



Statutory Planning Committee

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

**Tuesday 22 January 2013
9.00 am**

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



Neil Thomson
Secretary, Western Australian Planning Commission

Please convey apologies to Leah Carr on 6551-9690 or email
leah.carr@planning.wa.gov.au

Statutory Planning Committee

Membership:

Member	Representation in accordance with <i>Planning and Development Act 2005</i>	Term of office ends
Mr Eric LUMSDEN	Chairperson Schedule 2 clause 4(2)(a)	30/04/2013
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 – Town of Kwinana 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**
- 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 11 December 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**
- 13. Closure - next meeting to be held on 12 February 2013**

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Minutes
of ordinary meeting 7473
held on Tuesday 11 December 2012

Attendance

Members

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

Officers

Pam Baskind	Department of Planning Planning Manager, Regional Planning & Strategy (Item 10.7)
Kylie Beach	Sr Planning Officer, Independent Planning Reviewer (Item 10.3)
David Carter	Sr Planning Officer, Independent Planning Reviewer (Item 10.5)
Natalie Cox	Sr Planning Officer, Independent Planning Reviewer (Item 10.4)
Paul Ellenbroek	Planning Manager, Strategy, Policy and Projects (Item 10.2)
Sally Grebe	Sr Planning Officer, Independent Planning Reviewer (Items 10.8 and 10.9)
Jas Lapinski	Sr Planning Officer, Perth and Peel (Items 9.1 and 9.2)
Lisa Powell	Sr Planning Officer, Perth and Peel (Item 10.4)
Rachel Riley	Sr Planning Officer, Regional Planning & Strategy (Item 9.7)
Craig Shepherd	Planning Manager, Perth and Peel (Item 9.5)
Emille Van Heyningen	Planning Manager, Perth and Peel (Items 9.1 and 9.2)

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Observers

Ms Amanda Butterworth	Allerding & Associates (item 6.2 - refers item 9.2)
Mr David Cooper	LandCorp – Wedgefield Site (item 6.10 – refers item 10.10)
Ms Kelly Negus	Westpac Bank (item 6.6 – refers item 10.2)
Mr Anthony Rechichi	Architect for landowners (item 6.5 – refers item 10.4)
Mr Alex Vanderplas	Greg Rowe & Associates (items 6.7 and 6.8 – refers item 10.7)

Presenters

Mr Steve Allerding	Allerding & Associates (item 6.2 - refers item 9.1)
Mr Brett Ashby	City of Rockingham (item 6.6 - refers item 10.5)
Mr Max Baumwol	Landowner (item 6.1 - refers item 9.1)
Mr Joel Carter	The Land Division (item 6.5 - refers item 10.4)
Mr Tim Dawkins	Urbis for LandCorp (item 6.8 - refers item 10.10)
Mr Sean Fairfoul	Greg-Rowe & Associates (item 6.4 - refers item 10.2)
Mr Peter Fitzgerald	Greg Rowe & Associates (item 6.3 – refers item 9.2)
Mr Peter Goff	MGA Town Planners (item 6.1 - refers item 9.1)
Mr Aaron Lohman	Greg Rowe & Associates (items 6.7 and 6.8 - refers item 10.7)
Mr Jonathan Roach	LandCorp (item 6.3 - refers item 9.2)

Committee Support

Mrs Leah Carr	Committee Support Officer - Department of Planning
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7473.1 Declaration of Opening

The Presiding Member declared the meeting open at 9.03 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

7473.2 Apologies

Nil.

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7473.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7473.4 Disclosure of Interests

Although there were no Disclosures of Interest, Ms Burrows wished it noted that she met with the applicants referred to in items 9.1 and 10.8 in her position as Executive Director. Ms Burrows also wished it noted that she is a resident of the Town of Victoria Park but her property is not affected as she does not live in the vicinity of the property mentioned in 10.3.

Mayor Carol Adams wished it noted that Item 10.5 refers to developer contribution discussions of potential costs on the Town of Kwinana for which she is the Mayor.

7473.5 Declaration of Due Consideration

No declarations were made.

7473.6 Deputations and Presentations

7473.6.1 **Certification of East Wanneroo Cell 9 – East Landsdale Local Structure Plan No. 57 and adoption of amendments 2 and 3 to the Structure Plan (refers Item 9.1)**

Presenter Mr Peter Goff
Mr Max Baumwol

Mr Baumwol thanked the members and declared his support for Amendment 3.

Mr Goff then gave a power point presentation addressing their issues with the Telstra buffer area.

A copy of the presentation has been placed on file.

7473.6.2 **Certification of East Wanneroo Cell 9 – East Landsdale Local Structure Plan No. 57 and adoption of amendments 2 and 3 to the Structure Plan (refers Item 9.1)**

Presenter Mr Steve Allarding
Ms Amanda Butterworth

Mr Allarding provided a power point presentation which supported the officer's recommendation in support of the interests of Telstra.

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A copy of the presentation has been placed on file. A copy of the handout submitted with the deputation request has been placed on file.

7473.6.3

Adoption of City of Wanneroo Neighbourhood Centre Local Structure Plan No. 81 (refers item 9.2)

Presenter Mr Jonathan Roach
Mr Peter Fitzgerald

Mr Roach provided a power point presentation requesting the Committee's support to introduce Light Industry as an available use under the Structure Plan, which would achieve an outcome consistent with Scheme objectives.

Mr Fitzgerald provided supporting information for this proposal.

A copy of the presentation has been placed on file.

7473.6.4

City of Swan Local Planning Scheme No. 17 Amendment No. 68 - for final approval (refers item 10.2)

Presenter Mr Sean Fairfoul

Mr Fairfoul spoke in favour of Amendment 68 and SPP 4.2.

7473.6.5

City of Gosnells Local Planning Scheme Amendment No. 132 – for final approval (refers item 10.4)

Presenter Mr Joel Carter

Mr Carter provided a power point presentation in regard to the location of the proposed rezoning being in keeping with the intent of the City of Gosnells Draft Local Commercial Strategy for the Activity Centre for Albany Highway. Mr Carter advised that they would introduce a residential component provision.

A copy of the presentation has been placed on file. A copy of the handout submitted with the deputation request has also been placed on file.

7473.6.6

City of Rockingham Local Planning Scheme Amendment No. 114 – for final approval (refers item 10.5)

Presenter Mr Brett Ashby

Mr Ashby addressed the Committee in support of Amendment 114.

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7473.6.7 **Shire of Northam Review of Local Planning Strategy and Town Planning Scheme – for final approval (refers item 10.7)**

Presenter Mr Aaron Lohman on behalf of the Craig Mostyn Group (owners of the Linley Valley Abattoir)

Mr Lohan addressed the Committee in relation to the proposed zoning of the Abattoir and associated landholdings and the clear need to protect the abattoir from the encroachment of sensitive land uses.

7473.6.8 **Shire of Northam Review of Local Planning Strategy and Town Planning Scheme – for final approval (refers item 10.7)**

Presenter Mr Aaron Lohman on behalf of the owners of Lot 10 Great Eastern Highway, Muluckine and Lot 351 Yilgarn Avenue, Muluckine

Mr Lohan addressed the Committee in relation to the 'Development Investigation Area' in which these two properties are located.

7473.6.9 **Reconsideration of Condition 2 to subdivision approval 146279 issued for lot 502: Great Northern Highway, Port Hedland (refers item 10.8)**

Presenter Mr Tim Dawkins

Mr Dawkins addressed the Committee on issues of flooding.

Mr Dawkins advised their support for the alternative wording that the Department of Planning has issued regarding Flood Modelling.

7473.7 Announcements by the Chairperson of the Board and communication from the WAPC

Nil.

7473.8 Confirmation of Minutes

7473.8.1 **Minutes of the Statutory Planning Committee meeting held on Tuesday 27 November 2012**

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Resolved

Moved by Mayor Adams, seconded by Ms Taylor

To amend the wording in paragraph 4 of Item 7472.9.3 "Shire of Kalamunda Local Planning Strategy – for final endorsement". (Minutes page 6) from "...a future development/ industrial area..." to "... a future industrial development area....".

To add "Planning Reviewers' Report being made available to the Committee" under Item 7472.12 General Business (Minutes page 23).

That the minutes of the Statutory Planning Committee meeting held on Tuesday 27 November 2012, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

7473.9 Reports

The members agreed to endorse, en-bloc, all the recommendations associated with Items 9.3 to 9.10 inclusive, 10.6, 10.9 and 10.10.

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to endorse, en-bloc, all the recommendations associated with Items 7473.9.3 to 7473.9.10 inclusive, items 7473.10.6, 7473.10.9 and 7473.10.10.

The motion was put and carried.

