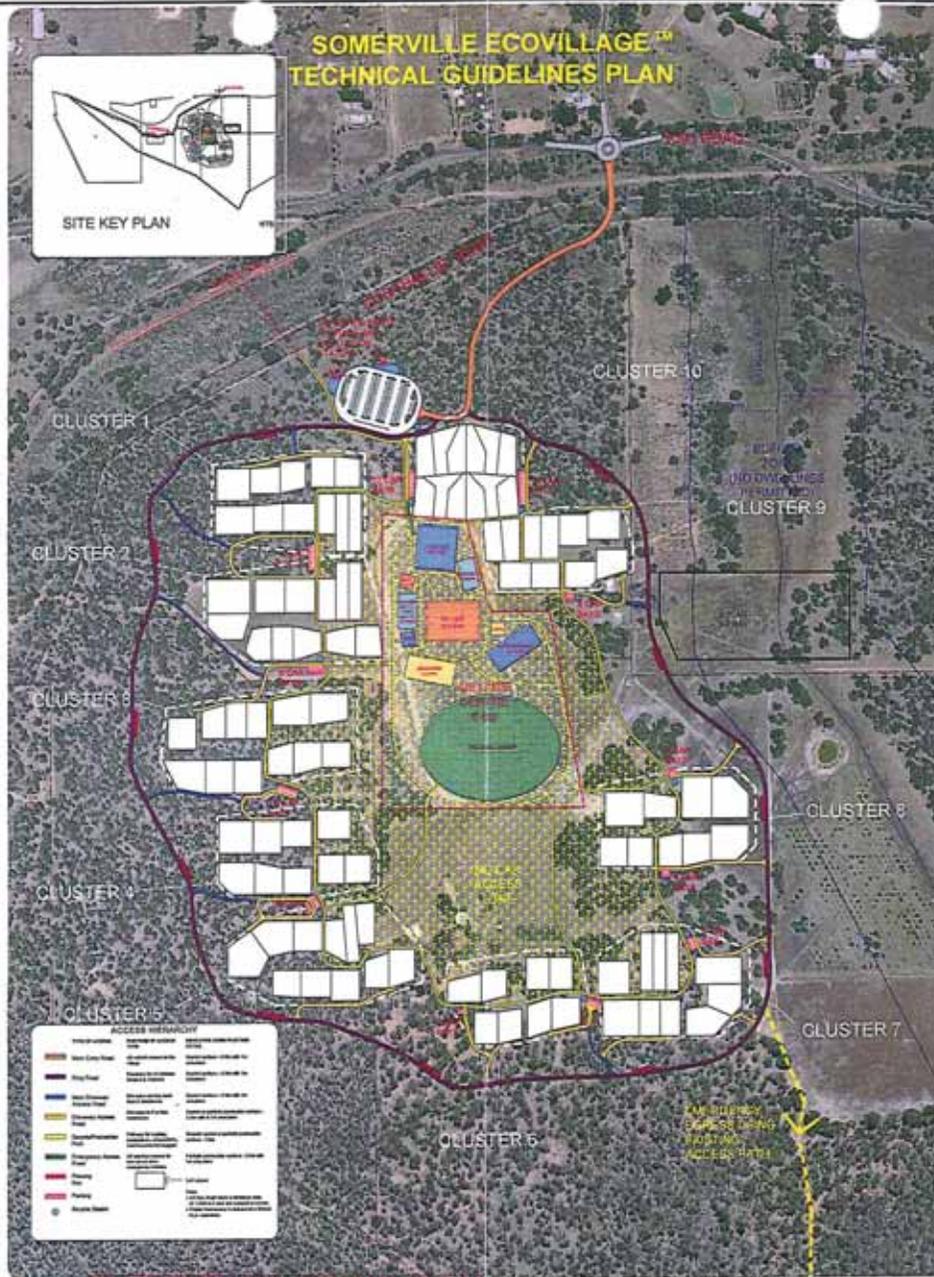
- Sufficient parking area for visitors' vehicles and service vehicles associated with the Village Centre;
- Access to communal bicycle stations; and,
- Communal shuttle service to nearby public transport facilities in and around the Chidlow townsite.

**Residential Dwelling Design Provisions**

The development of Residential land shall be in accordance with the Scheme provisions that apply to the Residential zone (Other than one coded R2.5) with the exception of open space requirement, setbacks and built form requirements. These aspects and others are to be controlled by 'Residential Design Guidelines and Standards'.

The 'Somerville Ecovillage™ Residential Design Guidelines and Standards' document, which shall address the following elements (inter alia) with reference to the LISP report.

- Housing Density;
- Cluster Common Area;
- Building Setbacks;
- Dwelling Design and Materials;
- Open Space; and,
- Access and Carparking.



**Fire Management**

The proponent shall provide evidence that the requirements of the WAFC and Fire and Emergency Services Authority publication 'Planning for Bush Fire Protection' have been satisfied with respect to meeting the contained fire protection performance criteria, to the satisfaction of the Shire of Mundaring.

**Effluent Disposal and Greywater Use**

- Residential clusters shall locate on the fringes of a centralised Village Centre component, which is no less than 6.0 hectares; and,
- All dwellings shall collect greywater for off-site disposal/reuse in accordance with the department of Health's Guidelines for the Reuse of Greywater in Western Australia document.
- An Integrated Water Management Plan is to be prepared and implemented, prior to the commencement of site works, to the satisfaction of the DoW and Consistent with the Stormwater Management Manual for Western Australia, DoW 2007.

**Village Centre and Non-Residential Design Provisions**

The development of land within the Village Centre shall be in accordance with the Scheme provisions that apply to the Local Centre zone, except for the permissibility of uses in Table 1 (Zoning Table) of the Scheme.

The permissibility of uses on land within the Village Centre is covered by section 7.8 within the LISP report.

Future development shall be in accordance with an approved 'Somerville Village™ Centre and Ancillary Development Design Guidelines and Standards' document, which shall address the following elements (inter alia) with reference to the LISP report:

- Building Setbacks and Location;
- External Service and Storage Areas;
- Fencing;
- Carparking and Access;
- Water Supply and Hydrological Efficiency;
- Built Form and Character;
- Materials, Finishes, and Colour; and,
- Signage.

**Strata Title Subdivision Requirements**

As a component of subdivision, a Strata Management Statement incorporating by-laws shall be prepared and implemented under the Strata Titles Act 1985 (as amended). The Management Statement shall have due consideration of the following issues (inter alia):

- Management of common property;
- Insurance;
- Safety and security;
- Business operations;
- Keeping of pets;
- Fencing;
- Maintenance of infrastructure and services;
- Traffic movements and regulations;
- Recycling and waste management; and,
- Conflict and dispute resolution process.

**Conservation and Recreation**

The development of Rural land shall be in accordance with the Scheme provisions that apply to the general Rural zone, except for the permissibility of uses in Table 1 (Zoning Table) of the Scheme.

The Permissibility of uses on Rural land is covered by section 7.10 within the LISP report.

The Environmental Management Plan and supporting data, including measures to protect remnant vegetation and methods of revegetation, is to be forwarded to the Department of Environment and Conservation for advice/approval prior to determination of any subdivision or development proposals.

**Agriculture and Permaculture**

Agriculture development shall be assessed in accordance with the provisions of Amendment No. 55.

**Heritage**

An ethnographic and archaeological survey shall be conducted, prior to any subdivision, to the satisfaction of the Department of Indigenous Affairs.

**PLANNING SOLUTIONS**

(AUSTRALIA) PTY LTD

URBAN & REGIONAL PLANNING

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SCALE: 1:5,000 @ A3

DATE: 18 April 2009

FILE: 060418 1122 LISP.dwg

SHIRE OF MUNDARING  
**LOCAL SUBDIVISION & INFRASTRUCTURE**  
PLAN No: 357 SHEET ..... OF .....  
ADOPTED BY COUNCIL ON: 28/8/09  
DATE: 7/5/09  
Executive Manager Statutory Services  
ADOPTED BY WA PLANNING COMMISSION:

Signed for and on behalf of the Western Australian Planning Commission.  
an officer of the Commission duly authorised by the Commission pursuant to Section 24 of the Planning and Development Act 2005.

FIGURE 12: TECHNICAL GUIDELINES PLAN  
**SOMERVILLE ECOVILLAGE™**  
LOTS 41, 42, 45, 46, 307, 17966 AND 26063  
COOTHALLIE ROAD, CHIDLOW



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AGENDA PAGE 33

ATTACHMENT 3



State  
Administrative  
Tribunal

Western Australia

*Planning and Development Act 2005*

IN THE MATTER OF:

Somerville Eco-Village Holdings Pty Ltd  
-and-  
Western Australian Planning Commission

Applicant

Respondent

Matter Number: DR 137 2008  
Application Lodged: 15 April 2008

---

## ORDER

---

On the application heard before Senior Sessional Member Ross Easton on 17 June 2008, it is ordered that:

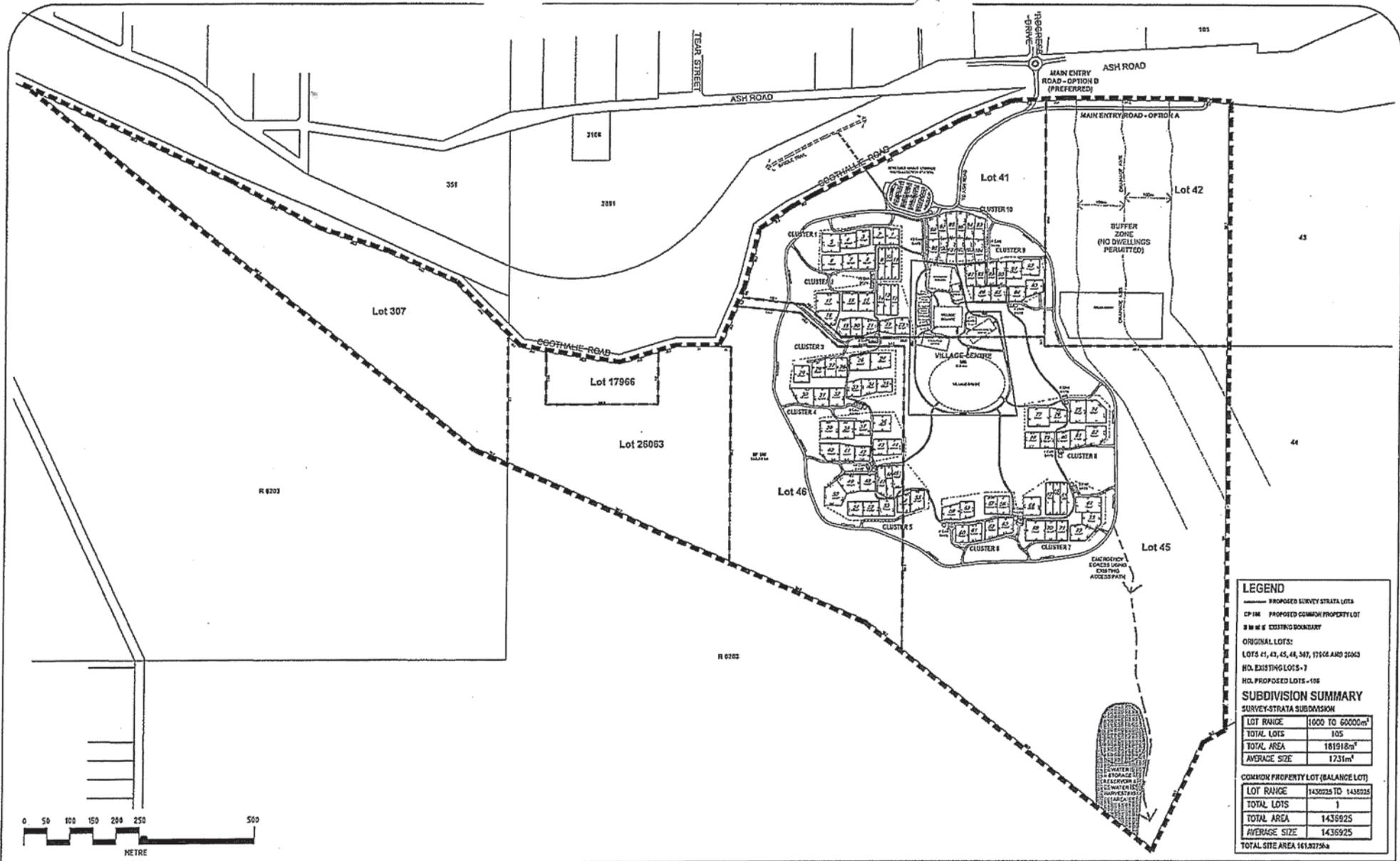
1. The respondent's deemed refusal is set aside and the following decision is substituted.
2. The plan of the subdivision lodged with the respondent and date stamped 21 April 2008 by the Department for Planning and Infrastructure, a copy of which is annexed and marked "A", is approved in accordance with and subject to the conditions which are annexed and marked "B".
3. There be no order as to costs.

Senior Sessional Member Ross Easton



I certify the foregoing to be a true  
and correct copy of the original

State Administrative Tribunal  
Date: 19/6/08



**LEGEND**

- PROPOSED SURVEY STRATA LOTS
- CP-106 PROPOSED COMMON PROPERTY LOT
- EXISTING BOUNDARY

**ORIGINAL LOTS:**  
 LOTS 41, 42, 45, 46, 307, 17966 AND 26063  
 NO. EXISTING LOTS - 7  
 NO. PROPOSED LOTS - 108

**SUBDIVISION SUMMARY**  
 SURVEY-STRATA SUBDIVISION

LOT RANGE	1000 TO 60000m <sup>2</sup>
TOTAL LOTS	105
TOTAL AREA	181918m <sup>2</sup>
AVERAGE SIZE	1731m <sup>2</sup>

**COMMON PROPERTY LOT (BALANCE LOT)**

LOT RANGE	1436925 TO 1436925
TOTAL LOTS	1
TOTAL AREA	1436925
AVERAGE SIZE	1436925

TOTAL SITE AREA 161,927,5m<sup>2</sup>

**FIGURE 2A: PROPOSED SURVEY-STRATA SUBDIVISION - OVERALL PLAN**  
 SOMERVILLE ECOVILLAGE  
 LOTS 41, 42, 45, 46, 307, 17966 AND 26063  
 COOTHALLIE ROAD, CHIDLOW

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**SOMA**  
 SUSTAINABLE DESIGN

**GREENEDGE**  
 Protects Piv Ltd

**PLANNING SOLUTIONS**  
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 1655 DEALFOUR STREET, PERTH  
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DATE:  
 08 July 2008

FILE:  
 080708 1122 Sub.dwg

SCALE:  
 1:2,500  
 @ A3

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"B"

CONDITION(S)

1. Prior to the WAPC's endorsement of an appropriate form for the creation of the lots proposed by this application, the lot the subject of this application being created on a separate Deposited Plan and a new Certificate of Title being issued.
2. The land being graded and stabilised. (Local Government)
3. The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission and any easements and/or reserves necessary for the implementation thereof, being granted free of cost. (Local Government)
4. No residential survey strata lots being less than 1000m<sup>2</sup> in area. (Local Government)
5. A Management Statement being prepared and submitted for the WAPC's consideration and written confirmation in accordance with Section 5C of the Strata Title Act 1985 (as amended), to include the following additions to the by-laws contained in Schedules 1 and 2 of that Act:
  - (a) Management of common property;
  - (b) Provision of affordable housing;
  - (c) Insurance;
  - (d) Safety and security;
  - (e) Business operations;
  - (f) Keeping of pets;
  - (g) Maintenance of infrastructure and services;
  - (h) Guarantee for provision and maintenance of minimum 100kW solar photovoltaic panels for electrical energy production;
  - (i) Conflict and dispute resolution processes;
  - (j) Development and/or redevelopment on the residential strata lots; non-residential and common property land is to comply with a development approval issued by the local government and is to incorporate as required:
    - (i) Effluent disposal;
    - (ii) Power;
    - (iii) Residential Design Guidelines;
    - (iv) Traffic movements and regulations;
    - (v) Fencing;
    - (vi) Recycling and waste management.