7473.9.1

Certification of East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57 and adoption of amendments 2 and 3 to the Structure Plan

File SPN/0124, SPN/0124M-1,
SPN/0124M-2
Report Number SPC/303
Agenda Part C
Reporting Officer A/Director, Metropolitan North West

The members discussed the perplexing issues involved in Amendment 3 regarding the site of Telstra's

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telecommunications centre. The members considered that neither the deputations nor the officer's report gave a definitive answer on the issues regarding location of properties to this site, the topography or the effect of the density of the area. It was suggested that further discussion take place between the relevant people from the City of Wanneroo, the Department of Planning and Telstra to better advise the Committee on the effects of the telecommunications site on the surrounding area.

OFFICER'S RECOMMENDATION

That the Western Australian Planning Commission resolves to:

1. refuse to certify the proposed East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57 on the basis that the modifications required by the Commission's resolution dated 24 August 2010 have not been completed;
2. adopt the proposed East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57 subject to the attached Schedule of Modifications appended as Attachment 7,
3. adopt proposed Amendment 2 to East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57,
4. refuse to adopt proposed Amendment 3 to East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57 for the following reasons:
 - 4.1 The proposal may increase radiofrequency interference with the Perth International Telecommunications Centre.
 - 4.2 The proposal does not provide for an orderly and equitable distribution of residential density throughout the East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57 area.
 - 4.3 The proposal to allocate residential density through Detailed Area Plans would fetter the authority of the Western Australian Planning Commission with respect to the determination of subdivision applications.

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5. advise the City of Wanneroo of its decision accordingly.

Motion to defer

Resolved

Moved by Ms Taylor, seconded by Mr Farrar

That the Western Australian Planning Commission resolves to defer this item to enable further information to be provided to the Statutory Planning Committee in respect of Amendment 3 to East Wanneroo Cell 9; and that discussions be held between the City of Wanneroo, Telstra and the Department of Planning.

The motion was put and carried.

7473.9.2

Adoption of City of Wanneroo East Wangara Neighbourhood Centre Local Structure Plan No. 81

File SPN/0356

Report Number SPC/304

Agenda Part C

Reporting Officer A/Planning Director, Metropolitan Planning North West,

Mr Farrar considered it inappropriate that the land did not remain an industrial zone.

Resolved

Moved by Ms Sue Burrows, seconded by Ms Bartle

That the Western Australian Planning Commission resolves to;

1. *adopt East Wangara Neighbourhood Centre Local Structure Plan No. 81 subject to the Schedule of Modifications appended as Attachment 6;*
2. *advise the City of Wanneroo of the above resolution.*

The motion was put and carried.

The votes were recorded as follows:-

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For: *Mayor Adams, Ms Bartle, Ms Burrows,
Mr Holloway, Mr Lumsden, Ms Taylor*

Against: *Mr Farrar*

7473.9.3 **Layout Plan Amendments – Mapping Data Conversion**

File DP/11/00058/1
Report Number SPC/305
Agenda Part D
Reporting Officer Planning Manager – Aboriginal
Communities

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

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

The motion was put and carried.

7473.9.4 **City of Greater Geraldton Residential Development Strategy - For Final Endorsement**

File DP/12/01201/1
Report Number SPC/306
Agenda Part E
Reporting Officer Planning Manager, Regional Planning
and Strategy

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to:

- 1. certify that the draft City of Greater Geraldton Residential Development Strategy is consistent with regulation 12A(3) of the Town Planning Regulations, 1967 (as amended);*
- 2. grant consent to advertise the draft Residential Development Strategy in accordance with regulation 12B of the Town Planning Regulations, 1967 (as*

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amended) for a period not less than 21 days.

The motion was put and carried.

7473.9.5

**Subdivision to Create 8 Lots For Residential Purpose:
Lot 309 Forest Avenue, Jarrahdale**

File 139697
Report Number SPC/307
Agenda Part G
Reporting Officer Planning Manager, Metropolitan South East

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 309 Forest Avenue, Jarrahdale. This decision is valid for four years subject to the following conditions and advice:

CONDITIONS:

Road and Movement Network

1. 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

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reasonable period as agreed by the WAPC. (Local Government)

2. *Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:*

- (a) *street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider; and*

- (b) *roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly,*

*to the satisfaction of the Western Australian Planning Commission.
(Local Government)*

3. *The cul-de-sac head being designed and constructed to the satisfaction of the local government.
(Local Government)*

4. *Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service proposed Lots 3 and 4 shown on the approved plan of subdivision.
(Local Government)*

5. *The applicant/owner entering into an agreement with the local government to ensure reciprocal rights of access over adjoining battle-axe legs.
(Local Government)*

Drainage

6. *Prior to the commencement of subdivisional works, an Urban Water Management Plan is to be prepared and approved, in consultation with the Department of Water. (Local Government)*

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7. *The land being filled, stabilised, drained and/or graded as required to ensure that:*
 - a) *lots can accommodate their intended development; and*
 - 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; and*
 - c) *stormwater is contained on-site, or appropriately treated and connected to the local drainage system*
(Local Government)

8. *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)*

Subdivision Works

9. *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).

10. *All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the*

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Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed. (Local Government)

11. *Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present at the time of subdivision approval being demolished and materials removed from proposed Lots 3 to 8. (Local Government)*

Servicing

12. *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 service to the lot(s) shown on the approved plan of subdivision. (Western Power)*
13. *The transfer of land as a Crown Reserve, free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)*
14. *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)*
15. *Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision. (Water Corporation)*

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Miscellaneous

16. *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. (Local Government)*
17. *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:*
 - "(i) No reticulated sewerage service will be available to the lot and all future dwellings will need to be connected to an on-site effluent disposal system(s).*
 - (ii) The lot(s) is/are subject to a Fire Management Plan."**(Local Government)*
18. *A Landscape and Vegetation Management Plan shall be prepared, approved and relevant provisions implemented during subdivisional works to the specification of the local government. (Local Government)*
19. *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).*
20. *Prior to commencement of subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission. (Local Government)*

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21. *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)*
22. *Uniform fencing capable of prohibiting pets and livestock from entering the State Forest shall be constructed along the boundaries of all the proposed lots abutting the Metropolitan Region Scheme 'Parks and Recreation' and 'State Forest' Reserves to the satisfaction of the Western Australian Planning Commission on the advice of the Department of Environment and Conservation. (Local Government)*

ADVICE:

1. *With regard to Condition 4, approval from the local government may be needed prior to the construction of vehicle crossovers.*
2. *With regard to Condition 16, the Fire Management Plan shall include the following:*
 - (i) *An agreement with any adjoining landowner for the construction of the emergency access ways through affected properties, should this be proposed;*
 - (ii) *Water Corporation certification that a suitable water supply of adequate pressure for fire fighting purposes can be provided to service the development; and*
 - (iii) *The requirement for the installation of fire hydrants, strategic firebreaks and emergency access ways.*
3. *With regard to Condition 18, the applicant/owner is encouraged to contact the local government in relation to the information to be provided within the Landscape and Vegetation Management Plan.*

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4. *With regard to Condition 21, adequate detail is to be provided on the size, vertical profile and stormwater diversion of the irrigation fields within the effluent disposal envelopes.*
5. *The applicant is advised that the Department of Environment and Conservation has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of Dust Management Plans for development sites. Further information on the guidelines can be obtained from the Department of Environment and Conservation*
6. *The Department of Water advises the following:*
 - (a) *Drainage systems shall be designed and constructed consistent with the Stormwater Management Manual for Western Australia.*
 - (b) *The subject property is located within the Serpentine Surface Water Area as proclaimed under the Rights in Water and Irrigation Act 1914. Any taking or diversion of surface water in this proclaimed area for purposes other than domestic and/or stock watering is subject to licensing by the Department of Water. The applicant/owner is advised to contact the Department of Water to discuss water management options.*
7. *The Water Corporation advises the following:*
 - (a) *This development is within the catchment of the Mundijong Drainage District. Discharge of runoff from this development must be compensated to pre-development levels. The applicant/owner should liaise with the Water Corporation at the preliminary planning stage to determine detailed*

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planning requirements to determine drainage requirements.

- (b) *With regard to Condition 15, the landowner/applicant/owner 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.*
8. *The Department of Environment and Conservation advises that Flora species known to be invasive or environmentally damaging should not be used in any landscaping or revegetation projects where they may spread to State Forest.*
9. *Western Power advises the following:*
- (a) *With regard to Condition 12, Western Power provides only one underground point of electricity supply per freehold lot.*
- (b) *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*

The motion was put and carried.

7473.9.6

**Shire of Lake Grace Local Planning Strategy
Amendment No.1 - For Final Approval**

File 853/5/12/6PV2
Report Number SPC/308
Agenda Part G
Reporting Officer Director, Wheatbelt Region

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

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That the Western Australian Planning Commission resolves to:

- 1. determine the submissions in accordance with the attached schedule of submissions;*
- 2. grant final approval to the Local Planning Strategy amendment and endorse the documents accordingly.*

The motion was put and carried.