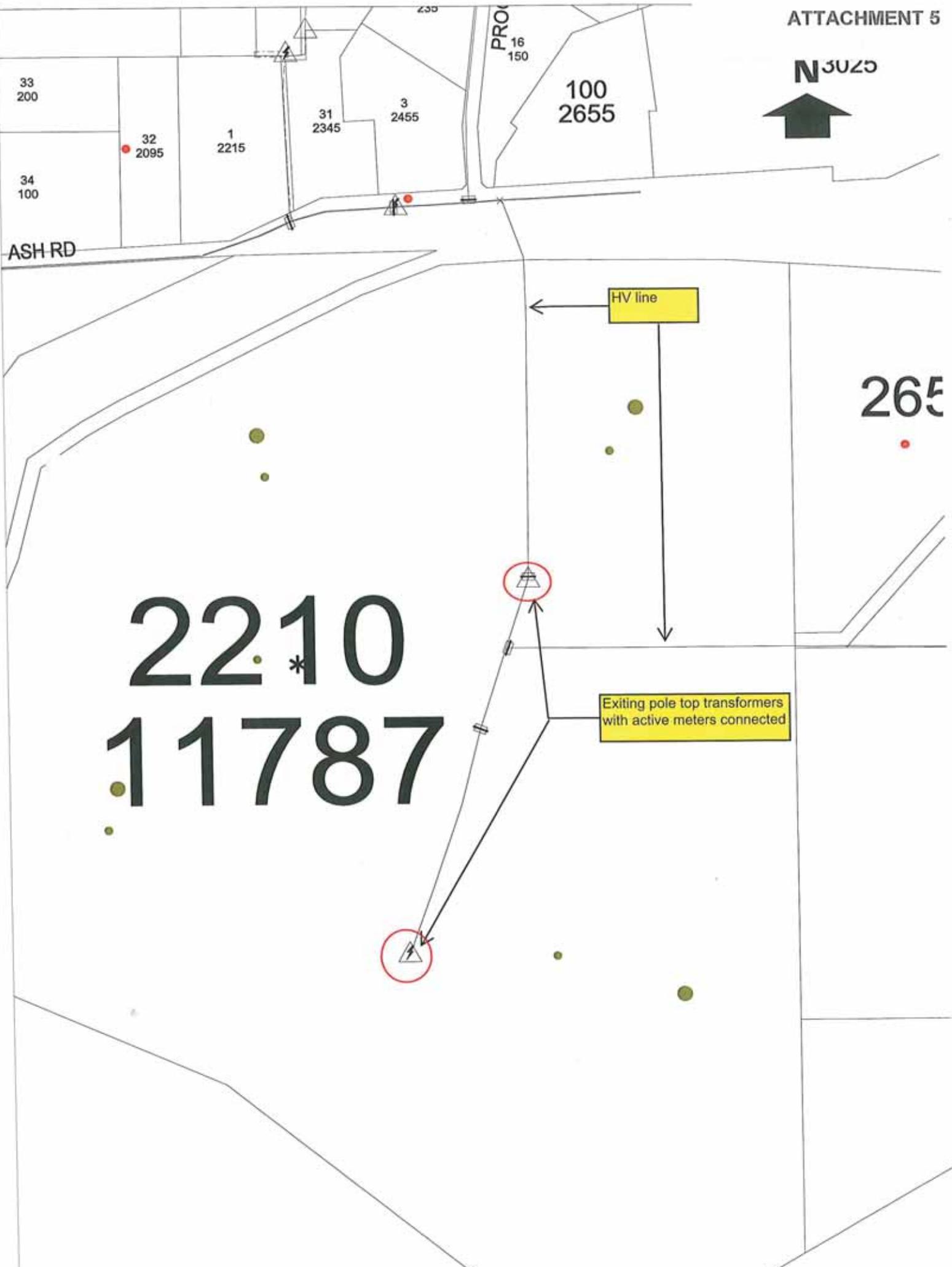
Amendment to or repeal of the above provisions cannot be effected without the WAPC's agreement.

6. The 6.0ha village centre site being depicted as a common property lot on the Survey Strata Plan and retained in the ownership of the Strata Management Body to the satisfaction of the Western Australian Planning Commission. (Local Government)
7. Satisfactory arrangements being made with the Shire of Mundaring for the provision of a minimum of ten (10) residential strata lots for the purpose of affordable housing to the satisfaction of the Western Australian Planning Commission. (Local Government)
8. An endorsement in accordance with Section 6 of the Strata Titles Act 1985 is to be placed on the strata plan, delineating the lots proposed for the purposes of affordable housing, restricting the use of the lots to affordable housing only in accordance with Clause 5.1.1 of the Local Subdivision and Infrastructure Plan. (Local Government)
9. Preparation of an Environmental Management Plan to the satisfaction of the Western Australian Planning Commission. (Department of Environment and Conservation)
10. Satisfactory arrangements being made with the Shire of Mundaring for the upgrading of Ash Road and provision of a roundabout at the intersection of Ash Road and Progress Drive and the main entry access road, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. Detailed engineering drawings must be submitted to the Shire for approval prior to commencement of any on-site works or clearing. (Local Government)
11. Satisfactory arrangements being made with the Shire of Mundaring for the upgrading of the Railway Heritage Trail / KEP track where it is affected by the subdivision works, to the satisfaction of the Western Australian Planning Commission. (Local Government)
12. Satisfactory arrangements being made with the Shire of Mundaring for the provision of all internal access arrangements generally in accordance with the LSIP, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. Detailed engineering drawings must be submitted to the Shire for approval prior to commencement of any on-site works or clearing.
13. Satisfactory arrangements being made with the Shire of Mundaring for the provision of internal directional signage for the residential clusters, village centre, visitor car parking, emergency access ways and rural activities, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)
14. Residential Design Guidelines are to be prepared for approval of the Shire of Mundaring addressing housing density, cluster common areas, building setbacks, dwelling design and materials, rainwater tanks, minimum 1kW solar

- photovoltaic panel, open space and access/car parking (including disability access requirements). (Local Government)
15. Village Centre and Ancillary Development Design Guidelines are to be prepared for approval of the Shire of Mundaring addressing building setbacks and location, external service and storage areas, fencing, car parking and access, water supply and hydrological efficiency, built form and character, materials, finishes and colour, and signage. (Local Government)
  16. The provision of non-potable water supply via onsite sub-surface and surface harvesting, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. In the event that sufficient water cannot be sourced on site, each residential lot and the village centre site must be connected to a reticulated water supply. (Local Government)
  17. Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed residential lots advising that no reticulated water supply can be provided to the land by a licensed water service supplier and as a consequence owners will be obliged to provide, as part of development of dwellings on the lots, a minimum 60,000 litres of domestic water storage capacity for potable water in one or more water storage tanks, and subsequent owners will be obliged to maintain and replace, if necessary, the tanks. (Local Government)
  18. The provision of a water storage tank or reservoir with a total capacity of 250,000 litres, located at the highest point in the application area and connected to each proposed residential strata lot, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)
  19. The provision of designated combined grey-water collection and disposal systems for each residential cluster located on common property and the village centre site, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)
  20. A Grey-Water Buffer Landscaping Plan for each residential cluster to be prepared for approval of the Shire of Mundaring prior to clearance of titles, detailing the location, types and number of species to be planted. The Plan shall be implemented in stages as residential development is completed and thereafter all plantings must be maintained to the satisfaction of the Western Australian Planning Commission. (Local Government)
  21. The provision of a solar photovoltaic panel array for electrical energy production with an initial minimum capacity of 25kW and connected to each residential strata lot and the village centre site via a 240V AC supply, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. The solar array must be located no closer than 50 metres from the centreline of the water course. (Local Government).

22. A Restrictive Covenant, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising that no development of dwelling or occupation of dwellings on the lot shall occur without provision of a solar photovoltaic panel for electrical energy production with a minimum capacity of 1 kW either on the lot or by the owner/s of the lot on the common solar panel array, such that the minimum 1 kW capacity of the panel can be realised without obstruction from shade producing structures or vegetation. Notice of this restriction is to be included on the Deposited Plan. (Local Government)
23. The provision of a liquefied petroleum gas bulk storage tank in an existing cleared area and connected to all residential strata lots and the village centre site, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. The location of the tank must be approved by the Shire prior to commencement of works. (Local Government)
24. The provision of telecommunications connection to each residential strata lot and the village centre site, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)
25. The provision of a centralised composting facility within the common property area, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)
26. The provision of a waste collection facility for solid waste materials located within the common property area adjacent to but visually screened from the 150 visitor bay car park, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)
27. A Fire Management Plan being prepared and implemented to the specifications of the local government and the Fire and Emergency Services Authority. (Local Government)
28. Implementation of the Environmental Management Plan required by Condition 9 above, at the subdivider's cost, to the satisfaction of the Western Australian Planning Commission. (Local Government)
29. Preparation and implementation of an Integrated Water Management Plan consistent with the Liveable Neighbourhoods Policy 2006 and Stormwater Management Manual of WA 2004 to the satisfaction of the Western Australian Planning Commission. (Department of Water)
30. A fence restricting the access of humans and livestock into the adjoining State Forest reserve is to be erected and maintained along the entire length of the common boundary. (Department of Environment and Conservation)
31. A biophysical assessment is to be undertaken to determine if a vegetated buffer is required adjacent to the watercourse. If a vegetated buffer is required, this it to be provided and maintained. (Department of Water)

N 3025



2210\*  
11787

HV line

Exiting pole top transformers with active meters connected

## ITEM NO: 9.2

### AMALGAMATION AND RE-SUBDIVISION OF 21 LOTS TO CREATE 18 LOTS FOR LIFESTYLE VILLAGE, SERVICE STATION, HOMESTEAD AND RURAL PURPOSES – SHIRE OF SERPENTINE JARRADALE

<b>WAPC OR COMMITTEE:</b>	<b>Statutory Planning Committee</b>
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Metropolitan Planning South East, Perth and Peel Planning
AUTHORISING OFFICER:	Planning Director, Metropolitan Planning South East, Perth and Peel Planning
AGENDA PART:	C
FILE NO:	146089
DATE:	12 October 2012
ATTACHMENT(S):	1. Existing Lot Layout 2. Proposed Plan of Subdivision 3. Location Map 4. Rural Strategy Map
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	Shire of Serpentine Jarrahdale
LOCAL SCHEME ZONING:	Rural
LGA RECOMMENDATIONS:	Refusal
REGION DESCRIPTOR:	Perth Metro South East
RECEIPT DATE:	6 September 2012 (amended plan)
PROCESS DAYS:	86
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Falls Road, Chatfield Road, Hart Road and South Western Highway, Serpentine

#### RECOMMENDATION:

***That the Western Australian Planning Commission resolves to approve the application for subdivision of the subject land (various lots on Falls Road and Hart Road, Serpentine), as shown on the amended plan date stamped 6 September 2012. This decision is valid for four years subject to the following conditions and advice:***

---

**CONDITIONS:**

**Plan Modifications**

1. ***The proposed lots (with exception of proposed Lot 12) shall have a minimum area of 2 hectares. (Local Government)***

**Road and Movement Network**

2. ***Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.***

***As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)***

3. ***Arrangements being made with the local government for the construction and/or upgrading of Chatfield Road where it abuts the application area. (Local Government)***
4. ***The proposed access ways being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government)***
5. ***The landowner/applicant entering into an agreement with the local government to ensure reciprocal rights of access over adjoining battle-axe access ways. (Local Government)***
6. ***The proposed Strategic Fire Access routes being constructed to a minimum standard in accordance with an approved Fire Management Plan and the associated access easements to the benefits of the local government. (Local Government)***
7. ***Pursuant to Section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009 a covenant preventing vehicular access onto South Western Highway being lodged on the certificates of title of the proposed lots at the full expense of the landowner/applicant. The covenant is to prevent access, to the benefit of the local government, in accordance with the plan dated 6 September 2012 (attached) and the covenant is to specify:***

---

***“No vehicular access is permitted from the subject land onto South Western Highway.” (Local Government)***

**Drainage**

- 8. Drainage systems required to service the subdivision shall be designed and constructed in accordance with the Stormwater Management Manual for Western Australia. (Department of Water)***
- 9. Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body. (Water Corporation)***

**Subdivisional Works**

- 10. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government)***
- 11. Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and***

***In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report. (Local Government)***

**Servicing**

- 12. Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots which are located within the Water Corporation's water reticulation scheme. (Water Corporation)***
- 13. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lots shown on the approved plan of subdivision. (Western Power)***
- 14. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the***

---

*removal, relocation and/or replacement of electricity supply infrastructure, including plant and/or equipment located on or near the lots shown on the approved plan of subdivision. (Western Power)*

15. *The transfer of land for the purpose of electricity supply infrastructure to be shown on the diagram or plan of survey (deposited plan) as a reserve and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without payment of compensation. (Western Power)*

#### **Foreshore Reserve**

16. *A foreshore reserve measured from the high water mark of the Serpentine River to the edge of existing riparian vegetation, as established by survey, being shown on the Deposited Plan as a "Reserve for Recreation" and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown.  
(Local Government)*

#### **Bush Forever Site**

17. *No vegetation within Bush Forever Site No. 371 is to be removed or disturbed during subdivisional works, including any secondary impacts from works to provide service infrastructure and drainage, to implement the approved plan of subdivision. (Local Government)*
18. *A fence restricting vehicle, pedestrian and stock access is to be constructed at these locations to protect native vegetation:*
- (i) the boundaries of the foreshore reserve and Lots 1, 2 and 3 to restrict stock access into Bush Forever Site No. 371; and*
  - (ii) the boundaries of proposed Lots 5 and 6 abutting the Serpentine National Park.*
- (Local Government)*

#### **Miscellaneous**

19. *All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)*
20. *A fire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3) to the specifications of the local government and/or the Fire and Emergency Services Authority.  
(Local Government)*

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## Encumbrances

21. **Arrangements being made to the satisfaction of the Western Australian Planning Commission to advise the prospective purchasers of the following:**
- (a) **Proposed Lots 14, 15, 16, 17 and 18 are not within the Water Corporation reticulation area, therefore, any future dwelling on these lots will need to be provided with an alternative supply of potable water;**
  - (b) **A reticulated sewerage service will not be made available and the proposed lots should be provided with an alternative wastewater treatment system or Aerobic Treatment Units of a type approved by the Department of Health;**
  - (d) **All habitable buildings should be constructed in accordance with Australian Standard 3959 - Construction of Buildings in Bushfire Prone Areas or standards which supersede it; and**
  - (e) **Fire Service Access Routes, Battleaxe Access Legs and Emergency Accessways should be maintained by the landowners.**
  - (f) **Proposed Lots 5 and 6 adjoins the Serpentine National Park and that some or all of the following activities may occur from time to time:**
    - **prescribed burning for conservation and/or fire hazard reduction purposes; and**
    - **the application of chemicals for weed and plant disease control.**

**Land owners and prospective purchasers should contact the local office of the Department of Environment and Conservation for advice about activities that may occur in the National Park.  
(Local Government)**

### **ADVICE:**

1. **The Fire Management Plan shall be prepared in accordance with the "Planning for Bush Fire Protection (edition 2)" document, prepared by the Western Australian Planning Commission and the Fire and Emergency Services Authority of Western Australia. Due to the proximity of the land to the Serpentine National Park, the applicant/owner should liaise with the Department of Environment and Conservation prior to finalising the Fire Management Plan.**
2. **Main Roads WA advises that the proposed access onto South Western Highway via the proposed "Reciprocal Rights of Access" along the southern boundary of Lot 13 shall be restricted as an emergency access only and not to be used as legal access or thoroughfare. No additional crossovers shall be permitted from the proposed lots onto South Western Highway.**

- 
- 3. The Department of Environment and Conservation advises that:**
- (i) With the exception of proposed Lot 1, the land is covered by, or has portions of the lot identified within the Threatened Ecological Community Buffer for the "Eucalyptus calophylla - Eucalyptus marginata woodlands on sandy clay soils of the southern Swan Coastal Plan;**
  - (ii) The northern boundary of proposed Lots 1, 2 and 3 adjacent to the Serpentine River foreshore falls within Bush Forever Site 371. This area is also within the Geomorphic multiple use wetlands under "Multiple Use" category;**
  - (iii) Clearing of native vegetation is prohibited, unless clearing is authorised by a clearing permit obtained from the Department of Environment and Conservation, or is of a kind that is exempt in accordance with Schedule 6 or Regulation 5 (Clearing of Native Vegetation Regulations); and**
  - (iv) All flora species known to be invasive or environmentally damaging (i.e. weeds) are not to be used in any landscaping or revegetation.**
- 4. With regard to Condition 12, Western Power provides only one point of electricity supply per freehold (green title) lot and requires any existing overhead consumer service to be converted to underground.**
- 5. If an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision, satisfactory arrangements will need to be made for the removal and relocation of that cable.**
- 6. With regard to Condition 13, the specific location and area of land required is to be to the satisfaction of the Western Australian Planning Commission on the advice of the local government and Western Power.**

**SUMMARY:**

- The application proposes the amalgamation and re-subdivision of 21 lots to create 18 lots to accommodate rural and non-rural land uses.
- The application is presented to the Statutory Planning Committee for consideration as the proposed lot sizes are substantially smaller than the 40 hectare minimum recommended for land within the Rural and Agricultural Protection Policy Area under the Shire of Serpentine Jarrahdale Rural Strategy.
- Notwithstanding the proposal being inconsistent with the Shire's Rural Strategy, it is acknowledged that the proposal aims to facilitate a realignment of undersized lots, will reduced the overall lot yield and the areas of the proposed lots are generally consistent with the prevailing lot sizes and subdivision pattern in the immediate locality.

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## LEGISLATION / STRATEGIC PLAN / POLICY:

**Legislation** Subdivision / Development Approval / Reconsiderations - Part 10 of the P&D Act 2005

### Strategic Plan

Strategic Goal: Strategic Goal 2: Planning  
Outcomes: Effective Delivery of Integrated Plans  
Strategies: Implement State and Regional Planning priorities

### Policy

Compliance: Proposal complies with WAPC policies unless discussed in Planning Assessment section.

## INTRODUCTION:

### The Proposal

The application proposes the subdivision and boundary realignment of 21 lots to create 18 lots containing existing development and vacant lots for rural purposes. Existing development includes a service station, caravan park/lifestyle village, homestead dwellings and outbuildings. Of the 18 lots proposed under this application, only one will be smaller than 2 hectares (the 2500m<sup>2</sup> road house / service station site which has been reconfigured to achieve a more regular lot configuration). The proposed lot sizes of the remaining 17 lots range from 2.04 hectares to 17.95 hectares. (**Attachment 1 - Existing Lot Layout; Attachment 2 - Proposed Plan of Subdivision**). The subdivision seeks to:

- Realign existing lot boundaries to accommodate existing development and accommodate potential future development on the proposed vacant lots;
- Amalgamate 4 lots to form one large lot to accommodate existing residences within the Serpentine Lifestyle Village;
- Re-subdivide 5 lots (2 currently without frontage to a constructed / gazetted road) into 8 lots;
- Re-subdivide 4 lots facing South Western Highway, so that these lots are provided with alternative access from Chatfield Road;
- Re-subdivide 2 lots fronting Hart Road in two three lots, retaining an existing dam within the confines of one lot and creation of two smaller 2.25 and 2.35 hectare lots fronting Chatfield Road.
- Separate a 'serif lot' currently bisected by Falls Road into two lots; and
- Rationalisation of unconstructed and unnecessary road reserves by amalgamating these land parcels with adjoining lots.

### Location and Zoning

The land is zoned 'Rural' both under the Metropolitan Region Scheme (MRS) and the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS No.2) (**Attachment 3 - Location Plan**). The land is identified within the 'Rural' and 'Agricultural Protection' Policy Areas in the Shire of Serpentine Jarrahdale Rural Strategy (**Attachment 4 - Rural Strategy Map**).

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## Amended Plan

As a result of a meeting with the Department of Planning officers, the landowner/applicant lodged an amended plan which provides lot sizes larger than 2 hectare. This report has been based on the Amended Plan dated 6 September 2012.

### **CONSULTATION:**

#### Local Government

The Shire of Serpentine Jarrahdale (the Shire) recommends that the original plan of subdivision (dated 15 May 2012) be refused on the following grounds:

- (i) *The proposed subdivision is not consistent with clause 5.10.4 of the Shire's Town Planning Scheme No.2 which states:  
  
"The Council will generally not support subdivision within the Rural zone that will result in the creation of lots less than 40 hectares."*
- (ii) *The proposed subdivision is inconsistent with the Shire's Rural Strategy as it would create lots under the 40 hectare recommended minimum lot size for land identified in the Rural and Agricultural Protection policy areas of the Shire's Rural Strategy.*
- (iii) *The proposed subdivision is not consistent with Clause 5.3.1 (iii) of the Commission's Statement of Planning Policy SPP 2.5 Agricultural and Rural Land Use Planning as follows:  
  
"(iii) The Commission will only support subdivision for Rural-Residential and Rural Smallholdings where the land has been appropriately zoned within the town planning scheme and the provisions of Policy No. DC 3.4 (2001) Clause 6 can be complied with."*

*The subject land has not yet been appropriately zoned within the Shire's Town Planning Scheme.*

The amended plan (dated 6 September 2012) was subsequently referred to the Shire. The Shire has provided no formal comment on this application (other than at officer level). The Shire advises that it maintains its original positions based on previous comments and concerns that the length of the battleaxe access legs servicing lots 14 and 18 may be excessive.

Notwithstanding the above, the Shire acknowledges that the subdivision will not increase the overall lot yield. The Shire has provided a list of conditions without prejudice should the Commission resolve to approve this application.

---

## Department of Environment and Conservation

The Department of Environment and Conservation (DEC) raised no objections. DEC recommends a condition requiring a section 70A notification pursuant to the *Transfer of Lands Act 1893* to be placed on the Certificates of Titles of the proposed Lots 13 and 14, advising the following:

*"This lot adjoins the Serpentine National Park which is managed to maintain and restore the natural environment, and to protect, care for and promote the study of native flora and fauna and to preserve any feature of archaeological, historic or scientific interest. Pets are not permitted in the National Park. Some or all of the following activities may occur from time to time:*

- *prescribed burning for conservation and/or fire hazard reduction purposes; and*
- *the application of chemicals for weed and plant disease control.*

*Land owners and prospective purchasers should contact the local office of the Department of Environment and Conservation for advice about activities that may occur in the National Park."*

DEC advises that the majority of the lots are affected by environmental constraints, including a Vulnerable Ecological Community Buffer, Bush Forever Site 371 and a multiple use wetland. DEC also recommends the protection of existing remnant vegetation and implementation of a Revegetation Plan.

## The Department of Water

The Department of Water (DoW) recommends a fence restricting stock access to Serpentine River Foreshore is to be constructed on the northern boundary to protect the foreshore and native vegetation. DoW also recommends the ceding of the foreshore reserve to the Crown or the Local Government (although the width for the foreshore reserve has not been specified). DoW advises that future proposals to intensify land uses adjacent to the Serpentine River will be subject to a 30 metre wide buffer.

## Main Roads WA

Main Roads WA has raised concerns about the potential creation of new crossovers onto South Western Highway, which is a major regional road. However, the amended plan resolve this matter by providing alternative road access to the proposed lots.

## The Water Corporation

The Water Corporation advises that the majority of the proposed lots are identified within the Water Corporation's Serpentine water reticulation supply area, with the exception of proposed Lots 14, 15, 16, 17 and 18 which are remote from existing reticulated water supply. The subject land is also remote from existing wastewater infrastructure and the Water Corporation has no plan to implement a wastewater scheme for this locality.

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## Western Power

Western Power recommends approval subject to conditions pertaining to the provision of underground electricity supply, the removal and relocation of electricity supply infrastructure and the transfer of land as a Crown Reserve free of cost.

### **COMMENTS:**

#### Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS No.2)

The subject land is zoned "Rural" under the TPS No.2. The purpose and intent of the Rural zone is specified in Clause 5.10.1: *"To allocate land to accommodate a full range of rural pursuits and associated activities conducted in the Scheme Area."* In relation to subdivision of Rural zoned land, Clause 5.4.2(c) of the Scheme states:

- (c) *The subdivision of rural land in the Shire for lots ranging in area from 2000m<sup>2</sup> to 4 hectares shall only occur on land that is appropriately zoned either Special Rural (Rural Living A and B Rural Living) or Special Residential under the Scheme as applicable and Clauses 5.8, 5.9 and 5.12 shall apply and be satisfied. **This excludes all existing lots that are currently zoned Rural on the Scheme map that are between 2,000m<sup>2</sup> and 4 hectares in area.** (bold emphasis added)*

Clause 5.10.4 of the Scheme further states the Council will generally not support subdivision within the Rural zone that will result in the creation of lots less than 40 hectares.

#### Shire of Serpentine Jarrahdale Rural Strategy

The subject land is subject to the provisions of the Shire of Serpentine Jarrahdale Rural Strategy (Rural Strategy) which provides subdivision and development criteria for the subject land. The land falls within the "Rural" and "Agricultural Protection" Policy Areas of the Rural Strategy. Portions contained within the Rural Policy Area include proposed Lots 1, 2, 3, 8, 9, 10, 12 (service station/roadhouse) and the majority of Lot 13 (Serpentine Village site). The balance area is identified within the Agricultural Protection Policy area of the Rural Strategy.

On 27 August 2012 the Shire resolved to approve a draft rural strategy for the purposes of advertising. The Rural Strategy has been referred to the Commission for consent to advertise. There is a delay in an assessment of this application due to the Strategic Environmental Assessment. On this basis, the application should be assessed against the existing Rural Strategy.

The Rural Strategy recommends a 40 hectare minimum lot size for any new subdivision land within the Rural and Agricultural Protection Policy Areas. The 40 hectare lot size aims as a disincentive to further subdivision of land for farmlet purposes. The lot sizes proposed under this subdivision are substantially smaller than the 40 hectare minimum lot size, although it is noted that these lots are already undersize. In order to maintain the existing pattern of subdivision it is recommended that the proposed lots are designed to achieve a minimum lot size of 2 hectares (with exception of the proposed service station site).

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## State Planning Policy 2.5 - Agricultural and Land Use Planning

State Planning Policy 2.5 - *Agricultural and Land Use Planning* (SPP 2.5) is a relevant state level planning strategy that applies to all rural land. SPP 2.5 is used in conjunction with the Rural Strategy and DC 3.4 as the basis for determining subdivision applications for rural land in the State. The Policy objective of SPP 2.5 includes to carefully manage natural resources by "*discouraging development and/or subdivision that may result in land or environmental degradation.*"

### Development Control Policy 3.4

The Commission's Development Control Policy No.3.4 - *Subdivision of Rural Land* (DC 3.4) sets out the planning principles to guide the subdivision of rural land. DC 3.4 aims to prevent further fragmentation of productive land or the loss of rural character and provide for improved landscape value. The broad objectives of SPP 2.5 are mirrored in DC 3.4, particularly in relation to the protection of agricultural land resources by discouraging land uses unrelated to agriculture from locating on agricultural land and minimising the ad hoc fragmentation of land. However, DC 3.4 is cognisant that following forms of subdivision are not fragmentation, do not result in loss of rural character and may be permitted:

- (a) *To realign lot boundaries for farming purposes and/or for access to landlocked lots, with no increase in the number of lots.*
- (b) *To reduce the area of large land parcels which are two or more times the area of typical lots used in the district for farming.*
- (c) *To protect and actively conserve places of cultural and natural heritage.*
- (d) *To allow for the efficient provision of utilities and infrastructure and/or for access to natural resources.*
- (e) *To allow for the continued occupation of existing houses when they are no longer used in a farming operation.*
- (f) *For other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with policy and are necessary in the public interest.*

This proposal can be considered as 'farm rationalisation'. Under Clause 4.6, the Policy states that multiple lots in one ownership may be rationalised through boundary realignments to improve management and/or to provide access to landlocked lots provided that:

- (a) *the new lot pattern is consistent with the objectives of the policy;*
- (b) *no additional lots are created;*
- (c) *the new boundaries reflect good environmental and land management practice and are appropriate for the intended land uses;*
- (d) *former road reserves and small remnant portions of lots are not lots for the purpose of boundary rationalisation.*

The Commission is required to exercise its judgement and discretion in applying the above mentioned criteria of the DC 3.4 when assessing the merits of an application for the subdivision of rural and agricultural land. The proposed subdivision is considered to be generally in compliance with these criteria on the basis that:

- (a) the new lot pattern is consistent with existing subdivision pattern in the locality;

- 
- (b) no additional lots are created by this amalgamation / subdivision application and the overall lot yield will be reduced by 3 lots;
  - (c) the new boundaries facilitates better environmental and land management practice (for example the setting aside of the foreshore reserve);
  - (d) former road reserves and small remnant portions of lots will be rationalised through amalgamation with the adjoining lots.

#### South Western Highway Access

The existing lifestyle village and service station site will continue to have access to South Western Highway. The unconstructed portions of the road reserve (Lot 776) are proposed to be amalgamated with the adjoining Lot 13 to provide access for fire and emergency services vehicles. The proposal will, therefore, remove the undesirable potential of creating four separate crossovers onto South Western Highway which are currently able to be constructed under the existing lot layout.

#### Reticulated Water

The Commission's Development Control Policy No.3.4 - *Subdivision of Rural Land* states that those lots that are designed to support rural-residential development (ranging in areas between 1 to 4 hectares) are generally required to be connected to a reticulated water supply where it is practical and reasonable to do so. The majority of the land is identified within the Serpentine Water reticulation area. In the absence of reticulated water supply, appropriate arrangements should be made for an alternative supply of potable water. A relevant memorial notification should be imposed on the Certificates of Titles of the proposed lots to ensure that the landowners and prospective purchasers are aware of these requirements.

#### Alternative Waste Treatment

The Department of Water (DoW) advises that conventional septic systems are not considered appropriate given the land's close proximity to the Serpentine River and presence of a high groundwater table. It is therefore that any future development shall employ Aerobic Treatment Units (ATU's) subject to approval by the Shire and the Department of Health. The prospective purchasers of the proposed lots should be made aware of this requirement as part of any future contract of sales.

#### Foreshore Reserve

The northern boundaries of proposed Lots 1, 2 and 3 abuts the Serpentine River. This section of the foreshore contains areas of remnant vegetation covered under Bush Forever Site No.371 and is identified under "Regional Creek Line" management category in the State Planning Policy 2.8 - *Bushland Policy for the Perth Metropolitan Region*. The Shire recommends a condition requiring sections of the foreshore to be ceded and vested as a "Reserve for Recreation" pursuant to *Section 152 of the Planning and Development Act 2005*.

The State Planning Policy No. 2.6 - *Water Resources* (SSP 2.6) and Commission's Development Control Policy 2.3 - *Public Open Space in Residential Areas* (DC 2.3) recommend a generic 30 metre wide reserve for foreshore reserve where a subdivision includes land abutting a water course. DC 2.3 states that, where, for

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topographical or other reasons, such as protection of a floodway, a greater or lesser width is considered necessary or desirable in the public interest.

DoW recommends that the foreshore area be fenced off to restrict stock access to the Serpentine River and future development being subject to a 30 metre wide buffer. However, rather than applying a generic 30 metre wide buffer the width of the foreshore should be determined by an assessment of riparian vegetation, to establish an appropriate area for protection, noting that portions of the foreshore is already earmarked as Bush Forever site. It is considered appropriate to impose a condition requiring the applicant to undertake a Vegetation Assessment in consultation with DEC and the Shire. The landowner/applicant has also agreed to cede the land for foreshore reserve and transfer this section of the reserve to the Shire to manage.

### Fire Management

The Commission and the Fire and Emergency Services Authority's *Planning for Bush Fire Protection Guidelines (Edition 2)* recommends that public roads should allow for a 6 metres wide clearance and 4 metres of vertical clearance. It is recommended that the proposed fire and emergency access routes be constructed to these minimum standards and be created as easements on the Certificates of Title of the proposed lots to ensure that these routes are accessible at all times by emergency services vehicles.

### Planning and Development Act 2005

Section 138(3) of the *Planning and Development Act 2005* states that the Commission may give an approval under section 135 or 136 that conflicts with the provisions of a local planning scheme if:

- (c) *in the opinion of the Commission —*
  - (i) *the conflict is of a minor nature; or*
  - (ii) *the approval is consistent with the general intent of the local planning scheme.*

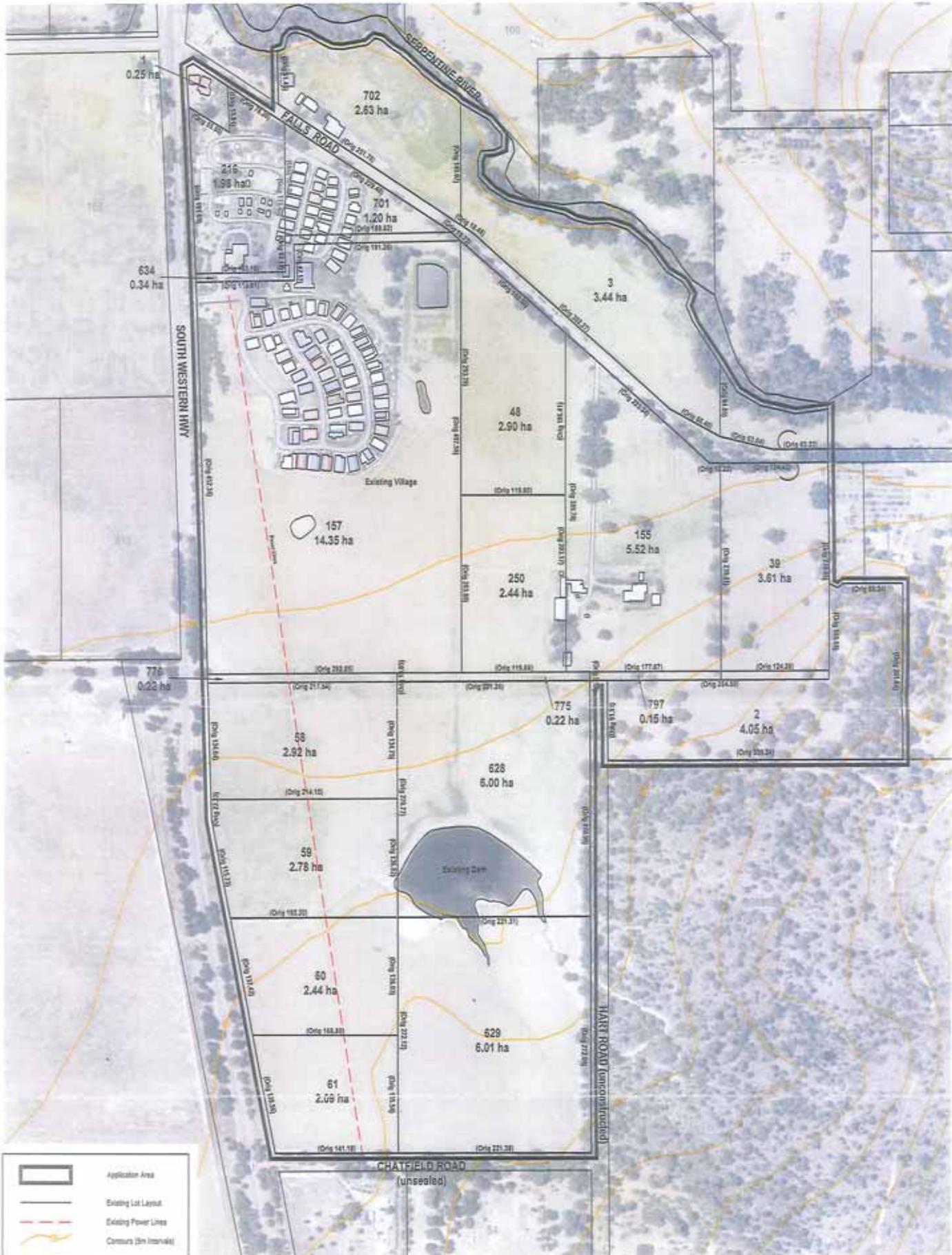
The proposal represents a conflict with Rural Strategy in respect of the proposed variation from the minimum lot size recommended. However, the Commission is not fettered by the Rural Strategy and exceptions can be considered given the particular circumstances set out in DC 3.4. The proposal remains consistent with the general intent of the TPS No.2 in allocating land to accommodate a full range of rural pursuits and associated activities for rural zoned land.