7473.9.7

Jurien Bay City Centre Strategy Plan - For Final Approval

File DP/10/01944/1
Report Number SPC/309
Agenda Part D
Reporting Officer Director, Wheatbelt Region

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to:

- 1. determine the submissions in accordance with the attached schedule of submissions;*
- 2. endorse the local planning strategy in accordance with the Town Planning Regulations 1967 (as amended).*

The motion was put and carried.

7473.9.8

Subdivision to Create 101 Lots for Single Residential Purpose: Lot 9000 Gum Nut Avenue - Dawesville

File 146825
Report Number SPC/310
Agenda Part G
Reporting Officer Sr Planning Officer
Perth and Peel Planning

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to approve the application

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for subdivision of Lot 9000 Gum Nut Avenue, Dawesville as shown on the plan date-stamped 03 October 2012 (attachment 2). This decision is valid for four years subject to the following conditions and advice:

CONDITIONS:

- 1. The plan of subdivision is to be modified so that no lot is less than 700m² in area, excepting the three lots coloured yellow on the approved plan dated 3 October 2012 (attached). (Local Government)*
- 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. All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's Liveable Neighbourhoods policy. (Local Government)*
- 4. Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in*

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accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that embayment parking is provided within the/abutting the proposed Public Open Space to the satisfaction of the Western Australian Planning Commission. (Local Government)

5. *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, for the provision of shared paths through and connecting to the application area to the satisfaction of the Western Australian Planning Commission. The approved shared paths are to be constructed by the landowner/applicant. (Local Government)*
6. *Uniform fencing being constructed along the boundaries of all of the proposed lots abutting reserves. (Local Government)*
7.
 - a) *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*
 - b) *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).*
8. *The land being filled, stabilised, drained and/or graded as required to ensure that:*
 - a) *lots can accommodate their intended development; and*
 - b) *finished ground levels at the boundaries of the lot(s) the subject of*

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this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and

- c) *stormwater is contained on-site, or appropriately treated and connected to the local drainage system.*

(Local Government)

9. *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).*

10. *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)*

11. *The landowner/applicant making a pro-rata contribution towards the cost of the acquisition of the primary school site identified in the subdivision locality. (Department of Education)*

12. *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) shown in red on plan dated 3 October 2012 (attached) 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 vehicular and/or pedestrian access shall be permitted from the side (southern) boundary of this lot' (Local Government)

13. *A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificates of title of the proposed lot(s) advising of the existence of a hazard or other factor.*

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

'This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry viruses and other diseases.'
(Western Australian Planning Commission)

14. *The proposed reserve(s) shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserve(s) 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)*
15. *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)*
16. *The provision of easements pursuant to Section 167 of the Planning and Development Act 2005 for existing or planned power infrastructure being granted free of cost to that body. (Western Power)*
17. *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)*
18. *Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the*

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lots shown on the approved plan of subdivision. (Water Corporation)

19. *Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)*

ADVICE:

1. *The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.*
2. *In regard to Conditions 2, 3, 4 and 5, the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.*
3. *In regard to Condition 15, Western Power provides only one underground point of electricity supply per freehold lot.*
4. *In regard to Conditions 18 and 19, 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.*

The motion was put and carried.

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7473.9.9 Proposed Modifications to Ravenswood Outline Development Plan – Shire of Murray

File SPN/0362/1
Report Number SPC/311
Agenda Part G
Reporting Officer Manager, Statutory and Strategic Planning

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to:

1. *endorse the revised Ravenswood Outline Development Plan, subject to:*
 - 1.1 *The ODP text being modified in accordance with Attachment 5.*
 - 1.2 *The plan being modified in accordance with Attachment 6.*
2. *advise the Shire of Murray of its decision accordingly.*

The motion was put and carried.

7473.9.10 Subdivision to Create 5 Lots: Lot 114 West Terrace, Kalamunda

File 140910
Report Number SPC/312
Agenda Part G
Reporting Officer A/Planning Manager, Metropolitan Planning North East

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lot 114 West Terrace, Kalamunda as shown on the plans date stamped 4 November 2009, subject to the following conditions and advice:

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CONDITIONS:

1. *The subdivision plan being amended to provide for three lots by amalgamating the proposed 2051m² and 2395m² lots to create one lot and amalgamating the proposed 2483m² and 2309m² lots to create one lot, as shown on the attached plan (3 lot plan attached) dated 6 November 2012 and labelled option 2. (Western Australian Planning Commission)*
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:

'Any future dwelling on the site must be provided with an Aerobic Treatment Unit for effluent disposal and must be located within the effluent disposal envelope identified on the deposited plan'.
(Local Government)*
3. *Prior to commencement of subdivisional works, a detailed plan identifying building envelopes on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission. (Local Government)*
4. *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)*
5. *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*

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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 is to take place outside the defined building envelope(s), unless otherwise approved by the local government.' (Local Government)

- 6 *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)

7. *The land being filled, stabilised, drained and/or graded as required to ensure that:*
- a) lots can accommodate their intended development;*
 - 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; and*
 - c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system.*

(Local Government)

8. *Suitable arrangements being made with the local government for the provision of vehicular crossovers to service the lot(s) shown on the approved plan of subdivision.*
(Local Government)

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9. *The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government)*
10. *The provision of easements for existing or planned future drainage infrastructure as may be required by the Local Government being granted free of cost to that body. (Local Government)*
11. *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).*
12. *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 Department of Fire and Emergency Services. (Local Government)*
13. *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 lots are subject to a fire management plan.'
(Local Government)*
14. *Prior to the commencement of subdivision works a foreshore management plan for the watercourse 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*

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approved plan to the specifications of the Department of Water in consultation with the Shire of Kalamunda and the Department of Environment and Conservation. (Department of Water)

15. *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)*
16. *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)*
17. *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)*

ADVICE:

1. *With regard to Condition 1, the applicant/owner is advised that the detailed plan is to be to scale and must include the location and extent of the building envelope on the lot, including an appropriate setbacks for buildings and effluent disposal systems from relevant feature such as watercourses, wetlands, roads and so on. Effluent disposal areas of a minimum of 150m² and a setback of 30m from the watercourse are to be provided.*
2. *In regard to Condition 15, Western Power provides only one underground point of electricity supply per freehold lot.*
3. *In regard to Condition 17, the*

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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.

The motion was put and carried.

7473.10 Confidential Items

7473.10.1 Liveable Neighbourhoods Review – Initiation

File 23 November 2012
Report Number SPC/313
Agenda Part DP/11/0026011
Reporting Officer Planning Manager, Strategic Policy

THIS ITEM IS CONFIDENTIAL

7473.10.2 City of Swan Local Planning Scheme No.17 Amendment No.68 - For Final Approval

File TPS/0696
Report Number SPC/314
Agenda Part B
Reporting Officer Planning Manager - Schemes, Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

7473.10.3 Town of Victoria Park Town Planning Scheme No.1 Amendment No.49 - For Final Approval (Additional Report)

File TPS/0461
Report Number SPC/315
Agenda Part B
Reporting Officer Planning Manager – Schemes, Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

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- 7473.10.4 City of Gosnells Local Planning Scheme Amendment 132 - For Final Approval**
File TPS/0801/1
Report Number SPC/316
Agenda Part B
Reporting Officer Planning Manager of Schemes, Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

- 7473.10.5 City of Rockingham Local Planning Scheme Amendment No.114 - For Final Approval**
File TPS/0575
Report Number SPC/317
Agenda Part B
Reporting Officer A/Planning Manager

THIS ITEM IS CONFIDENTIAL

- 7473.10.6 Subdivision of 1 Lot to create 2 Rural Lots and 1 Homestead Lot – Shire of Carnamah**
File 146786
Report Number SPC/318
Agenda Part C
Reporting Officer Senior Planning Officer, Central Regions

THIS ITEM IS CONFIDENTIAL

- 7473.10.7 Shire of Northam Review of Local Planning Strategy and Town Planning Scheme - For Final Approval**
File TPS/0245/1 and DP/10/02153/2
Report Number SPC/319
Agenda Part E
Reporting Officer A/Director, Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

- 7473.10.8 State Administrative Tribunal Review - West Swan Poultry Farm**
File 21-125050-2
Report Number SPC/320
Agenda Part G
Reporting Officer A/Manager Planning Appeals

THIS ITEM IS CONFIDENTIAL

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7473.10.9 **Section 31 (Sat Act 2004) Reconsideration of Condition of Subdivision Approval - Shire of Denmark**

File 145483
Report Number SPC/321
Agenda Part P
Reporting Officer A/Delegated Officer

THIS ITEM IS CONFIDENTIAL

7473.10.10 **Reconsideration of Condition 2 to Subdivision Approval 146279 issued for Lot 502 Great Northern Highway, Port Hedland.**

File 146279
Report Number SPC/322
Agenda Part G
Reporting Officer A/Executive Director, Regional Planning and Strategy

THIS ITEM IS CONFIDENTIAL

7473.11 **General Business**

7473.11.1 **Deputations to Statutory Planning Committee**

Department of Planning staff are to be advised that when reports concerning major amendments and structure plans are expected to be subject to deputations that staff write a concise briefing note to the Director General of Department of Planning prior to the meeting of the SPC.