### **CONCLUSION:**

While it is acknowledged that the proposed lot sizes are substantially smaller than the 40 hectare minimum lot size recommended in the Rural Strategy, there are merits in supporting the proposal for the purposes of farm rationalisation and boundary realignment, in order to accommodate a range of uses on the subject site. The Commission's rural subdivision policy, DC Policy No.3.4 makes allowance for boundary rationalisation to facilitate a better land use outcome. Given the circumstances, the proposal should not be viewed as a precedent for support of

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similar subdivision in the Shire that may have an undesirable impact in fragmenting rural landholdings, contrary to the Town Planning Scheme No.2 and the Rural Strategy. Against this background, approval is recommended.



**EXISTING LOT LAYOUT**  
**Falls Road Precinct**  
**SERPENTINE**

DEPARTMENT OF PLANNING  
 DATE: 15 MAY 2012  
 FILE: 116083

**DYKSTRA PLANNING**

Subdivision, Rezoning, Structure Planning, Developers Planning, Design, Advocacy

2993 Albany Highway, Kalamacott, WA, 6111

T: 9485 1947  
 F: 9485 1948  
 admin@dykstra.com.au

30 April 2012

Figure 2

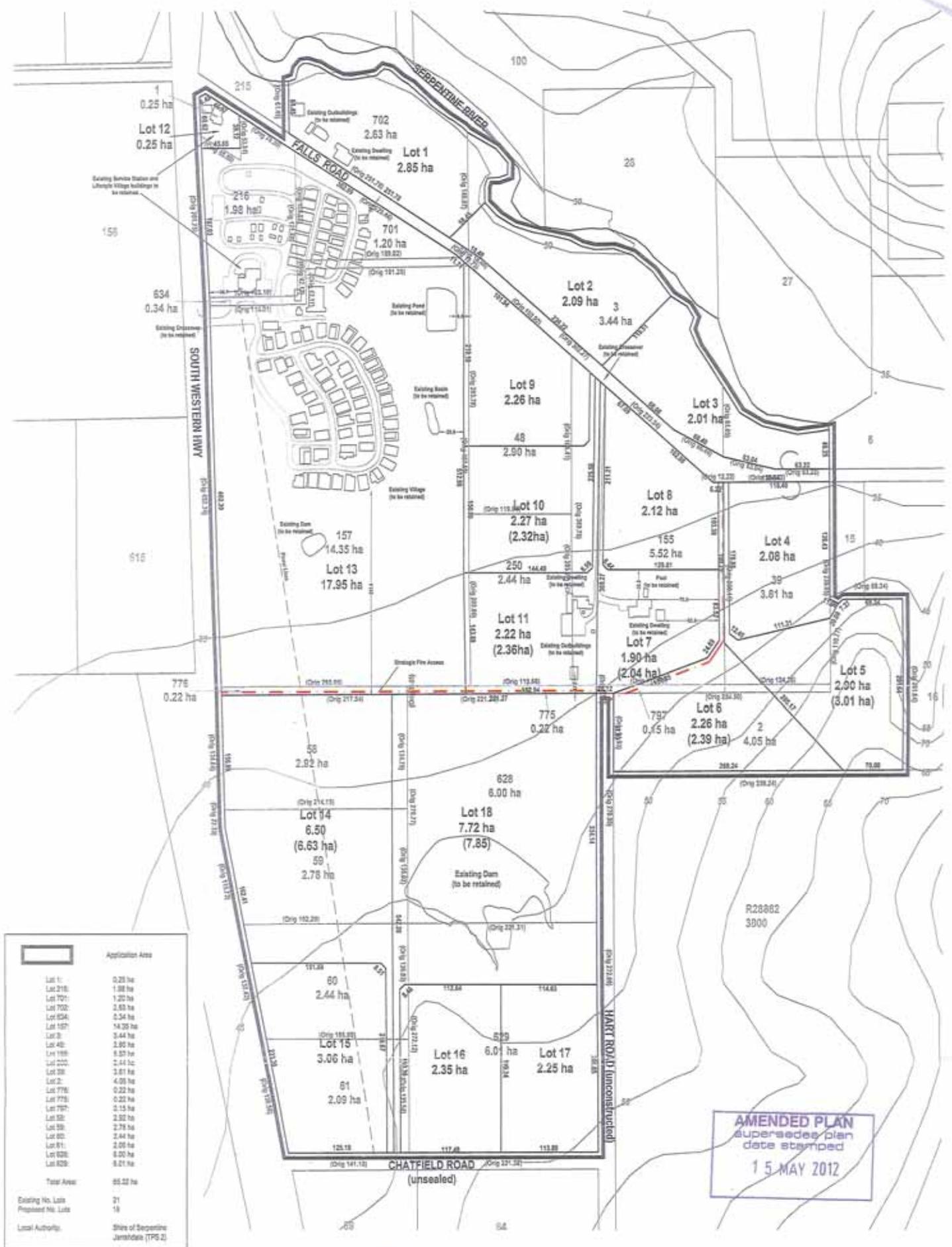
Scale: 1:4000 @ A3

North arrow pointing up.

**Notes:**

- This document may only be used for the purpose for which it was commissioned and in accordance with the Terms of Engagement.
- The dimensions, areas and number of lots are subject to survey and also the requirements of all authorities.

12844-POS-P3-4-120304-4



Lot No.	Area (ha)
Lot 1:	0.25 ha
Lot 216:	1.98 ha
Lot 701:	1.20 ha
Lot 702:	2.63 ha
Lot 634:	0.34 ha
Lot 157:	14.35 ha
Lot 3:	3.44 ha
Lot 48:	2.90 ha
Lot 155:	5.52 ha
Lot 250:	2.44 ha
Lot 255:	2.12 ha
Lot 39:	3.61 ha
Lot 2:	4.05 ha
Lot 776:	0.22 ha
Lot 775:	0.22 ha
Lot 797:	1.15 ha
Lot 55:	2.92 ha
Lot 59:	2.78 ha
Lot 60:	2.44 ha
Lot 61:	2.09 ha
Lot 628:	6.00 ha
Lot 629:	6.00 ha
Lot 630:	6.01 ha
Lot 60:	2.44 ha
Lot 61:	2.09 ha
Lot 628:	6.00 ha
Lot 629:	6.00 ha
Lot 630:	6.01 ha
Lot 776:	0.22 ha
Lot 775:	0.22 ha
Lot 797:	1.15 ha
Lot 55:	2.92 ha
Lot 59:	2.78 ha
Lot 60:	2.44 ha
Lot 61:	2.09 ha
Lot 628:	6.00 ha
Lot 629:	6.00 ha
Lot 630:	6.01 ha

Total Area: 95.22 ha

Existing No. Lots: 21  
Proposed No. Lots: 18

Local Authority: Shire of Serpentine Jarrahdale (TPS 2)

AMENDED PLAN  
supersedes plan date stamped  
15 MAY 2012

**PLAN OF SUBDIVISION**  
Falls Road Precinct  
SERPENTINE

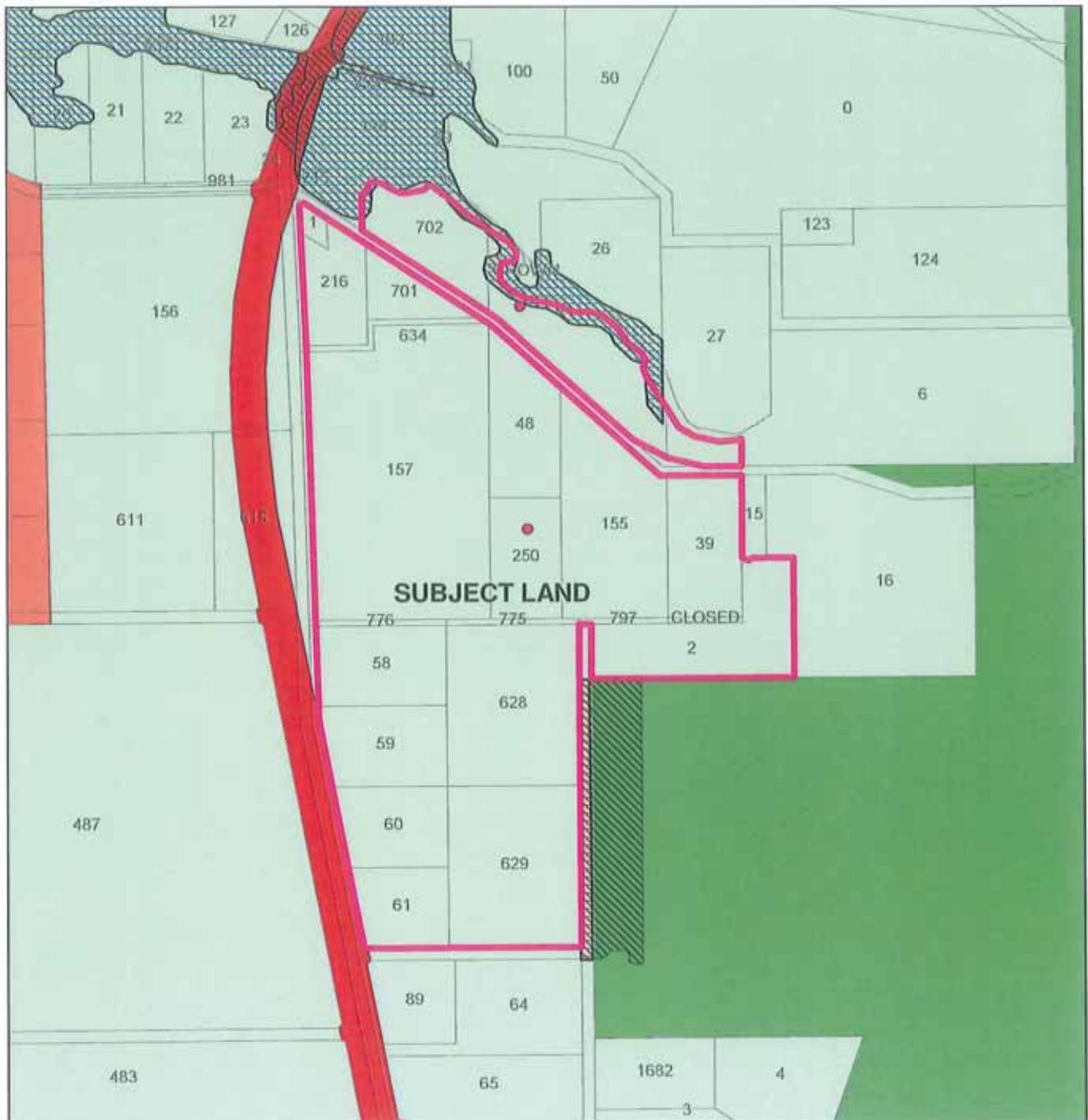
DEPARTMENT OF PLANNING  
- 6 SEP 2012  
FILE 146089



Subdivision, Rezoning, Structure Planning, Development Planning, Design, Advocacy  
2853 Albany Highway, Kalamunda, WA 6111  
T: 9495 1847  
F: 9495 1848  
admin@dykstra.com.au

28 August 2012  
N  
1:4000 @ A3

**Figure 4**  
Notes:  
• This document may only be used for the purpose for which it was commissioned and in accordance with the Terms of Engagement.  
• The dimensions, areas and number of lots are subject to survey and also the requirements of all authorities.



Scale 1:10,000  
 0 250 m

Prepared by: pseangsong  
 Prepared for:  
 Date: Friday, October 19, 2012 16:52  
 Plot Identifier: P20121019\_1652

**DP INTERNAL USE ONLY**

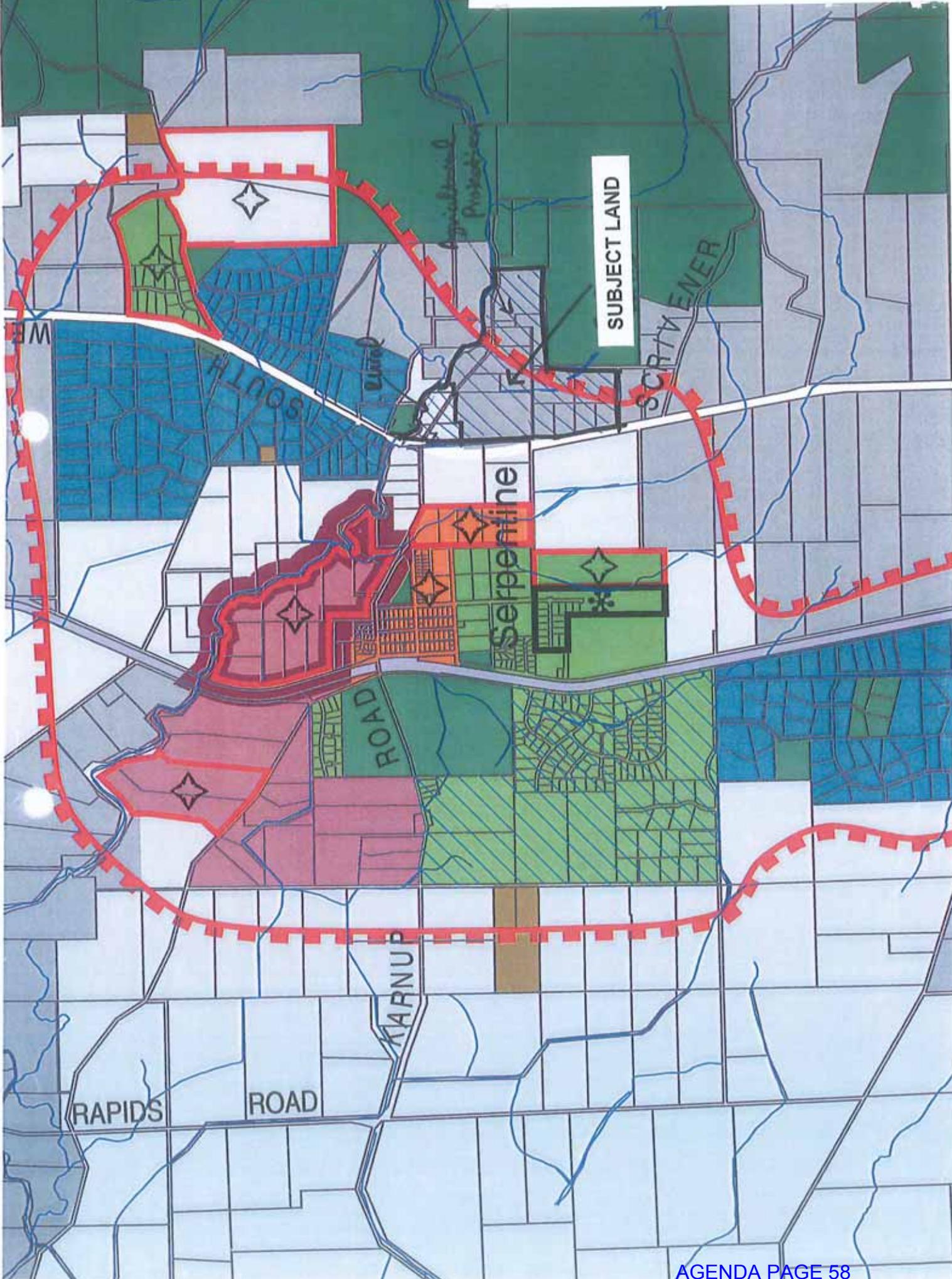


Government of Western Australia  
 Department of Planning

WAPC REF 146089



ATTACHMENT 4. RURAL STRATEGY MAP





## ITEM NO: 9.3

### LAYOUT PLAN AMENDMENTS – MAPPING DATA CONVERSION

**WAPC OR COMMITTEE:** Statutory Planning Committee

REPORTING AGENCY: Department of Planning  
REPORTING OFFICER: Planning Manager – Aboriginal Communities  
AUTHORISING OFFICER: Executive Director – Regional Planning and Strategy  
AGENDA PART: D  
FILE NO:  
DATE: 30 October 2012  
ATTACHMENT(S):  
1. Layout Plan Amendment Schedule  
2. Layout Plan Ratified Draft Schedule  
3. Layout Plan Living Area Plans (9)

**RECOMMENDATION:**

*That the Western Australian Planning Commission resolves to endorse the Amendments to Layout Plans listed in Attachment 1.*

**SUMMARY:**

Minor amendment to the endorsed Layout Plans listed at Attachment A are proposed. The amendments proposed are a consequence of the conversion of those map-sets from CAD to GIS. State Planning Policy 3.2 (SPP3.2) provides that if an amendment to a Layout Plan is of a minor nature the WAPC is the only endorsement required.

Endorsement of all Layout Plans listed at Attachment 1 as minor amendments and ratification of the draft Layout Plans listed at Attachment 2 as suitable for the coordination of housing and infrastructure is recommended.

**BACKGROUND:**

The Department of Planning, on behalf of the WAPC and the Department of Housing, is the custodian of a suite of 150 Layout Plans prepared under SPP 3.2.

**LEGISLATION / STRATEGIC PLAN / POLICY:**

Legislation: *Planning and Development Act 2005*  
Section: Part 3 – State Planning Policies  
**Strategic Plan**  
Strategic Goal: Planning

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Outcomes:	Effective Delivery of Integrated Plans
Strategies:	Develop integrated infrastructure and land use plans for the state
<b>Policy</b>	
Number / Name:	State Planning Policy 3.2 – Aboriginal Settlements

#### **DETAILS:**

Since the publication of SPP3.2 in August 2000 all Layout Plan map-sets have been prepared using a variety of computer-aided-design (CAD) formats. All Layout Plan map-sets are currently being converted to a common user geographic information systems (GIS) format.

This conversion process requires a comprehensive re-development of the map-set and includes a number of data and content upgrades, including the establishment of new Settlement Layout lots (SL-lots), the inclusion of recommended settlement zones, modification to ensure land-use areas accord with Aboriginal Settlements Guideline 1, inclusion of drinking water source protection areas, incorporation of updated cadastre, and many other general improvements.

#### **GOVERNMENT AND CORPORATE IMPLICATIONS:**

Layout Plans guide housing, infrastructure and enterprise development on Aboriginal Settlements. Converting the Layout Plan map-sets to a GIS format will enable Shared Land Information Platform (SLIP) functionality. This means that agencies and authorities that use the Layout Plans will be able to access digital versions for analysis and design use. Layout Plans will be the first suite of WAPC statutory plans to be comprehensively established and maintained in GIS.

#### **CONSULTATION:**

None required or undertaken.

#### **OFFICER'S COMMENTS:**

The map-sets for Layout Plans for Aboriginal communities are being converted from CAD to GIS. This has resulted in a myriad of technical changes to content and illustration of Layout Plan map-sets, which are effectively an amendment to that plan.

In some instances, Layout Plans remain in draft form despite best endeavours by the Department to secure endorsement by the relevant Aboriginal representative organisations. Delivery of housing and infrastructure by state agencies and authorities relies on Layout Plans for an agreed spatial framework. WAPC ratification of draft Layout Plans ensures that there is an agreed spatial framework for housing and infrastructure development on Aboriginal settlements.

In the case of amendments, the CAD to GIS changes are considered to be minor amendments as the myriad changes made to content and illustration are of a technical nature. As such, under provision 6.14 the endorsement of the WAPC only is required.

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Establishing the Layout Plan suite in GIS will improve the functionality of those plans when used by associated agencies and authorities and endorsement of the consequent amendments is recommended.

Endorsement of all Layout Plans listed at Attachment 1 as minor amendments and ratification of the draft Layout Plans listed at Attachment 2 as suitable for the coordination of housing and infrastructure is recommended.

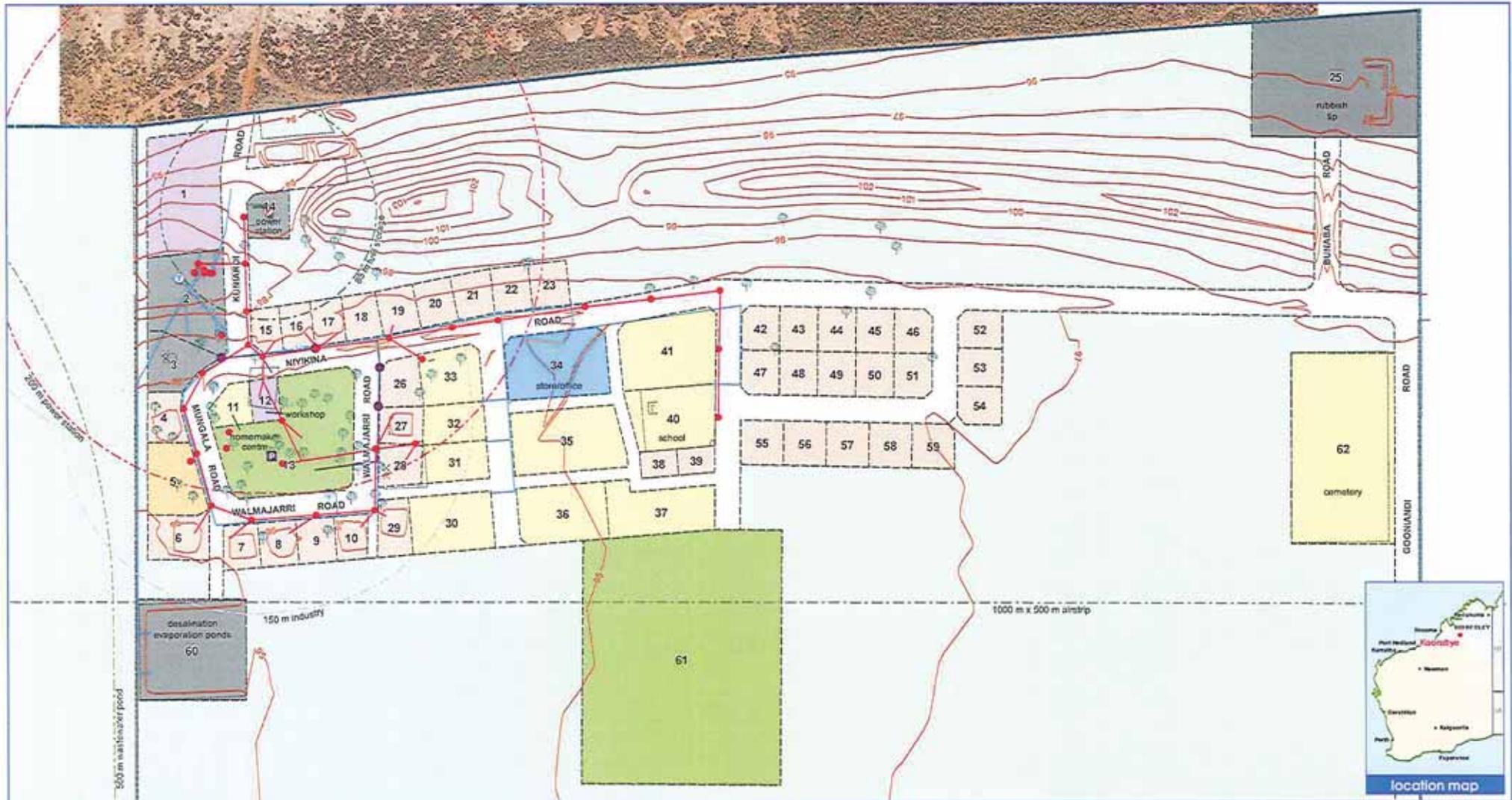
**Attachment 1**

<b>Layout Plan</b>	<b>Layout Plan Number</b>	<b>Amendment Number(s)</b>
Joy Springs	1	2
Koorabye	2	1
Kupungarri	1	3
Mowanjum	1	3
Ngallagunda	2	1
Parnngurr	2	2
Warmun	2	5
Yiyli	2	1

---

**Attachment 2**

<b>Layout Plan</b>	<b>Layout Plan Number</b>	<b>Version number</b>
Mandangala	1	3
Juwurlinji	1	2



MCA Zone 11, CDA 34  
 Site ref: 004070, 7544553  
 Section right: 626040, 7343915

Layout plan prepared by Department of Planning  
 Existing cadastral data supplied by the Western Australian Land Information Authority (License GL 249-00073)  
 Extraction date of cadastral 03/01/2012

Features derived from as constructed survey data provided by Sinclair Knight Merz  
 Last completed survey date 01/10/2008, updated 24/10/2008

August 2001 aerial image derived by the Western Australian Land Information Authority

Koorabye LPO - Living Area and  
 Western Australian Planning Commission Copyright © 2012  
 Settlement layout not derived from calculated dimensions.

**This layout plan does not constitute development approval**

It is the responsibility of the developer to ensure that all relevant consents, approvals, licences and clearances are in place prior to commencing physical works on the site. Operations responsible for such matters may include land owner, local government, incorporated community council, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Heritage Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of State.

- Features**
- bore
  - electricity pole
  - fuel tank
  - hydrant
  - public telegraph
  - contour
  - electricity network
  - fence
  - fuel pipe

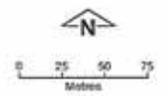
- significant trees
- telecommunications tower
- telegraph pole
- water tank
- telecommunications cable
- wastewater pipe
- water pipe

- Land Use**
- commercial
  - community
  - industrial
  - open space
  - public utility

- Legend**
- recreation
  - residential
  - road reserve
  - visitor camping

- Land Administration**
- cadastral
  - recommended cadastral
  - recommended settlement zone
  - settlement layout (SL) & SL lot numbers

- Exclusion Boundary**
- fuel storage
  - industry
  - power station
  - utility
  - wastewater



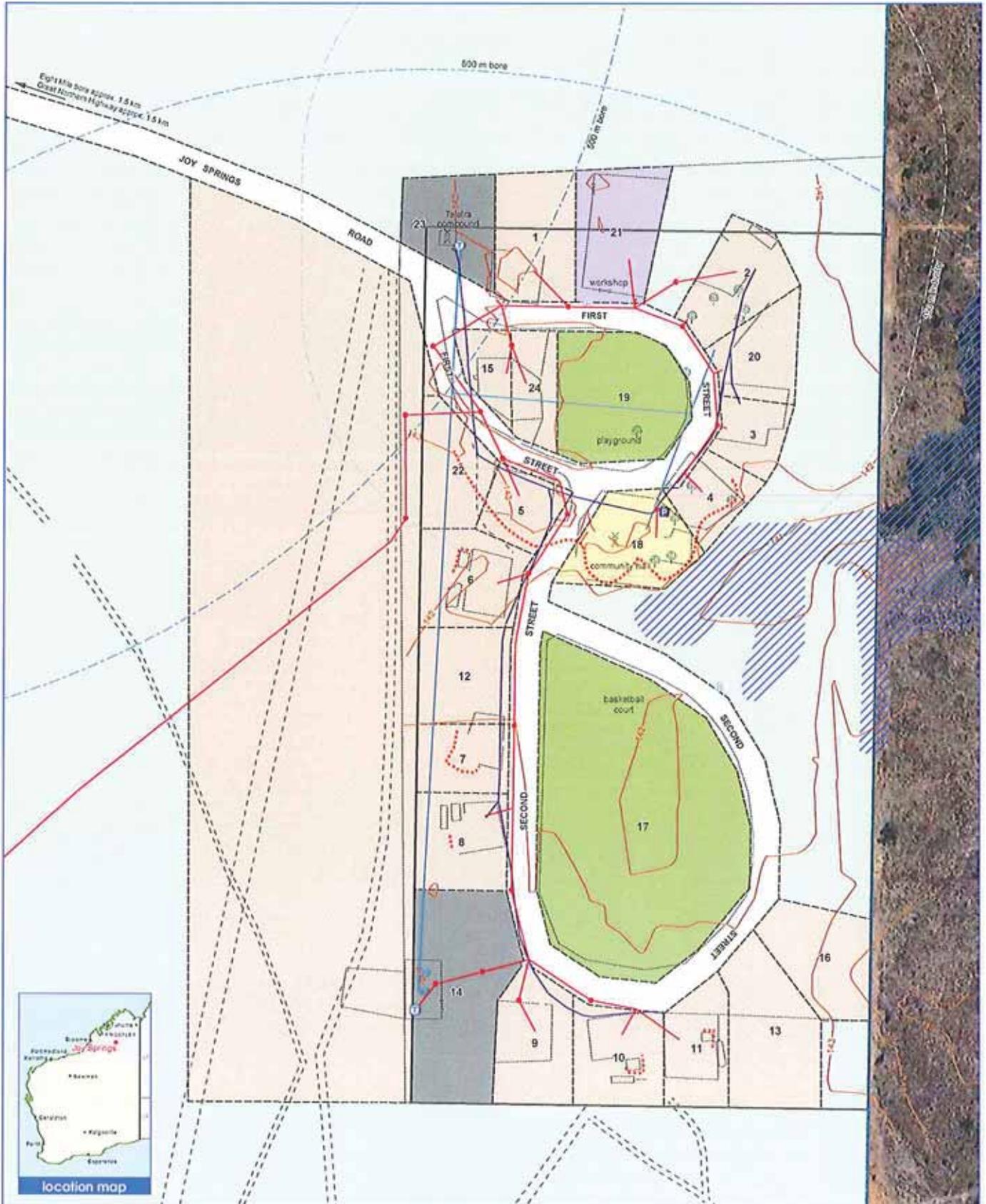
Endorsement	
Community	1 May 2007
Local Government	28 June 2007
Traditional Owners	-
WAPC	21 August 2007



Government of Western Australia  
 Department of Housing

# Koorabye Layout Plan 2 - Living Area

# Amendment 1



M32 Zone 51 CD4/4  
 File No: 16425, 731000  
 Submission: 16100, 715505

Layout prepared by Department of Planning  
 Existing cadastral data supplied by the Western Australian Land Information Authority (Access 17 600-200-4)  
 Extractor date of cadastre 03/02/02

For the details of the construction of the layout provided by the Department of Planning, see the layout plan and the layout plan approval form 31/02/08, update 12/10/2008

2009 aerial images provided by Landsat Digital Imagery  
 Joy Springs LPI - Living Area 1  
 Western Australian Planning Commission Copy 1/10/2012  
 Bottom of layout plan derived from cadastral dimensions

Endorsement	
Community	16 October 2008
Local Government	5 December 2008
Traditional Owners	-
WAPC	13 January 2009

**This layout plan does not constitute development approval**  
 It is the responsibility of the developer to ensure that all development, approvals, licenses and other approvals are in place prior to commencing construction of the site. The developer is responsible for all planning and other approvals, including but not limited to, proposed community assets, water supply, sewerage, and other services. The Department of Planning, Western Australian Planning Commission, Department of Environment & Conservation, Aboriginal Cultural Values Service, Environmental Protection Authority, Department of Consumer & Employment Relations and Department of Health.

<p><b>Land Use</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></span> community</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black; margin-right: 5px;"></span> industrial</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black; margin-right: 5px;"></span> open space</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: lightgrey; border: 1px solid black; margin-right: 5px;"></span> public utility</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: lightyellow; border: 1px solid black; margin-right: 5px;"></span> recreation</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: lightpink; border: 1px solid black; margin-right: 5px;"></span> residential</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: lightcyan; border: 1px solid black; margin-right: 5px;"></span> road reserve</li> </ul>	<p><b>Land Administration</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; margin-right: 5px;"></span> cadastre</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 2px solid black; margin-right: 5px;"></span> recommended cadastre</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 3px solid black; margin-right: 5px;"></span> recommended settlement zone</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px dashed black; margin-right: 5px;"></span> settlement layout (SL)</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px dotted black; margin-right: 5px;"></span> SL lot number</li> </ul> <p><b>Exclusion Boundary</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px dashed black; margin-right: 5px;"></span> drinking water</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px dotted black; margin-right: 5px;"></span> public utility protection zone</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; margin-right: 5px;"></span> industry</li> </ul>	<p><b>Features</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: blue; border-radius: 50%; margin-right: 5px;"></span> bore</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> electricity pole</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px dashed black; margin-right: 5px;"></span> hydrant</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> public telephone</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> significant trees</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> telecommunications tower</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> water tank</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; border-bottom: 1px solid black; margin-right: 5px;"></span> contour</li> <li><span style="display: inline-block; width: 15px; border-bottom: 1px dashed black; margin-right: 5px;"></span> electricity network</li> <li><span style="display: inline-block; width: 15px; border-bottom: 1px dotted black; margin-right: 5px;"></span> fence</li> <li><span style="display: inline-block; width: 15px; border-bottom: 1px solid black; margin-right: 5px;"></span> ridge line</li> <li><span style="display: inline-block; width: 15px; border-bottom: 1px solid black; margin-right: 5px;"></span> telecommunications cable</li> <li><span style="display: inline-block; width: 15px; border-bottom: 1px solid black; margin-right: 5px;"></span> track</li> <li><span style="display: inline-block; width: 15px; border-bottom: 1px solid black; margin-right: 5px;"></span> water pipe</li> <li><span style="display: inline-block; width: 15px; border-bottom: 1px solid black; margin-right: 5px;"></span> wetland</li> </ul>	<p><b>Scale</b></p> <p>0 20 40 60 Metres</p> <p><b>North Arrow</b></p> <p><b>Western Australian Planning Commission</b></p> <p><b>Government of Western Australia Department of Housing</b></p>
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## Joy Springs Layout Plan 1 - Living Area

## Amendment 2



Government of Western Australia  
Department of Housing



**Legend**

- Land Use**
- commercial
  - community
  - industrial
  - open space
  - pedestrian access way
  - public utility
  - recreation
  - residential
  - road reserve
- Exclusion Boundary**
- drinking water
  - source wetland protection zone
  - fuel storage
  - industry
  - power station
  - wastewater
- Land Administration**
- cadastre
  - recommended settlement zone
  - settlement layout (SL)
  - SL lot numbers
- Features**
- bar
  - electricity pole
  - fuel tank
  - hydrant
  - electricity network
  - fence
  - food boundary
  - telecommunications cable
  - public telephone
  - telecommunications tower
  - wastewater pump
  - water tank
  - back
  - wastewater pipe
  - water body
  - water pipe

WCA Zone D1, CDA D4  
Top left: 811680, 814820  
Bottom right: 812005, 8148765

Layout plan prepared by Department of Planning

Existing cadastral data supplied by the Western Australian Land Information Authority (Licence LI 430-2005-4)

Revision date of cadastre 03/03/2012

Features derived from pre-constructed survey data provided by Sinclair Knight Merz  
Last completed survey date 14/05/2003, updated 01/11/2007