7473.11.2 **Order of Business : Dealing with Agenda Item directly following a respective Deputation**

Deputies will be requested to include any information to be tabled at a Deputation at the time of submission. This will give members sufficient time to familiarise themselves with the issues that will be raised.

7473.11.3 **Lateness of Items being uploaded onto Department of Planning Website**

Deputation Applicants are not advised in advance that their item will be dealt with until they see it on the Web. Problems arise when there are technical difficulties in uploading the Agenda onto the Web. This process needs to be reviewed.

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7473.12 Items for Consideration at a Future Meeting

The Residential Design Codes deputation on how R Codes relate to greenfields/brownfields requested by the Committee in October 2012 will be circulated to the members Out of Session, by Ms Burrows.

7473.13 Closure

The next ordinary meeting is scheduled for 9am on 22 January 2013.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 11.49 am.

PRESIDING MEMBER _____

DATE _____

UNCONFIRMED

INDEX OF REPORTS

Item	Description
9	REPORTS
C	SUBDIVISIONAL / STRATA ITEMS / DEVELOPMENTS
9.1	ADOPTION OF AMENDMENT 2 OF THE EAST WANNEROO CELL 9 - EAST LANDSDALE LOCAL STRUCTURE PLAN NO. 57
G	DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA
9.2	APPROVAL FOR CONCRETE BATCHING PLANT - HESTER AVENUE, NEERABUP, CITY OF WANNEROO
9.3	DEVELOPMENT OF LIMESTONE EXTRACTIVE INDUSTRY - LOT 52 NOWERGUP ROAD, NOWERGUP, CITY OF WANNEROO
9.4	SUBDIVISION TO CREATE 4 LOTS FOR RESIDENTIAL PURPOSE - LOTS 29 AND 30 WALKER STREET, MUNDARING, SHIRE OF MUNDARING.
10	CONFIDENTIAL REPORTS
B	LOCAL OR REGIONAL PLANNING SCHEMES / AMENDMENTS
10.1	CITY OF JOONDALUP DISTRICT PLANNING SCHEME NO.2 AMENDMENT NO.66 - FOR FINAL APPROVAL
10.2	CITY OF NEDLANDS LOCAL PLANNING SCHEME NO.2 AMENDMENT NO.195 - FOR FINAL APPROVAL
10.3	CITY OF WANNEROO DISTRICT PLANNING SCHEME AMENDMENT NO.117 – FOR FINAL APPROVAL
10.4	CITY OF STIRLING LOCAL PLANNING SCHEME NO.3 AMENDMENT NO.4 - FOR FINAL APPROVAL
10.5	CITY OF ROCKINGHAM TOWN PLANNING SCHEME NO.2 AMENDMENT NO.122 - FOR FINAL APPROVAL

C SUBDIVISIONAL / STRATA ITEMS / DEVELOPMENTS

- 10.6 SUBDIVISION OF LOT 42 SMALLBROOK RETREAT
– CAVERSHAM, CITY OF SWAN

**E MINOR LOCAL OR REGIONAL PLANNING SCHEMES / LOCAL
OR REGIONAL PLANNING SCHEME AMENDMENTS**

- 10.7 SHIRE OF TOODYAY LOCAL PLANNING SCHEME
NO. 4 AMENDMENT NO. 3 - FOR FINAL APPROVAL

- 10.8 TOWN OF PORT HEDLAND LOCAL PLANNING
SCHEME AMENDMENT NO.53 - FOR FINAL
APPROVAL

- 10.9 SHIRE OF WILUNA LOCAL PLANNING STRATEGY
AND LOCAL PLANNING SCHEME NO.2 - FOR
FINAL APPROVAL

- 10.10 SHIRE OF WYALKATCHEM LOCAL PLANNING
STRATEGY AND LOCAL PLANNING SCHEME NO.4
– FOR FINAL APPROVAL

G DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA

- 10.11 DEVELOPMENT APPROVAL TO CONSTRUCT
ANCILLARY DWELLING – LOT 7 MOTTRAM ROAD,
CARMEL

ITEM NO: 9.1

ADOPTION OF AMENDMENT 2 OF THE EAST WANNEROO CELL 9 - EAST LANDSDALE LOCAL STRUCTURE PLAN NO. 57

WAPC OR COMMITTEE: **Statutory Planning Committee**

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Senior Planning Officer, Metro Planning North West
AUTHORISING OFFICER: Acting Director, Metro Planning North West
AGENDA PART: C
FILE NO: SPN/0124, SPN/0124M-1
DATE: 14 January 2013
ATTACHMENT(S): 1) East Landsdale Local Structure Plan No. 57
2) Location Plan
3) Amendment 2 (Structure Plan)
4) School Oval Plan
REGION SCHEME ZONING: Urban
LOCAL GOVERNMENT: City of Wanneroo
LOCAL SCHEME ZONING: Urban Development
LGA RECOMMENDATION(S): Adoption
REGION DESCRIPTOR: North West
APPLICATION TYPE: Structure Plan

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. adopt proposed Amendment 2 to the East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57;***
- 2. advise the City of Wanneroo of its decision accordingly.***

SUMMARY:

In December 2012, the Western Australian Planning Commission (WAPC) resolved to defer consideration of the proposed East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57 (LSP 57), pending further information on the potential impact of residential density on radiofrequency interference (RFI) with Perth International Telecommunications Centre (PITC). The report to the WAPC included the:

-
- Adoption of LSP 57 (subject to modifications relating to road connections and commercial design);
 - Proposed Amendment 2 to LSP 57 (to redistribute an area of public open space adjacent to a planned school site); and
 - Proposed Amendment 3 to LSP 57 (to increase the density of a portion of the Structure Plan area from R20 to R30).

Landowners abutting the proposed Amendment 2 area have requested the WAPC to consider Amendment 2 separate from Amendment 3, as they consider that the issues associated with the potential impact of increased density on PITC (proposed Amendment 3) do not relate to Amendment 2 and that the deferral will delay the development of their property. The purpose of this report is to seek WAPC determination with respect to Amendment 2.

BACKGROUND:

Proposed LSP 57 (**Attachment 1**) was adopted by the Western Australian Planning Commission (WAPC), subject to modifications, in August 2010. In September 2012, the City of Wanneroo (City) forwarded LSP 57 to the WAPC for certification and two proposed amendments to LSP 57 (Amendments 2 and 3) to the WAPC for adoption.

In December 2012, the Statutory Planning Committee, on behalf of the WAPC, resolved as follows:

That the Western Australian Planning Commission resolves to defer this item to enable further information to be provided to the Statutory Planning Committee in respect of Amendment 3 to the East Wanneroo Cell 9; and that discussions be held between the City of Wanneroo, Telstra and the Department of Planning.

Landowners directly to the south of the land affected by proposed Amendment 2 (Lot 161 Landsdale Road - refer **Attachment 2**) have requested that the WAPC consider Amendment 2 separate from Amendment 3 as they are of the view that the issues associated with the potential impact of increased density on PITC do not relate to Amendment 2. In order to facilitate the changes proposed by Amendment 2, it is recommended that the amendment be considered separately from Amendment 3.

Consideration of residential density allocation and the potential impact on the PITC will be undertaken as part of the consideration of proposed Amendment 3 which is currently being investigated in consultation with the City of Wanneroo and Telstra.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 5 Local Planning Schemes

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Develop Integrated Infrastructure and Land Use Plans.

Policy

Number and/or Name:

Liveable Neighbourhoods

DETAILS:

Proposed Amendment 2 was submitted by planning consultants, Greg Rowe and Associates on behalf of the landowners of Lot 165 Kingsway and proposes to:

- modify the road layout by moving a 200m length of road reserve from Lot 165 Kingsway to Lot 164 Kingsway;
- rezone a 5017m² portion of Lot 165 Kingsway from Public Open Space (POS) to Residential R20/30; and
- rezone a 1,049m² portion of Lot 163 Kingsway from Residential R20/30 to POS.

The Amendment 2 subject site is identified on **Attachment 2** and the proposed structure plan map for this area is attached as **Attachment 3**.

Planning consultants, MGA Town Planners acting on behalf of the owners of Lot 161, have advised that residential development of their land is dependent on a sewer connection through Lot 164, along the north south road realignment proposed by Amendment 2 and that the development of Lot 161 would be delayed until such time as Amendment 2 is adopted by the WAPC.

GOVERNMENT AND CORPORATE IMPLICATIONS:

N/A

CONSULTATION:

Proposed Amendment 2

The City advertised an initial proposal to the public for 42 days which closed in August 2011. Eighteen submissions supported the proposed amendment, with the landowner of Lot 164 raising questions about the implications of the amendment on developer contribution arrangements.