May 2008 aerial image provided by Landgate

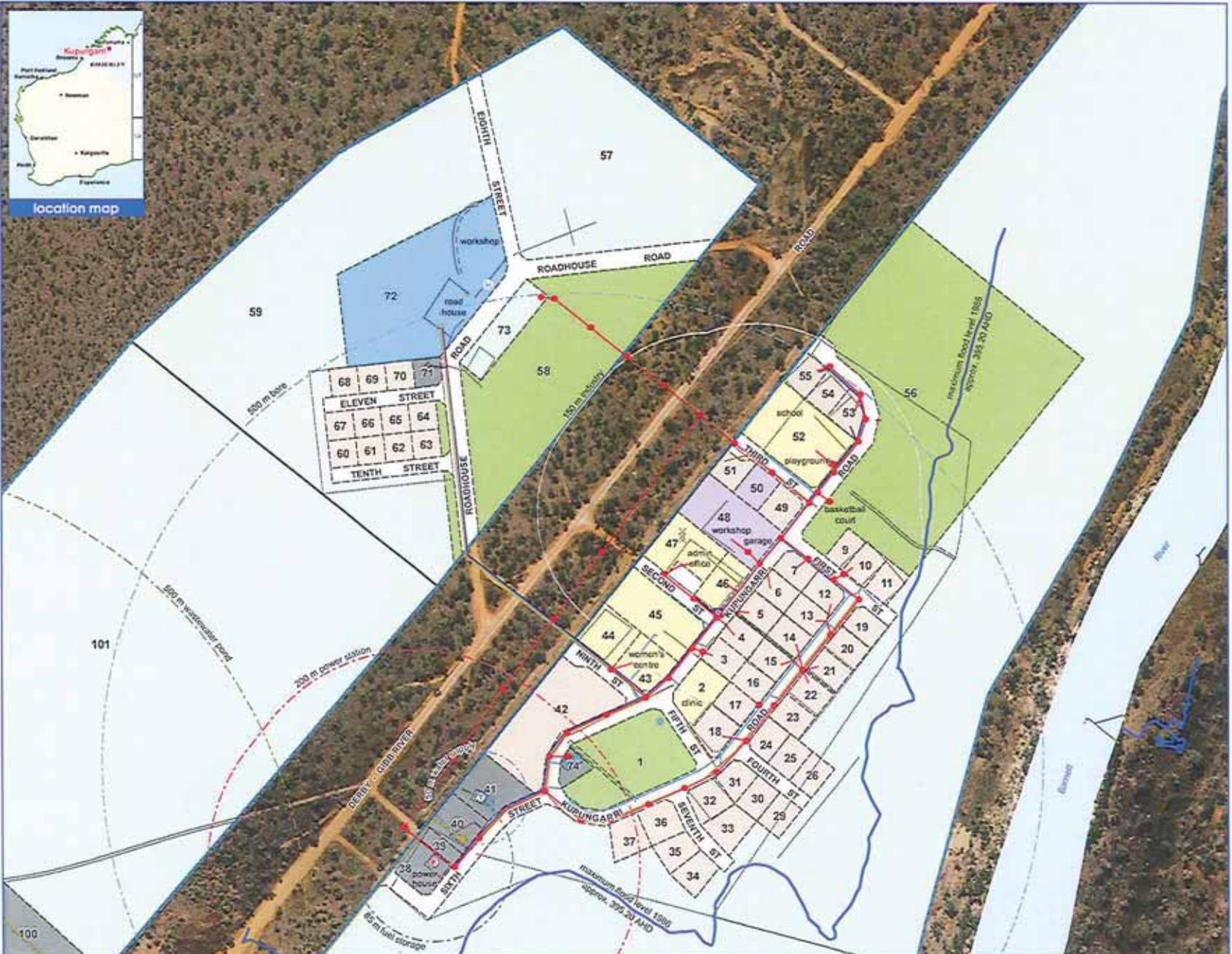
Kupungarri LPI - Living Area map

Western Australian Planning Commission Copyright © 2012

Settlement layout not derived from calculating dimensions

Endorsement	
Community	14 May 2003
Local Government	3 July 2003
Traditional Owners	-
WAPC	16 March 2004

**This layout plan does not constitute development approval**  
It is the responsibility of the developer to ensure that all relevant permits, approvals, licences and consents are in place prior to authorising physical works on the site. Organisations responsible for such matters may include local council, local government, incorporated community groups, water service providers, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.



**Kupungarri Layout Plan 1 - Living Area**

**Amendment 3**



Government of Western Australia  
Department of Housing



0 50 100 150  
Metres

**Legend**

- Land Use**
- commercial
  - community
  - industrial
  - open space
  - public utility
  - recreation
  - residential
  - road reserve
  - rural
  - waterway
- Exclusion Boundary**
- drinking water source wetland protection zone
  - fuel storage
  - industry
  - power station
  - wastewater
- Land Administration**
- cadastre
  - recommended settlement zone
  - settlement layout (SL)
  - SL lot numbers
- Features**
- bore
  - electricity pole
  - fuel tank
  - hydrant
  - significant trees
  - telecommunications tower
  - water tank
  - windmill
  - telecommunications cable
  - track
  - wastewater pipe
  - water pipe
- Other Features:**
- boundary
  - electricity network
  - fence
  - fuel pipe
  - ridge line

MCA Zone 10, CDA 54  
Top left: 431250, 8171185  
Bottom right: 432415, 8172280

Layout plan prepared by Department of Planning

Existing cadastral data supplied by the Western Australian Land Information Authority (Licence L1 430-2000-4)

Extraction date of cadastral 03/02/2012

As-constructed survey data provided by Sinclair Knight Merz  
Last completed survey date 28/08/2003, updated 31/10/2003

March 2008 satellite image provided by Sinclair Knight Merz

Mandangala LP1 - Living Area.mxd

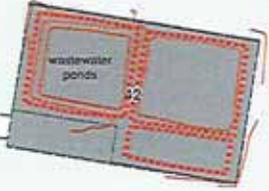
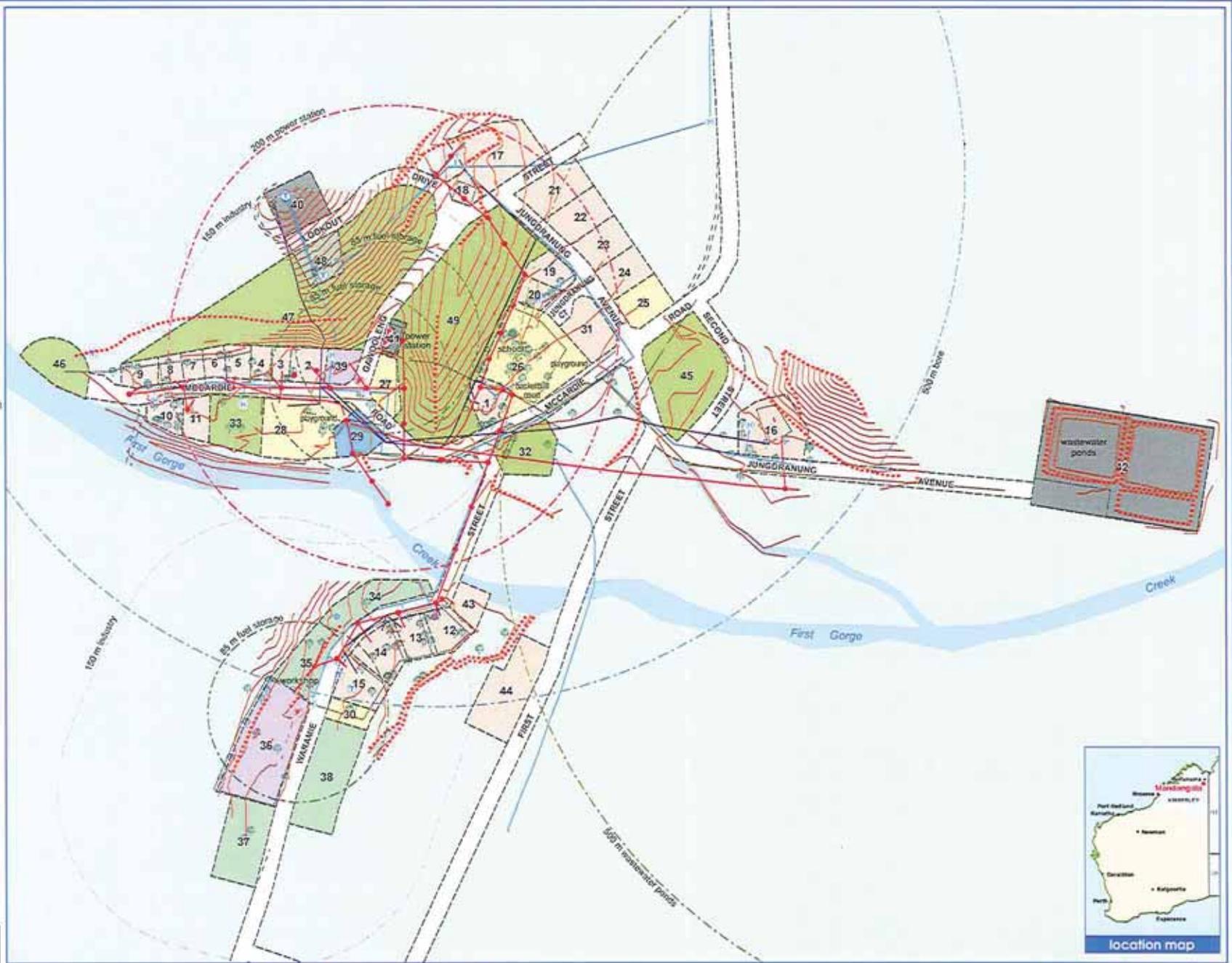
Western Australian Planning Commission Copyright © 2012

Settlement layout not derived from calculated dimensions

Endorsement	
Community	-
Local Government	-
Traditional Owners	-
WAPC	-

**This layout plan does not constitute development approval**

It is the responsibility of the developer to ensure that all relevant permits, approvals, licences and clearances are in place prior to commencing physical works on the site. Organisations responsible for such matters may include land owner, local government, incorporated community groups, native title representatives, etc. Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water



**Mandangala Layout Plan 1 - Living Area**

**Draft Version 3**



Government of Western Australia  
Department of Housing



0 50 100 150  
Metres

**Legend**

- Land Use**
- commercial
  - community
  - industrial
  - open space
  - pedestrian access way
  - public utility
  - recreation
  - residential
  - road reserve
  - waterway
- Exclusion Boundary**
- industry
  - no go boundary
  - wastewater
- Land Administration**
- cadastre
  - recommended settlement zone
  - settlement layout (SL)
  - GL-list numbers
- Features**
- electricity pole
  - public telephone
  - significant trees
  - contour
  - electricity network
  - fence
  - water pump
  - water tank
  - track
  - wastewater pipe
  - water pipe

MCA Zone 51, CDA 54  
Top left: 573795, 8091475  
Bottom right: 575115, 8060545

Layout plan prepared by Department of Planning

Existing cadastral data supplied by the Western Australian Land Information Authority. (Licence LI 400-2000-0)

Extraction date of cadastral 03/02/2012.

Features derived from as-constructed survey data provided by Department of Housing.  
Last completed survey date 21/07/2003, updated 21/10/2000

June 2007 aerial photograph provided by Landgate.

Mowanjum LP1 - Living Area.mxd

Western Australian Planning Commission copyright © 2012

Settlement layout not derived from calculated dimensions.

Endorsement	
Community	29 July 2003
Local Government	25 July 2003
Traditional Owners	23 July 2003
WAPC	23 September 2003

This layout plan does not constitute development approval. It is the responsibility of the developer to ensure that all relevant permits, approvals, licences and clearances are in place prior to commencing physical works on the site. Organisations responsible for such matters may include land owner, local government, metropolitan authority district, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Heritage Commission, Environmental Protection Authority, Department of Conservation & Environmental Protection and Department of Water.



**Mowanjum Layout Plan 1 - Living Area**

**Amendment 3**



Government of Western Australia  
Department of Housing



0 50 100 150  
Metres

### Legend

- Land Use**
- commercial
  - community
  - industrial
  - open space
  - public utility
  - recreation
  - residential
  - road reserve
  - rural
  - waterway
- Exclusion Boundary**
- chlorine gas storage
  - drinking water source wetland protection zone
  - fuel storage
  - industry
  - no go boundary
  - power station
  - utility
  - wastewater
- Land Administration**
- cadastre
  - lodged cadastre
  - recommended settlement zone
  - settlement layout (SL) & SL-01 numbers
- Features**
- bore
  - chlorine storage
  - electricity pole
  - fuel tank
  - hydrant
  - public telephone
  - significant trees
  - telecommunications tower
  - water tank
  - well
  - electricity network
  - fence
  - fuel pipe
  - telecommunications cable
  - telecommunications fibre optic cable
  - water pipe
  - wetland

MGA Zone 52, CDA 94  
Top left: 225075, 6160535  
Bottom right: 226030, 6181630

Layout plan prepared by Department of Planning

Taking cadastral data supplied by the Western Australian Land Information Authority. (Licence U 430-2009-2)

Extraction date of cadastre 05/02/2012

Features derived from as-constructed survey data provided by Department of Housing

Last completed survey date 26/05/2004, updated 01/03/2007

July 2010 aerial image provided by Landgate

Ngallagunda LP1 - Living Area.mxd

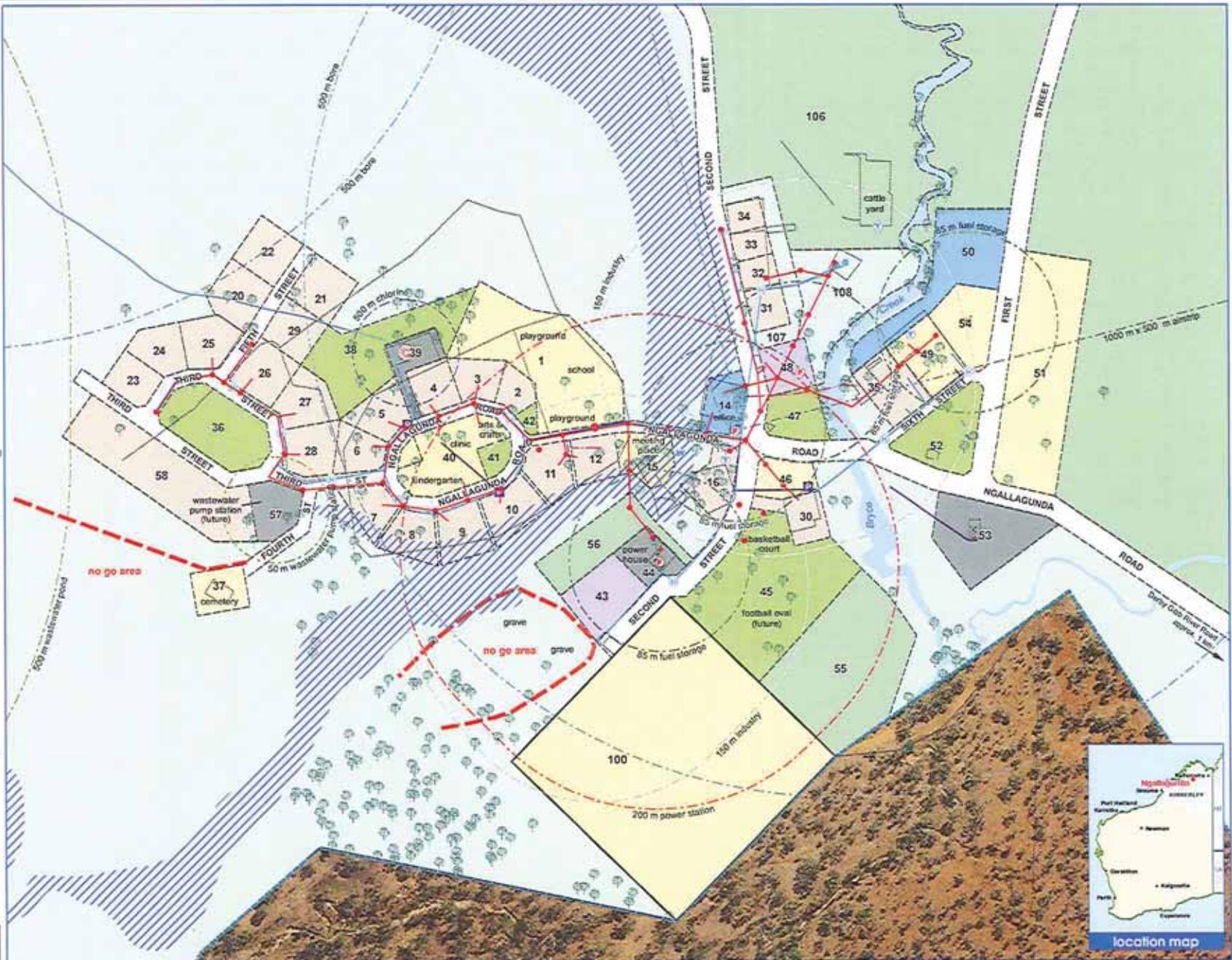
Western Australian Planning Commission Copyright © 2012

Settlement layout not derived from satillated dimensions.

#### Endorsement

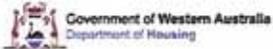
Community	7 July 2010
Local Government	17 August 2010
Traditional Owners	-
WAPC	14 December 2010

This layout plan does not constitute development approval. It is the responsibility of the developer to ensure that all relevant demands, approvals, licences and clearances are in place prior to performing physical works on the site. Organisations responsible for such matters may include land owner, local government, incorporated community groups, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Materials Custodian, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.



## Ngallagunda Layout Plan 2 - Living Area

## Amendment 1



**Legend**

- Land Use**
- commercial
  - community
  - industrial
  - open space
  - public utility
  - recreation
  - residential
  - road reserve
  - rural
  - visitor camping

- Exclusion Boundary**
- chlorine gas storage
  - drinking water
  - source wellhead protection zone
  - fuel storage
  - industry
  - no go boundary
  - power station
  - utility
  - wastewater

- Land Administration**
- cadastre
  - recommended cadastre
  - settlement layout (SL)
  - SL lot numbers

- Features**
- cone
  - chlorine storage
  - electricity pole
  - fuel tank
  - hydrant
  - public telephone
  - significant trees
  - telecommunications tower
  - water tank
  - windmill
  - telecommunications cable
  - fence
  - track
  - wastewater pipe
  - water pipe

MCA Zone 51\_CDA 54  
 Top left: 45°18'0, 74°7'35.0  
 Bottom right: 45°03'45, 74°16'18.0

Layout plan prepared by Department of Planning

Existing cadastral data supplied by the Western Australian Land Information Authority (Licence LI 430-3000-4)

Extraction date of cadastre 03/03/2012

Features derived from as-constructed survey data provided by Sinclair Knight Merz

Last completed survey date 30/10/2004, updated 30/01/2005

August 2007 aerial image provided by Landsat

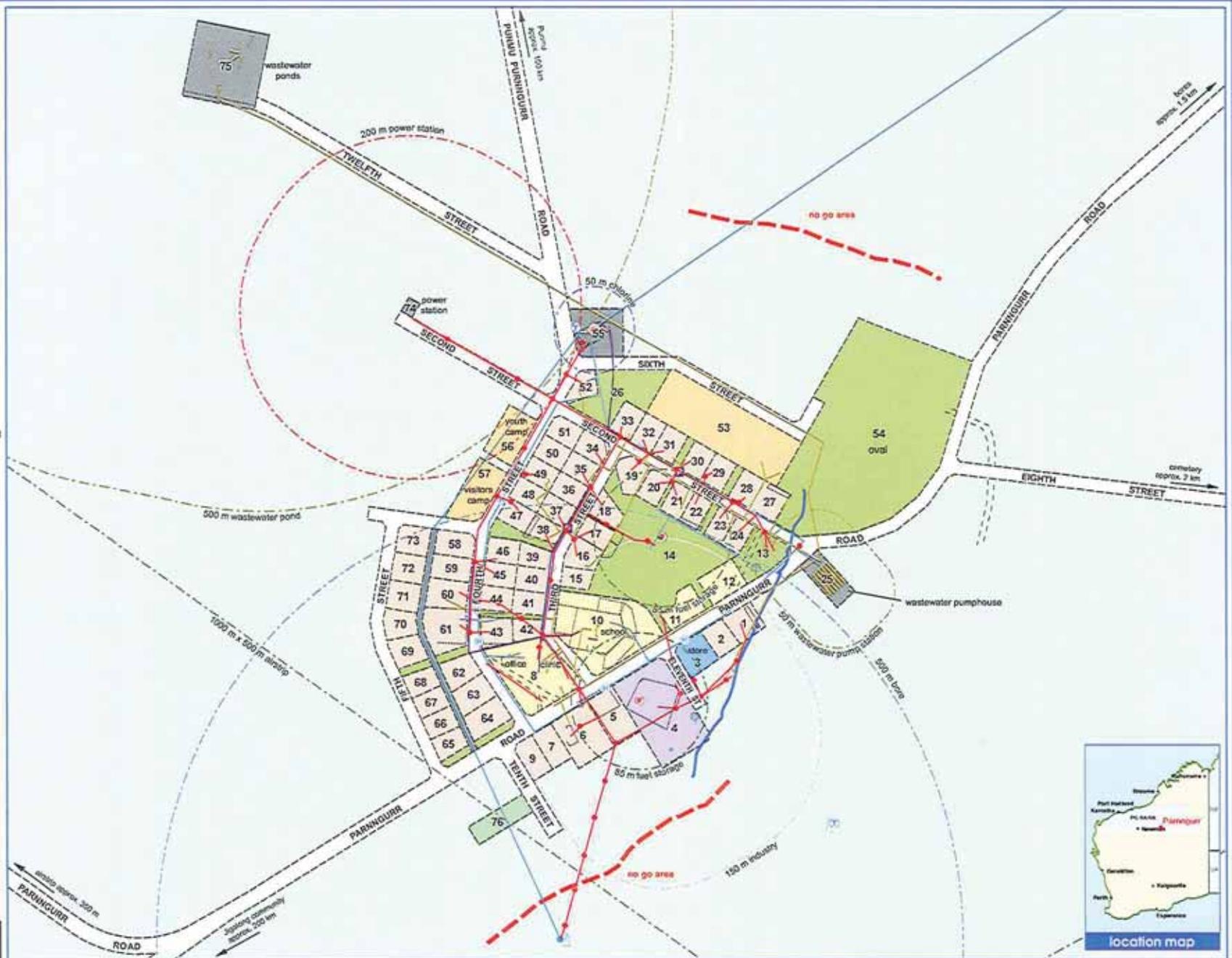
Parnngurr LP2 - Living Area.nxd

Western Australian Planning Commission Copyright © 2012

Settlement layout not derived from calculated dimensions

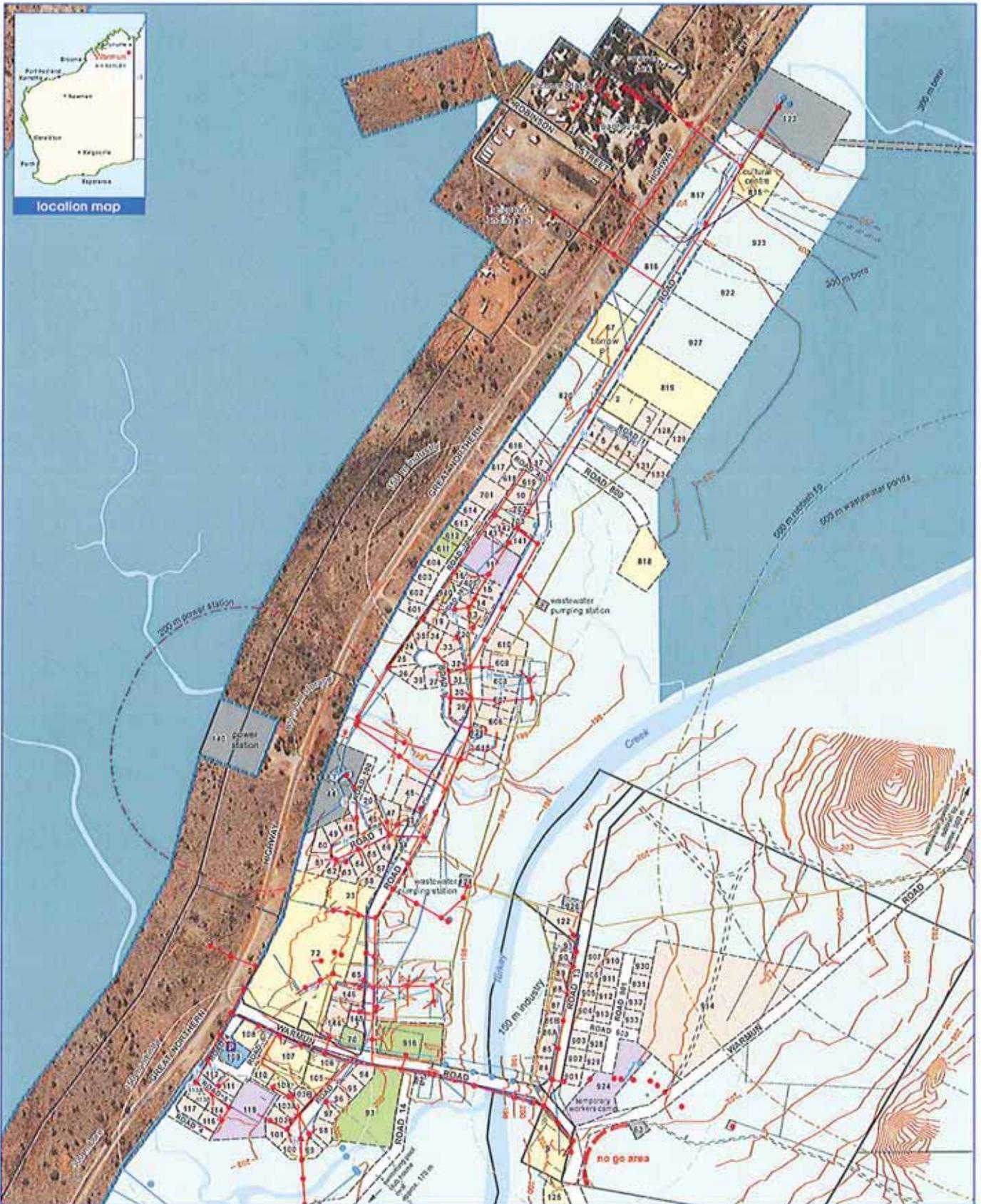
Endorsement	
Community	18 April 2007
Local Government	30 March 2007
Traditional Owners	-
WAPC	4 December 2007

**This layout plan does not constitute development approval**  
 It is the responsibility of the developer to ensure that all relevant permits, approvals, licences and clearances are in place prior to commencing physical works on the site. Organisations responsible for such matters may include land owner, local government, incorporated community group, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Matters Centre, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water



**Parnngurr Layout Plan 2 - Living Area**

**Amendment 2**



MCA Zone 52 CDASB  
 Scale: 1:10,000  
 Date: 15 July 2005

Approved by the Department of Planning  
 Planning and Infrastructure  
 Planning and Infrastructure  
 Planning and Infrastructure

Reference to the map of the Warmun Living Area  
 Planning and Infrastructure  
 Planning and Infrastructure

Warmun Living Area  
 Planning and Infrastructure  
 Planning and Infrastructure

Endorsement	
Community	15 July 2005
Local Government	25 August 2005
Traditional Owners	-
WAPC	21 February 2006

**This layout plan does not require development approval**  
 It is the responsibility of the applicant to ensure that all relevant approvals, permits and consents are in place prior to commencing proposed works. Consents required from relevant authorities include but are not limited to: local government, regional council, state, federal and commonwealth government, Department of Environment & Conservation, Aboriginal Cultural Matters Centre, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.

- Land Use**
- commercial
  - community
  - drinking water source protection area
  - industrial
  - open space
  - public utility
  - recreation
  - road reserve
  - road
  - waterway

- Exclusion Boundary**
- drinking water source protection zone
  - fuel storage
  - industry
  - no go boundary
  - power station
  - utility
  - wastewater
- Land Administration**
- cottage
  - topped cottage

- Features**
- bole
  - electricity pole
  - fuel tank
  - hydrant
  - public telephone
  - telecommunications tower
  - water pump
  - water tank
- contour
  - electricity network
  - fence
  - fuel pipe
  - telecommunications cable
  - track
  - wastewater pipe
  - water pipe
- Settlement**
- settlement area
  - settlement layout (S1) & S1-Use number

North arrow and scale bar (0, 50, 100, 150 Meters).

Western Australian Planning Commission  
 Government of Western Australia  
 Department of Housing

# Warmun Layout Plan 2 - Living Area

# Amendment 5



Government of Western Australia  
Department of Housing



0 250 500 750  
Metres

**Legend**

- Land Use**
- commercial
  - community
  - industrial
  - open space
  - protection
  - access way
  - public utility
  - recreation
  - residential
  - road reserve
  - rural
  - waterway
- Exclusion Boundary**
- drinking water
  - source without protection zone
  - fuel storage
  - industry
  - power station
  - utility
  - wastewater
- Land Administration**
- cadastre
  - sedged cadastre
  - recommended settlement zone
  - settlement layout (SL)
  - SL lot numbers
- Features**
- water body

MCA Zone S2, CDA S4  
Top left: 257810, 7332060  
Bottom right: 266360, 7525375

Layout plan prepared by Department of Planning.

Existing cadastral data supplied by the Western Australian Land Information Authority. (License LI 430-2009-2)

Extraction date of cadastre 03/02/07

Features derived from as-constructed survey data provided by Department of Housing.

Last completed survey date 03/10/2008, updated 21/10/2008

July 2005 aerial image proved by Landgate.

Yiyili, Ganingi LP2 - Context.mxd

Western Australian Planning Commission Copyright © 2012

Settlement layout not derived from calculated dimensions.

Endorsement	
Community	2 December 2010
Local Government	21 April 2011
Traditional Owners	
WAPC	28 September 2011

**This layout plan does not constitute development approval**  
It is the responsibility of the developer to ensure that all relevant permits, approvals, licenses and clearances are in place prior to commencing physical works on the site. Organisations responsible for such matters may include land owner, local government, incorporated community council, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Matters Centres, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.



**Yiyili Layout Plan No.2 - Context**

**Amendment 1**

## ITEM NO: 9.4

### SUBDIVISION TO CREATE 2 LOTS: LOT 9 GREAT EASTERN HIGHWAY, GLEN FORREST, MUNDARING SHIRE

<b>WAPC OR COMMITTEE:</b>	<b>Statutory Planning Committee</b>
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	A/Planning Manager, Metropolitan Planning North East
AUTHORISING OFFICER:	A/Planning Director, Metropolitan Planning North East
AGENDA PART:	G
FILE NO:	146519
DATE:	23 October 2012
ATTACHMENT(S):	1 - Subdivision Plan 2 - Location/Zoning Map 3 - Draft LSIP
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	Shire of Mundaring
LOCAL SCHEME ZONING:	Residential R5
LGA RECOMMENDATION(S):	Refusal
REGION DESCRIPTOR:	Perth Metro North East
RECEIPT DATE:	2 August 2012
PROCESS DAYS:	88 days
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lot 9 (240) Great Eastern Highway, Glen Forrest

#### RECOMMENDATION:

***That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 9 Great Eastern Highway, Glen Forrest into 2 lots as shown on the plans date stamped 2 August 2012, subject to the following conditions and advice:***

#### CONDITIONS:

- 1. A fire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3) to the specifications of the local government and/or the Fire and Emergency Services Authority. (Local Government)***

- 
2. ***A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:***  
  
***'The lot(s) is/are subject to a fire management plan.'*** (Local Government)
  3. ***Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)***
  4. ***The landowner/applicant entering into an agreement with the local government to ensure the provision of a right of carriageway easement over the battleaxe access way within proposed Lot 51 to ensure reciprocal rights of access over the battleaxe access way. (Local Government)***
  5. ***The proposed battleaxe access way being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government)***
  6. ***Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works. (Local Government).***
  7. ***All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)***
  8. ***Pursuant to Section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009 a covenant preventing vehicular access onto Great Eastern Highway being lodged on the certificates of title of proposed Lot 50 at the full expense of the landowner/applicant. The covenant is to prevent access, to the benefit of Main Roads Western Australia, in accordance with the plan date stamped 2<sup>nd</sup> August 2012 (attached) and the covenant is to specify:***  
  
***"No vehicular access is permitted from Great Eastern Highway."*** (Main Roads Western Australia)
  9. ***Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)***
  10. ***Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power)***

---

**ADVICE:**

1. ***In regard to Condition 7, the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission.***
2. ***In regard to Condition 9, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 67 of the Water Agencies (Powers) Act 1984 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.***
3. ***Where required, the subdivider shall provide service connections, make financial arrangements, set aside land, grant easements, apply notices or other requirements, to protect existing and proposed Water Corporation assets to the satisfaction of the Water Corporation.***
4. ***In relation to Conditions 4 and 8, access is restricted to a shared crossover associated with the battleaxe access leg of proposed Lot 51.***
5. ***In regard to Condition 10, Western Power provides only one underground point of electricity supply per freehold lot.***
6. ***Main Roads Western Australia advises the landowner/application with regard to the Great Eastern Highway:***
  - a) ***No earthworks are to encroach onto the road reserve;***
  - b) ***No stormwater drainage is to be discharged onto the road reserve;***
  - c) ***The landowner/applicant shall make good any damage to the existing verge vegetation within the road reserve;***
  - d) ***The driveway and accesses to the residences shall be designed to have an internal turn around facility or area that enables vehicles to turn around and exit the driveway in a forward movement; and***
  - e) ***As Great Eastern Highway carries a high volume of vehicles, consideration should be given to noise attenuation measures in the design and construction of any proposed residence.***

**SUMMARY:**

This application proposes the subdivision of Lot 9 Great Eastern Highway into two lots in a battleaxe configuration. The application is presented to the Statutory Planning Committee as the proposal is recommended for approval, however the proposal does not comply with the minimum frontage requirements of the Residential Design Codes (R-Codes), a Local Subdivision and Infrastructure Plan has not been approved for the locality and the Shire of Mundaring has recommended refusal.

---

## LEGISLATION / STRATEGIC PLAN / POLICY:

### Legislation

Section:

*Planning and Development Act 2005*

Part 10

### Strategic Plan

Strategic Goal:

Strategic Goal 2: Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Implement State and Regional Planning priorities

### Policy

Number and / or Name:

Planning for Bush Fire Protection Guidelines

State Planning Policy 3.1 - Residential Design Codes

## INTRODUCTION:

This application proposes to subdivide a 5449m<sup>2</sup> lot to create two lots of 2222m<sup>2</sup> and 3227m<sup>2</sup> in a battleaxe configuration. An existing dwelling is to be retained within proposed Lot 50. Access is gained via Great Eastern Highway. (**Attachment 1** - Subdivision Plan)

The subject site is zoned 'Residential R5' under the Shire of Mundaring Town Planning Scheme No.3 (TPS3) with the front portion of the site unzoned (**Attachment 2** - Location/Zoning Plan). The unzoned portion of the site is due to TPS3 not being updated to accord with changes to the Metropolitan Region Scheme (MRS). The Shire's draft Local Planning Scheme No.4, which is with the WAPC for final endorsement, proposes to correct this anomaly and depicts the whole lot as 'Residential R5'. The site is zoned 'Urban' under the MRS.

## CONSULTATION:

The Shire of Mundaring has recommended refusal for the following reasons;

- *'The subject land forms part of an area identified by the Shire of Mundaring as requiring comprehensive planning (which may include an agreement to an overall road pattern, provision of essential infrastructure and equitable arrangements for developer contributions) in the form of a Local Subdivision and Infrastructure Plan (LSIP). In the absence of an LSIP, approval to the subdivision would be premature and prejudice the overall planning for the area.*
- *Approval to the subdivision would result in the creation of a battleaxe lot within an extreme bushfire risk area which is not recommended within the provisions of the Planning for Bush Fire Protection Guidelines. The formulation of an LSIP would generate alternative lots in keeping with the provisions of the Planning for Bush Fire Protection Guidelines.'*

The Shire of Mundaring has also provided a list of conditions in the event that the WAPC approves the application.