A revised proposal (**Attachment 4**) was submitted to the WAPC and was supported by the landowners of Lot 164 and 165 and the Department of Education. The City referred the proposal to the landowner of Lot 163 which is subject to an increased POS area, but no response was received.

OFFICER'S COMMENTS:

Amendment 2 proposes to modify the configuration of the public open space (POS) which is co-located with a primary school site to the east of the structure plan area. The applicant advises that the purpose of the proposed amendment is to allow the subdivision of a homestead lot from Lot 165, with the balance of the lot to be POS. The 5017m² homestead lot would ultimately have capacity for subdivision into ten R20/30 residential lots.

The proposal has been advertised and negotiated between the affected landowners of Lot 164 and 165 and the Department of Education (DoE), as the DoE has an interest in the co-location of the subject POS area with the primary school site. The parties have agreed to the proposed amendment as submitted to the WAPC. Under *Liveable Neighbourhoods*, POS that is co-located with a school site is to be designed as and able to be developed as playing fields. The applicant and DoE have prepared and agreed on a school layout which demonstrates that a primary school oval can be developed on the POS area and that this would not be affected by the proposed homestead lot.

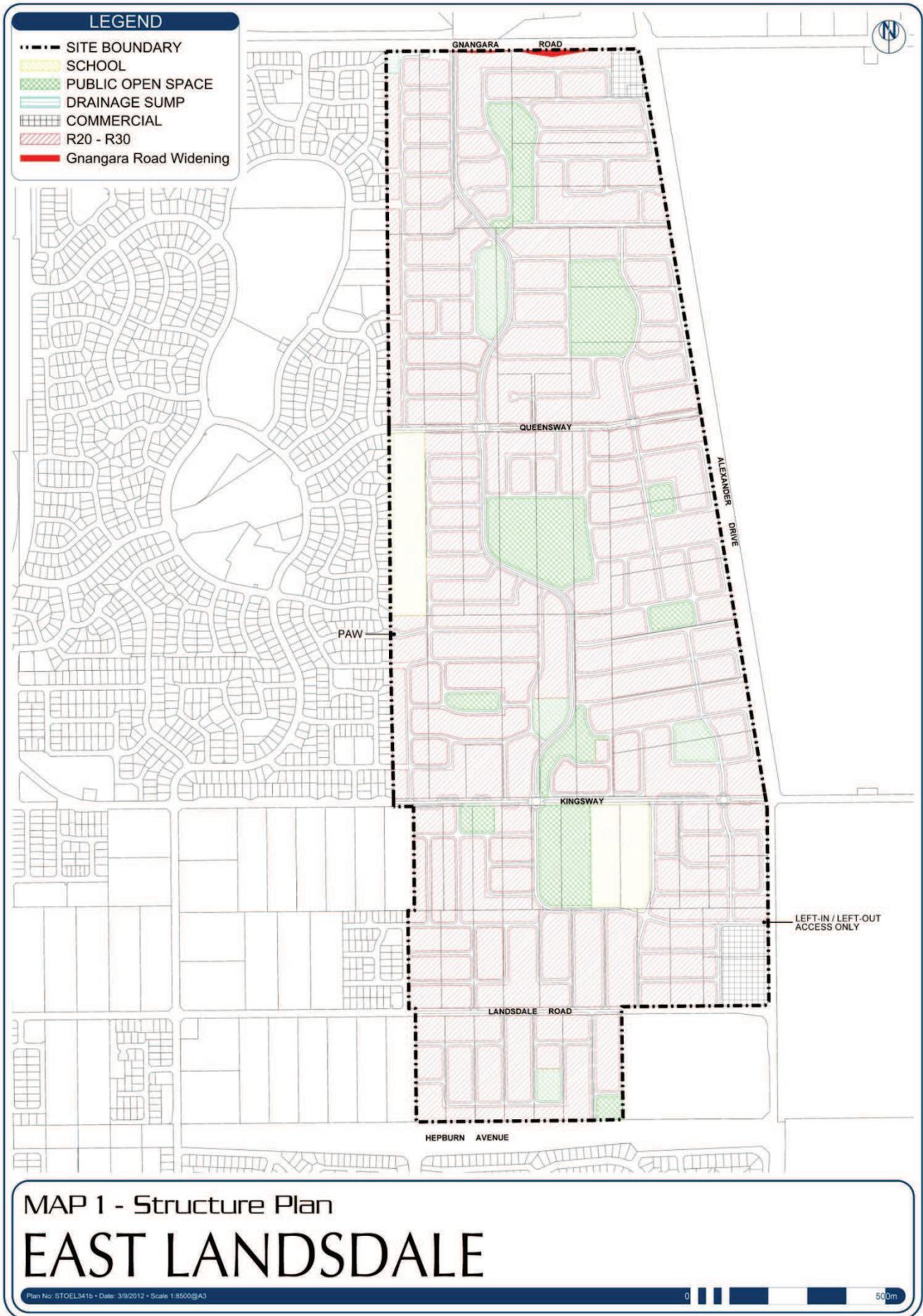
The City also notified the landowners of Lot 163, which will be affected by the proposal due to an increased portion of POS (1049m²) on their land under the amendment. In terms of proposed Amendment 2, Lot 163 would be required to give up 4854m² of POS, with the balance of 1.55ha to remain within the Residential R20/R30 zone. LSP 57 is subject to a developer contribution scheme whereby each landowner is required to contribute the required 10% POS by land or by monetary contribution at subdivision stage. The provision of POS in excess of 10% by Lot 163 will be compensated in accordance the developer contribution plan for the LSP 57 area.

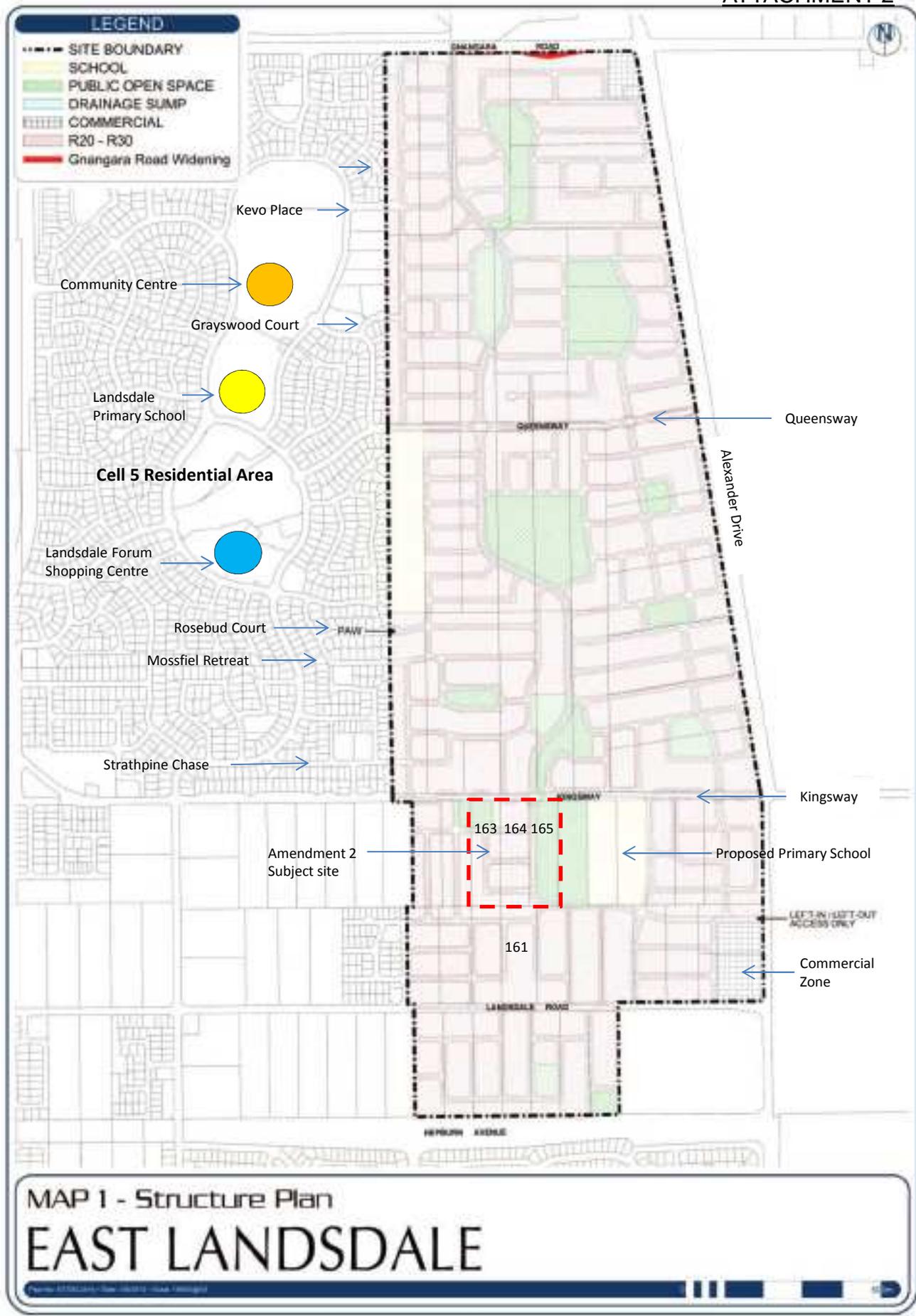
The proposed amendment provides the rationalisation of land uses taking into account existing development, and will facilitate the acquisition and development of the school site and associated playing fields. The resultant design outcome is considered acceptable in the context of *Liveable Neighbourhoods*. Based on this, the proposed amendment is supported.

CONCLUSION

Proposed Amendment 2 provides for the rationalisation of land uses taking into account existing development, and will facilitate the acquisition and development of the school site and associated playing fields. Accordingly, the proposed amendment is supported and it is recommended that the proposed LSP 57 be modified to include changes to the road network and land use arrangements as shown on Amendment 2.

A broader review of the potential impact of development within the structure plan area on the PITC will be undertaken as part of the future consideration of proposed amendment 3. In the meantime, the adoption of the amendment will provide certainty with respect to structural elements which do not affect the PITC.







EXISTING STRUCTURE PLAN



PROPOSED STRUCTURE PLAN

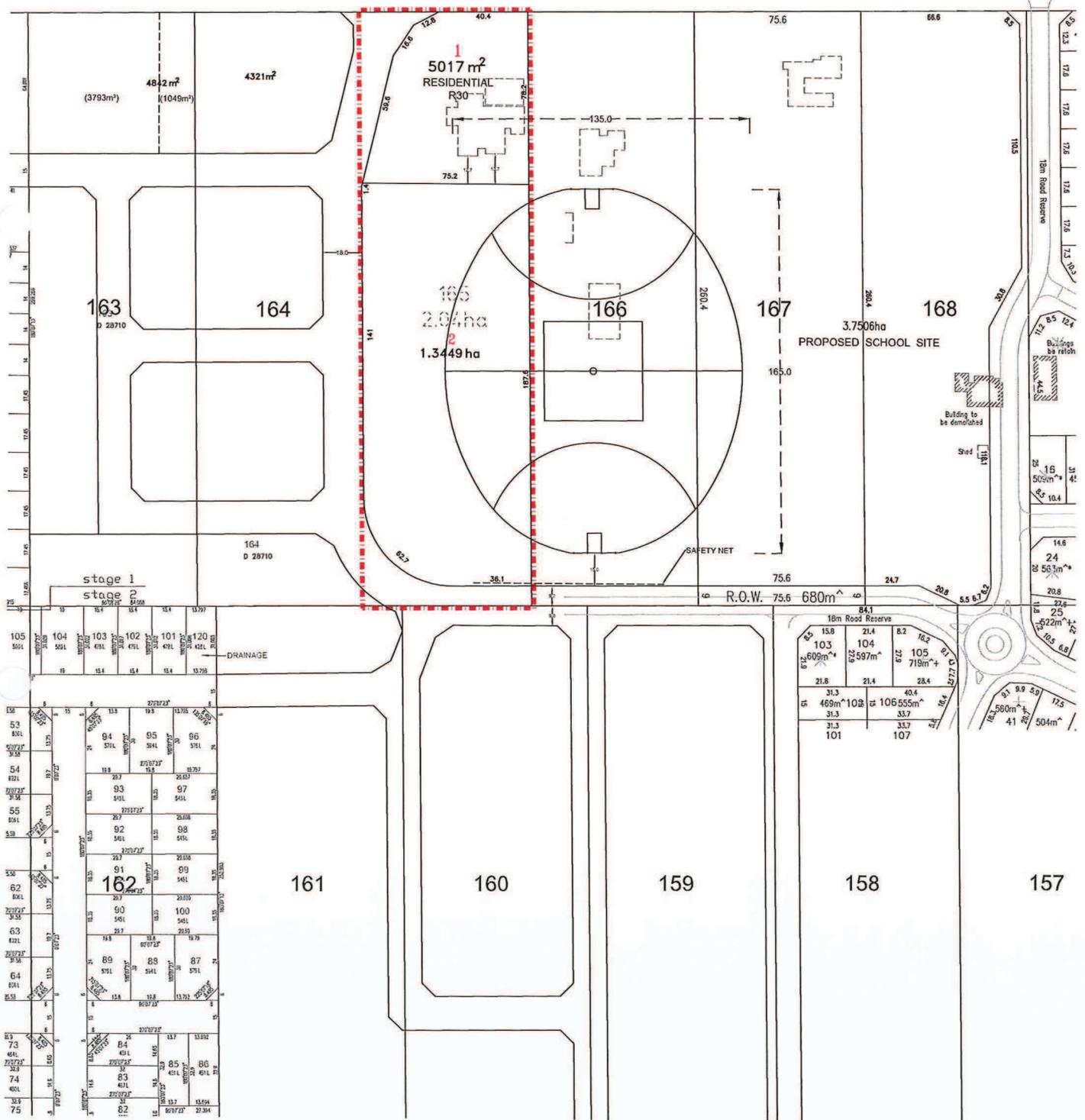
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KINGSWAY



ITEM NO: 9.2

APPROVAL FOR CONCRETE BATCHING PLANT - HESTER AVENUE, NEERABUP, CITY OF WANNEROO

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Senior Planning Officer, Metro Planning North West
AUTHORISING OFFICER: Acting Director, Metro Planning North West
AGENDA PART: G
FILE NO: 30-50072-3
DATE: 14 January 2013
ATTACHMENT(S): 1) Site Plan
2) Site Photograph
3) Local Zoning Plan
4) Aerial Photograph
5) Access Incursions
REGION SCHEME ZONING: Parks and Recreation reserve
LOCAL GOVERNMENT: City of Wanneroo
LOCAL SCHEME ZONING: Regional Parks and Recreation reserve
LGA RECOMMENDATION(S): Refusal
REGION DESCRIPTOR: Northwest Corridor
RECEIPT DATE: 27 August 2012
APPLICATION TYPE: Development
CADASTRAL REFERENCE: Lot 12476 Hester Avenue, Neerabup

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the proposed concrete batching plant at Lot 12476 Hester Avenue, Neerabup, subject to the following conditions:

CONDITIONS:

- 1. The approval being granted for five (5) years expiring on 23 June 2018.***
- 2. The preparation and approval of a decommissioning and rehabilitation plan 6 months prior to the expiry of this approval to the specifications of the Department of Regional Development and Lands in consultation with the Department of Environment and Conservation.
(Regional Development and Lands)***

-
3. ***Following the expiry of planning approval the concrete batching plant shall be removed from the site at the owner's expense and the site rehabilitated in accordance with the approved decommissioning and rehabilitation plan prepared for the site. (Regional Development and Lands)***
 4. ***Dust mitigation measures being used to minimise dust nuisance to neighbours and surrounding land uses. (Local Government)***
 5. ***The existing crossovers for the concrete batching plant being maintained to the specification of the City of Wanneroo and Main Roads Western Australia. (Local Government, Main Roads)***
 6. ***All drainage to be contained on site.***

SUMMARY:

An application has been received for development approval for an existing concrete batching plant located within a Metropolitan Region Scheme Parks and Recreation reserve at Lot 12476 Hester Avenue, Neerabup. The development was initially approved on appeal to the Minister for Planning in 1993 and has subsequently received ongoing 5 year approvals. The basis for the Minister's approval was the co-location of the batching plant with an adjacent quarry and landfill site. At present the quarry and landfill continue to operate and it is estimated that it will continue to operate for a further 10 years.

A further five year approval is recommended to align with the renewal of an environmental licence for an adjacent landfill operation and to allow for the periodic review of the development. A number of conditions of approval are recommended to provide measures to mitigate impacts on adjoining land and to ensure the site is rehabilitated to facilitate the ultimate use of the site consistent with its reservation for Parks and Recreation.

The City of Wanneroo has resolved to refuse the proposal on the basis that it is inconsistent with the Parks and Recreation reserve. Given that the Department's recommendation is at variance from the City's, the item is presented to the WAPC for determination.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 4 Region Planning Schemes,
Part 10 Subdivision and Development Control

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Implement State and Regional Planning priorities

Policy

Number and / or Name: State Planning Policy 4.1: State Industrial Buffer Policy
Development Control Policy 5.3: Use of Land Reserved
Park and Recreation and Regional Open Space

INTRODUCTION:

Proposal and Site Description

An application has been received for development approval for a concrete batching plant at Crown Lot 12476 Hester Avenue, Neerabup (**Attachment 1**). The development comprises a batching plant, aggregate storage bins, cement silos, washout facilities, bore, cabin, mess and ablutions (**Attachment 2 - Site Photograph**).