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Western Power and the Water Corporation have raised no objections to the proposal, subject to servicing conditions.

Main Roads Western Australia (MRWA) have requested there be no access to Great Eastern Highway from Lot 50 and that access from both lots be from the battleaxe leg, via an appropriate easement.

The Department of Health has no objections to the proposal.

## **COMMENTS:**

### Residential Design Codes (R-Codes) - Minimum Frontage Requirements

Lot 50 has a frontage of 28.44m to Great Eastern Highway whereas Table 1 of the R-Codes requires a minimum frontage of 30m for single house lots. The R-Codes do not provide guidance or performance criteria for circumstances where a variation to the minimum frontage may be considered. Furthermore, WAPC Policy 2.2 - *Residential Subdivision* makes no allowance for a variation to the minimum frontage requirements specified in the R-Codes.

In this case, the minor variation (5.2%) to the minimum frontage requirement is partly due to the need for a wider battleaxe leg to satisfy the Planning for Bush Fire Protection Guidelines and allow two-way vehicle access (7m proposed whereas only 4m required under the R-Codes). It should also be noted that the minimum frontage requirements only apply to single house lots and if the proposal was a grouped dwelling (i.e.: survey strata with a common access leg) the minimum frontage requirement would not apply. In this instance, the proposed subdivision would appear as a grouped dwelling as both lots will be required to gain access from the battleaxe leg due to vehicle access restrictions along Great Eastern Highway.

The minor variation to the minimum frontage requirement is not considered to adversely affect the streetscape or amenity of the locality and is considered consistent with the general policy objectives of the R-Codes and DC2.2.

### Planning for Bush Fire Protection

The Shire of Mundaring has indicated that the creation of a battleaxe lot within an extreme bush fire risk area is not recommended within the Planning for Bush Fire Protection Guidelines. The guidelines indicate that;

*"Where possible battleaxe lots should be avoided in areas that are subject to a bushfire hazard level of moderate or extreme".*

In this case, the land is zoned Residential R5 which provides for a minimum lot size of 2000m<sup>2</sup> and there are 2 other battleaxe lots recently created within this section of Great Eastern Highway, including on the adjoining property (approved 2011). The John Forrest National Park is located to the north on the opposite side of Great Eastern Highway which is an extreme bushfire risk area. The developable area of the proposed lot is located at least 100m from the National Park and is behind the existing residence on the site. The future residence on the site will be located further from the national park than the existing residence. The location of a future residence

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on the proposed lot can satisfy the hazard separation zone and building protection zone requirements of the Planning for Bush Fire Protection Guidelines in relation to the National Park.

Given the Residential zoning, surrounding subdivision approvals and distance to the National Park, it is not considered necessary to undertake a bushfire hazard assessment prior to subdivision approval. However, a condition is recommended requiring the preparation and implementation of a bush fire management plan in accordance with the *Planning for Bush Fire Protection Guidelines*. This will improve fire management for the existing residence as well as the proposed lot.

In considering the above comments, the proposed battleaxe subdivision is considered acceptable in this instance.

#### Development Control Policy 5.1 Regional Roads (Vehicular Access)

The site fronts Great Eastern Highway which is classified as a "Primary Regional Road" under the MRS. Development Control Policy DC 5.1 seeks to minimise the creation of new driveways on regional roads and rationalise existing access arrangements. Main Roads Western Australia has requested that no access to Great Eastern Highway should be permitted from Lot 50 and access from both lots should be from the battleaxe leg. Suitable conditions are recommended restricting access and requiring reciprocal rights of access over the battleaxe leg. This will address Main Road's requirements and is consistent with DC 5.1.

#### Local Subdivision and Infrastructure Plan (LSIP)

The Shire of Mundaring's TPS requires a LSIP to guide subdivision within the Residential zone, however the requirements for a LSIP may be waived if it:

- (a) *is unlikely to have any significant environmental impact;*
- (b) *is in an area where no further subdivision potential exists;*
- (c) *does not require and is unlikely to create the requirement for additional services or interconnectivity of services or road networks with adjoining property; and*
- (d) *does not prejudice the subsequent subdivision and development of adjoining land.*

There is no endorsed LSIP for the subject land. A draft LSIP was prepared by the owner of 140 (Lot 4) Great Eastern Highway to justify a proposed battleaxe subdivision application in 2008 (**Attachment 3** - Draft LSIP). The draft LSIP demonstrated that Lots 3 and 4 Great Eastern Highway could be subdivided into separate battleaxe lots without impacting the future subdivision of surrounding lots and the Shire of Mundaring supported this proposal. Subsequently, the WAPC approved the subdivision of Lot 4 into two lots in a battleaxe configuration on 19 September 2008 (WAPC Ref: 136209)

The Shire of Mundaring has recently advised that the LSIP was not advertised or approved.

---

In June 2011, the WAPC approved the subdivision of the adjoining Lot 10 Great Eastern Highway in a battleaxe configuration without the need to prepare a LSIP (WAPC Ref: 142339). The officer's report for the subdivision of Lot 10 indicated that it was not considered to compromise orderly and proper planning of the locality.

In relation to the current subdivision application, the Shire of Mundaring has recommended it be refused, primarily on the grounds that a LSIP is needed to guide the future subdivision pattern. The Shire indicates that in the absence of an LSIP, approval to the subdivision would be premature and prejudice the overall planning for the area.

In considering whether the subdivision application should be considered without the need for a LSIP, consideration should be given to the following:

- Two separate battleaxe subdivisions have been approved and constructed along Great Eastern Highway within close proximity to the proposal. This includes an almost identical battleaxe subdivision approved in 2011 on the adjoining Lot 10;
- Given the previous decisions mentioned in point one above, battleaxe lots along this section of Great Eastern Highway is considered an acceptable form of subdivision, provided access is restricted to a shared crossover;
- Subdivision of the subject land will not impact on the connectivity of adjoining lots. The largest lot within this precinct (Lot 18 Bilgoman Road) can still be developed by provided a separate road as indicated within the draft LSIP. This would also provide alternative access to the proposed battleaxe lot in the future. The proposed subdivision is therefore not considered to compromise orderly and proper planning of the locality; and
- The draft LSIP has not been advertised or endorsed and is not considered a sufficient planning justification for the refusal of the proposal.

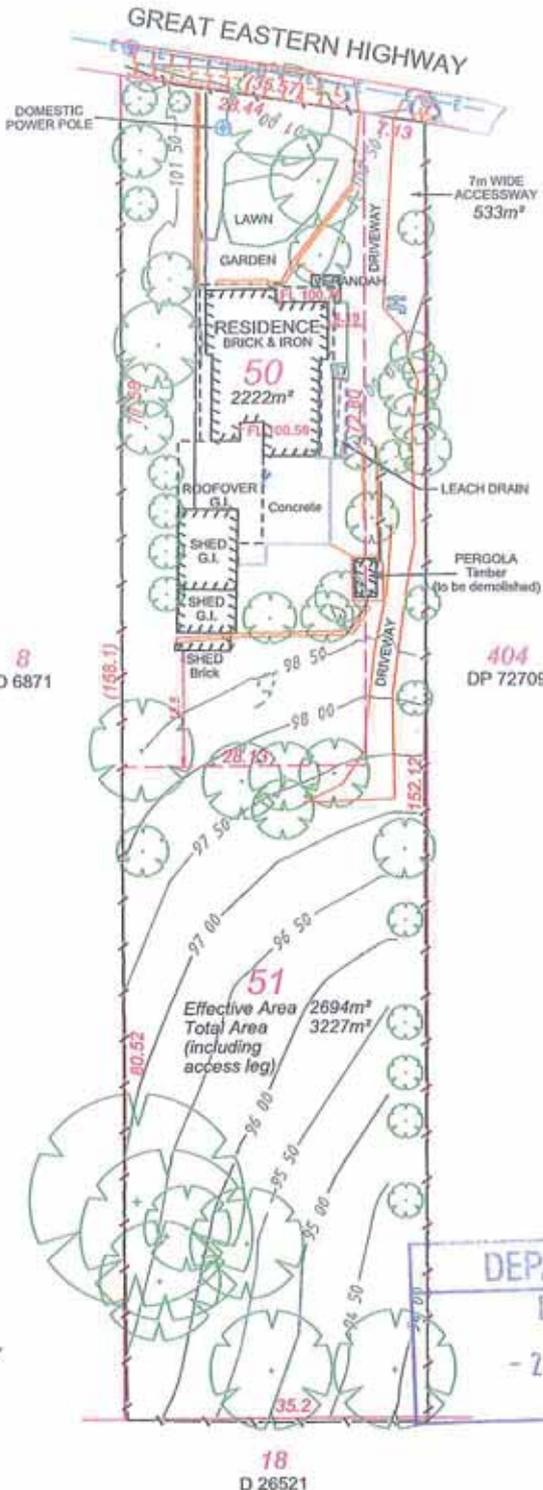
In considering the above, it is not considered necessary to require a LSIP in this instance to guide the subdivision of the subject lot.

#### **CONCLUSION:**

The application is referred to the SPC given that approval is recommended, however the proposed 28.44m street frontage does not comply with the minimum 30m requirement and there is no adopted LSIP for the area given:

- the minor frontage variation is not considered to adversely affect the streetscape or amenity of the locality;
- a condition requiring the preparation and implementation of a Bushfire Management Plan is recommended to ensure the *Planning for Bush Fire Planning Guidelines* can be satisfied; and
- a LSIP is not considered necessary in this instance.

DO NOT SCALE



- LEGEND**
- W Water main
  - T Telstra cable
  - E Electrical power
  - S Sewer main
  - G Gas main
  - Of Optic fibre cable
  - Fence
  - Building / Rooflover
  - Retaining Wall
  - Edge of Driveway
  - Edge of Concrete
  - Top / Toe of Bank
  - Contour (Interval 0.50m)
  - Peg / TBM / Survey Control
  - + FL Floor Level
  - + Gate / Sign
  - I I Headwall
- E. OPENING BOUNDARY  
 F. CLOSED BOUNDARY

NO OF EXISTING LOTS = 1  
 NO OF PROPOSED LOTS = 2  
 TOTAL AREA = 5449m<sup>2</sup>  
 ALL DISTANCES IN METRES  
 DIMENSIONS AND AREAS SUBJECT TO SURVEY  
 LOCAL AUTHORITY : SHIRE OF MUNDARING  
 CT 1136/176  
 ALL STRUCTURES ON LOT 50 TO REMAIN  
 ALL STRUCTURES ON LOT 51 TO BE REMOVED

DEPARTMENT OF PLANNING  
 DATE: - 2 AUG 2012  
 FILE: 146519

THIS PLAN MAY ONLY BE USED FOR SUBMISSION TO WAPC FOR THE PURPOSE OF SUBDIVISION APPROVAL. THE TITLE BOUNDARIES AS SHOWN HEREON WERE NOT MARKED AT THE TIME OF SURVEY. THEY HAVE BEEN DETERMINED BY DIMENSIONS SHOWN ON LANDGATE PLANS AND THEN POSITIONED OVER EVIDENCE OF OCCUPATION. UNDERGROUND SERVICES HAVE BEEN PLOTTED FROM INFORMATION SUPPLIED BY THE RELEVANT AUTHORITIES AND NO RESPONSIBILITY CAN BE TAKEN BY MIDLAND SURVEY SERVICES FOR ANY OMISSIONS OR ERRORS THEREIN. PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION, THE RELEVANT AUTHORITY SHOULD BE CONTACTED, AND THE CERTIFICATE OF TITLE CHECKED FOR EASEMENTS AND ENCUMBRANCES.

Producer Map Investments Pty Ltd trading as

**MIDLAND SURVEY SERVICES**

ACN 105 274 226 ABN 52 105 274 226  
 LAND AND ENGINEERING SURVEYORS  
 3 Victoria Street Midland Western Australia 6050  
 Telephone : (08) 9374 7777 Fax : (08) 9374 7799  
 Email : survey@midlandsurveys.com.au  
 Website : www.midlandsurveys.com.au

ISO 9001  
 FS 520793

SERVICE RECORD	WATER	SEWER	GAS	TELSTRA	POWER LUG	POWER OH
LOCATED						
AVAILABLE	✓	✓	✓	✓	✓	✓
NO SERVICE						

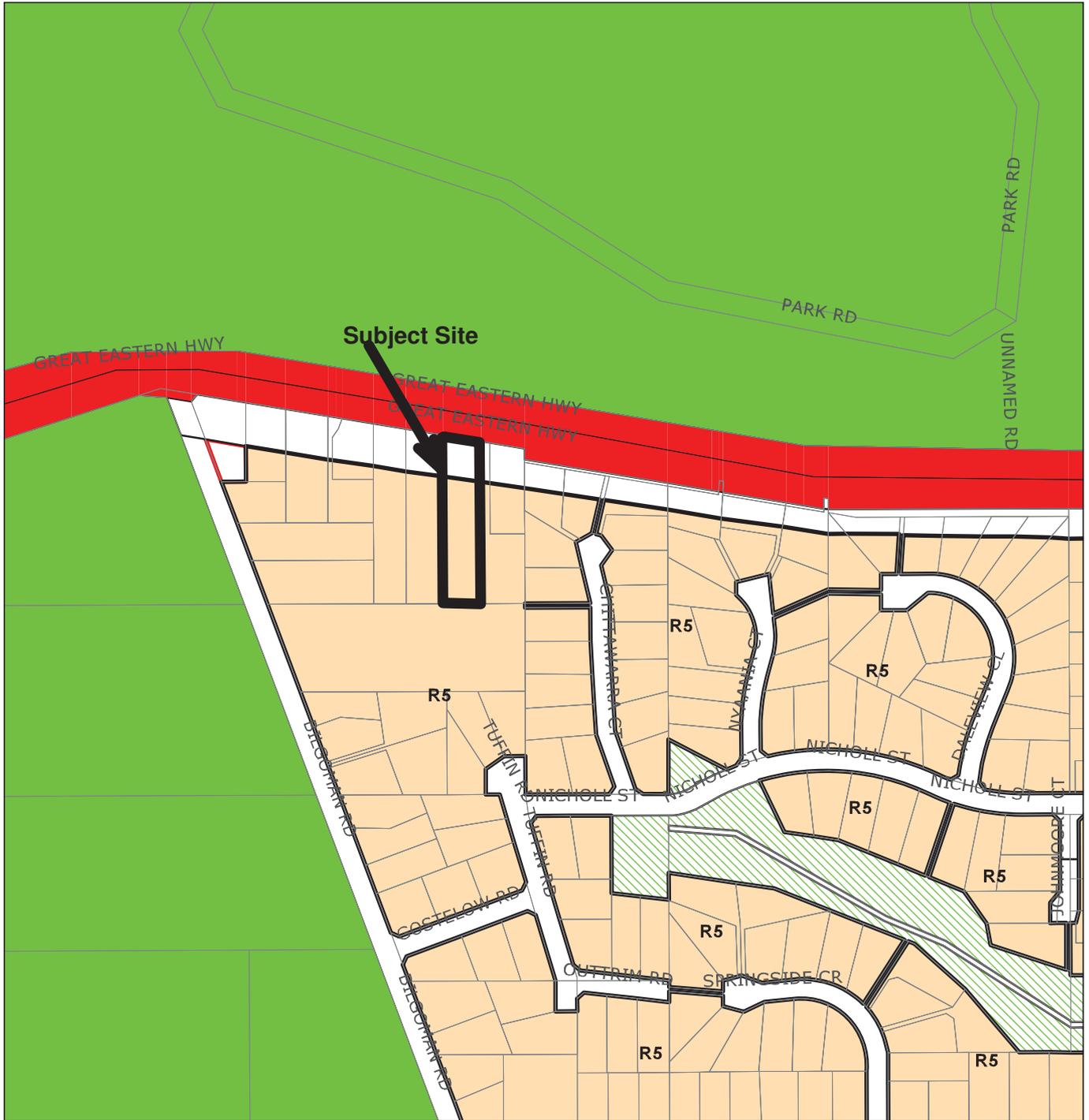
SCALE 1:600 METRES

DRAWN	C.MILBORN	05/06/2012
SURVEYOR	A.GILLESPIE	22/05/2012
CHECKED	E.TURTON	05/06/2012
APPROVED	R.DELANY	

**SERVICE LEGEND**

WATER Tap Meter Water MH Hydrant	POWER Dome Pole Light Pole Stay Pole	TELSTRA Fibre FR Markers	SEWER Inspection Manhole Septic	GAS Meter
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1	10/07/12	LOT BOUNDARIES AMENDED	CM	AG	RD	GRID DATUM	ARBITRARY	FB	DRAWING NUMBER	REV 1	SIZE A3
No.	DATE	REVISION	Drawn	Surveyor	Approved			LB	11415-D001	PS: 11415-01	



	Suburbs		PRIMARY REGIONAL ROADS
	Cadastre with Lot Numbers		PARKS & RECREATION
	Townsites		NO ZONE
	SPECIAL 10		PUBLIC OPEN SPACE
	TPS - Scheme Boundaries		RESIDENTIAL
	TPS - R Code Boundaries		SPECIAL PURPOSE

Scale 1:5,574  
 0 125 m

Prepared by: mcarbone  
 Prepared for: SPC  
 Date: Wednesday, October 31, 2012 09:06  
 Plot identifier: P20121031\_0906

**DP INTERNAL USE ONLY**



Location Map - Proposed Subdivision  
 Lot 9 Great Eastern Highway  
 Glen Forrest