The subject site is reserved Parks and Recreation under the Metropolitan Region Scheme (MRS) and Regional Parks and Recreation under the City of Wanneroo (City) District Planning Scheme No. 2 (**Attachment 3 - Local Zoning Plan**). Hester Avenue is reserved as an Other Regional Road.

The subject site is 5220m² in area and is accessed from Hester Avenue. The access driveway traverses unallocated Crown land and deviates into the Mitchell Freeway reserve. An alternative access is also available via Hall Road to the south, which intersects with Wanneroo Road (**Attachment 4 - Aerial Photograph**). Both access roads traverse Bush Forever areas.

Adjacent Crown Lot 11533 is also zoned Parks and Recreation in the MRS and is currently being used for limestone extraction and crushing and for inorganic landfill.

Background

In July 1993, the Minister for Planning upheld an appeal against a Western Australian Planning Commission (WAPC) refusal (WAPC Ref 30-1547-3) to develop the subject concrete batching plant. The Minister granted approval for the concrete batching plant for a period of 5 years, after which a further approval would be required from the WAPC. The Minister's decision was based on the fact that the proposed batching plant was situated within an approved quarry area and that relevant approvals had been granted by the Department of Mines, Department of Land Administration, the Environmental Protection Authority and the Department of Conservation and Land Management. The concrete batching plant was subsequently granted 5 year re-approvals by the WAPC in 1998, 2003 and 2007.

The quarry site has operated on Crown Lot 11533 since the 1970's. A mining lease for 'mining operations' has been extended to 2034 by the Department of Mines and Petroleum, which includes the extraction of limestone but does not include concrete batching. A licence to operate the landfill and limestone crushing was also issued by the Department of Conservation and Land Management in 1995 for a period of two years. The licence was renewed in 2011 and is now valid until June 2016.

A development application under the MRS was lodged for extractive industry and inorganic landfill in 1998. The landfill proposed to fill in the quarried area primarily with sand and rock excavated from house construction sites to the west of the subject site. The applicant for the landfill operation estimated in 1998 that the lifespan of the operation would be approximately 20-25 years. The WAPC approved the development application for a period of 5 years, expiring in 2003. Further approval has not been received to extend the landfill and extractive industry and the proponent has been notified accordingly.

The following table summarises the various approvals for the site.

Approval/Licence	Expiry
Development Application - Concrete Batching Plant	2013
Special Crown Lease - Concrete Batching Plant	2013
Licence - Landfill and Limestone Crushing	2016
Development Application - Landfill and Limestone Crushing	2003
Mining Lease - Limestone and Sand Extraction	2034

CONSULTATION:

The application under the MRS was forwarded to the WAPC by the City which subsequently resolved not to support the proposal due to the following reasons:

- The proposal is inconsistent with the MRS Parks and Recreation reserve;
- The proposal is inconsistent with the provisions of the City of Wanneroo District Planning Scheme No. 2 (DPS 2) relating to the setting of the development and amenity of the locality; and
- The proposal would be more appropriately located in the Neerabup Industrial Area.

The City has provided draft conditions to be imposed in case the WAPC approves the proposal.

The application was also referred by the WAPC to the following State Government agencies as detailed below.

The Department of Environment and Conservation (DEC) advised that the concrete batching plant is regulated under the *Environmental Protection Act 1986* and the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998*. The DEC also advised that very few complaints have been received on the operation of the plant over the years.

The Department of Mines and Petroleum (DMP) makes no objection to the proposal and advised that a mining lease has recently been granted until May 2034. The concrete batching plant site is within the lease area, however the DMP advise that it would not be regarded as a mining operation and is therefore not covered by the approved mining lease.

The Department of Regional Development and Lands (DRDL) advised that there is currently a lease arrangement between BGC Contracting Pty Ltd and the State of

Western Australia for the purpose of a concrete batching plant and that this lease expires in June 2013.

Main Roads advised that their preference is for the southern access road (Hall Road) to be used for access in order to allow the resolution of northern access incursions into the Mitchell Freeway reserve. Main Roads also advised that the resolution of the incursions may be undertaken separately from the development approval as part of the ongoing design and construction of the Mitchell Freeway extension.

OFFICER COMMENTS:

Metropolitan Region Scheme

Clause 30 of the MRS requires the WAPC to have regard to the following factors when determining a development application:

- the purpose for which the land is zoned or reserved under the MRS;
- the orderly and proper planning of the locality; and
- the preservation of the amenities of the locality.

Although the use of land for a concrete batching is inconsistent with the purpose of the Parks and Recreation reserve, the use was approved by the Minister in 1993 on the basis that it was co-located with an adjacent quarry site. Given that the quarry site and batching plant are still operating, the rationale for the original approval remains until such time as the quarry has been filled and rehabilitated.

It is recommended that appropriate conditions be imposed to mitigate the potential impacts of the use on the surrounding area and to ensure the preparation of a decommissioning and rehabilitation plan for the batching plant prior to the expiry of a planning approval. This is to ensure that once the quarry and batching plant sites are removed the site is rehabilitated back to a natural state in accordance with the Parks and Recreation reservation.

Crown Lease Arrangements

DRDL advised that, at the time the concrete batching plant is decommissioned, a 'removal of expired term lease' process must be undertaken to remove the lease from the lease register. Following this, the management of the land would be transferred to DRDL for an interim period until the future use of the land was determined and an appropriate management authority assigned. DRDL advise that DEC is the most likely management authority given that the site was surrounded by National Park.

DRDL has confirmed that, as the initial management authority, it would be prepared to be the clearing authority for the decommissioning and rehabilitation plan. Given that site is adjacent to a national park, it is appropriate for the rehabilitation plan to be prepared in consultation with the DEC.

Approval Timeframe

In accordance with rationale for the approval, the lifespan of the quarry and landfill will dictate the lifespan of the concrete batching plant. A site inspection has confirmed that the quarry and landfill are both currently operational with inert fill including sand, stone, builders rubble, steel, concrete and plastics being dumped and

compacted. Over 90% of the site has been quarried of which about 60% has been filled and rehabilitated over the 15 years since the landfill operation commenced. Based on this trend and given the ongoing need to deposit inert fill from residential construction, it is estimated that the quarry and landfill may operate approximately for a further 10 years (ending 2023). This is consistent with the estimate provided in the initial development application for the landfill.

The applicant initially requested that a 21 year approval be granted in line with the mining lease over the site. However, this is not relevant as concrete batching does not constitute a mining operation.

Previous approvals granted by the WAPC have been in 5 year increments, and DEC licencing requirements for the landfill operations require renewal every 5 years. Accordingly, it is recommended that a five year approval be granted. The applicant has agreed to a 5 year approval timeframe, provided this is commenced from the expiry of the current approval, being 23 June 2013. This will not materially affect the periodic review of the development and will align with DEC licencing requirements, therefore is supported.

Access

The subject site is currently accessed via a sealed road connecting to the Hester Avenue Other Regional Roads reserve and no objections have been received from the Department of Planning's Infrastructure and Land Use Coordination branch or the City to the continued use of this access' subject to conditions.

Main Roads advised that the access road incursions into the Mitchell Freeway Primary Regional Roads reserve (**Attachment 5**) would be subject to the design and construction of the Mitchell Freeway and further discussion with the proponent of the concrete batching plant in relation to the relocation of the access road, if required.

Main Roads advised that at this stage its preference is for Hall Road to be used as a southern access point, connecting to Wanneroo Road. The applicant has no objection to the use of Hall Road on the proviso that the Hester Road access not be closed or altered as part of the planning approval. Currently, Hester Avenue is the primary access point for the batching plant and it is recommended that this be maintained unless required for the construction of the Mitchell Freeway, in which case Hall Road may be used.

Main Roads and the applicant have confirmed that the resolution of any issues associated with the access incursions can be addressed separately from the planning approval process. Conditions of approval are recommended to ensure that both access points are maintained to a standard acceptable to the relevant authority.

CONCLUSION:

The approval of the existing concrete batching plant is considered appropriate as it is co-located with the ongoing operation of the adjacent quarry and landfill operation.

In terms of the requirements of Clause 30 of the MRS, the proposal is not considered consistent with purpose of the Parks and Recreation reserve. However the ongoing

use of the land for a concrete batching plant is considered orderly planning given previous determinations of the WAPC and Minister. Appropriate approval conditions would ensure that the effect on the amenity of the surrounding area is mitigated and ultimately the site rehabilitated to allow land use consistent with the reservation.

Based on previous determinations of the WAPC and to align with environmental licencing processes, it is recommended that the application be conditionally approved for five years.





Development Application 30-50072-3 (MGA ref 380096mE 6494948mN Zone 50)

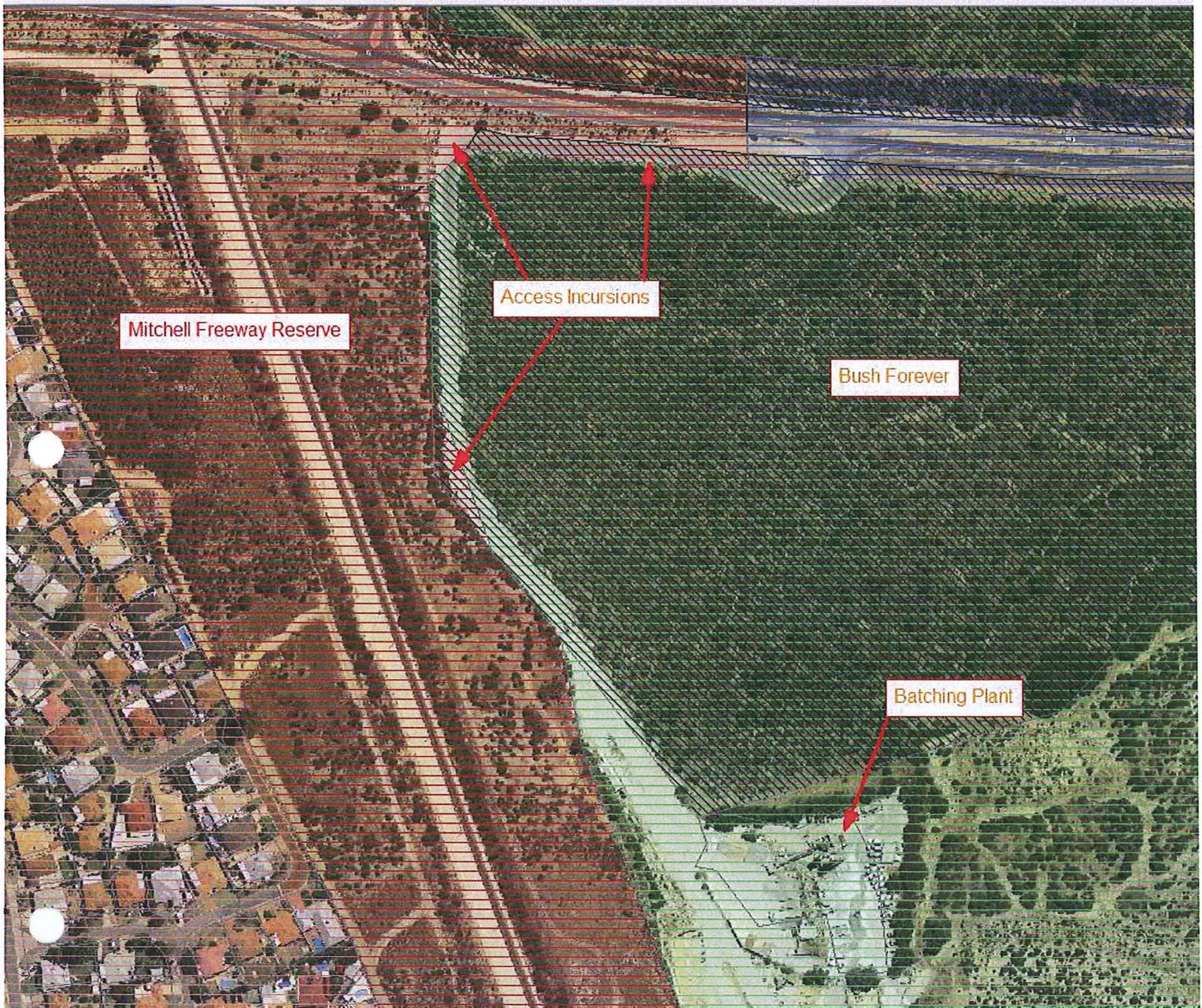
~~This data is to be used for the processing of subdivision applications only.~~

- APPROX LOCATION OF APPLICATION
- DEVELOPMENT APPLICATION
- PRIMARY REGIONAL ROADS
- OTHER REGIONAL ROADS
- PARKS & RECREATION
- RAILWAYS
- CADASTRAL BOUNDARY
- WESTNET ENERGY GAS PIPELINE
- BUSH FOREVER 2000 SITES
- R CODE BOUNDARY
- RESIDENTIAL
- PARKS AND RECREATION
- URBAN DEVELOPMENT

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Access Incursions



ITEM NO: 9.3

DEVELOPMENT OF LIMESTONE EXTRACTIVE INDUSTRY - LOT 52 NOWERGUP ROAD, NOWERGUP, CITY OF WANNEROO

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Senior Planning Officer
AUTHORISING OFFICER: Acting Director, Metro Planning North West
AGENDA PART: G
FILE NO: 30-50281-1
DATE: 7 January 2013
ATTACHMENT(S): 1 - Proposed Site Plan
2 - Aerial Site Plan
3 - MRS Zoning Plan
4 - DPS 2 Zoning Plan
5 - SPP 2.4 Basic Raw Materials Mapping
6 - Neighbouring Premises Plan

REGION SCHEME ZONING: MRS: Rural
LOCAL GOVERNMENT: City of Wanneroo
LOCAL SCHEME ZONING: Rural Resource
LGA RECOMMENDATION(S): N/A
REGION DESCRIPTOR: Perth Metro North West
RECEIPT DATE: 30 May 2012
PROCESS DAYS: 62
APPLICATION TYPE: Development
CADASTRAL REFERENCE: Lot 52 Nowergup Road, Nowergup

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for approval to commence development for a limestone extractive industry at Lot 52 Nowergup Road, Nowergup, subject to the following conditions and advice:

CONDITIONS:

- 1. This approval relates to the attached site plan, date stamped 4 January 2013, by the Department of Planning on behalf of the Western Australian Planning Commission.***
- 2. The Western Australian Planning Commission's approval is granted for a period of ten years from the date of this approval.***

-
3. ***The final excavation boundary is to be determined to the specification of the Department of Environment and Conservation and to the satisfaction of the Western Australian Planning Commission.***
 4. ***All development to be carried out in accordance with a noise management plan which is to be agreed and implemented to the specifications of the Department of Environment and Conservation and to the satisfaction of the Western Australian Planning Commission.***
 5. ***A Rehabilitation Management Plan is to be prepared to the specification of the City of Wanneroo and to the satisfaction of the Western Australian Planning Commission.***

ADVICE:

1. ***All development must comply with the provisions of the City of Wanneroo District Planning Scheme No.2, Health Regulations, Building Code of Australia, Public Building Regulations and all other relevant Acts, Regulations and Local Laws.***
2. ***The Department of Environment and Conservation (DEC) advises the following:***
 - i) ***with regard to Condition 3, as it is possible that the subject land contains occurrences of the Threatened Ecological Community (TEC) type 26a - Melaleuca huegelii - Melaleuca acerosa shrublands on limestone ridges, the area in question is to be resurveyed to verify the presence of the potential TEC. In the event that the vegetation unit is confirmed as a TEC, DEC requires that the extraction area be modified to avoid the area in question;***
 - ii) ***clearing of vegetation associated with the proposed development will require a clearing permit application to be submitted to the DEC;***
 - iii) ***clearing of the vegetation identified as Tuart (Eucalyptus gomphocephala) will result in a loss of habitat for the Carnaby's Black Cockatoos, a threatened species listed under the federal Environmental Protection and Biodiversity Conservation (EPBC) Act (1999). DEC recommends that a survey of all proposed areas to be cleared for the presence of any trees that are nesting or roosting sites for Black Cockatoos. All potential habitat trees should be protected wherever possible and measures put in place to avoid impacts on the threatened species. It is also recommended that the proposed development be referred to the Commonwealth Department of Sustainability, Environment, Water, Populations and Communities for assessment under the EPBC Act.***

SUMMARY:

The application seeks approval for the development of a limestone extractive industry on Lot 52 Nowergup Road, Nowergup. The application has been referred to the Western Australian Planning Commission (WAPC) for determination in accordance

with Clause 32 (No. 2) of the Metropolitan Region Scheme (MRS) for extractive industry applications on land zoned 'Rural' under the MRS.

There has been a high level of public interest in respect of the proposed development and more generally in relation to raw material extraction in the Carabooda-Nowergup locality. The City of Wanneroo has not provided the WAPC with its recommendation in respect of the application as it intends to refer the application to the Council at its meeting in February 2013.

It is recommended that the application be conditionally approved as it is considered to be consistent with the provisions of the Metropolitan Region Scheme, State Planning Policy 2.4 '*Basic Raw Materials*', the North-West Corridor Structure Plan and the Future of East Wanneroo Strategy.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Planning and Development Act 2005
Metropolitan Region Scheme
Section: Part 10, Planning and Development Act 2005
Clause 30 and 32, Metropolitan Region Scheme

Strategic Plan

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

Policy

Number and / or Name: State Planning Policy 1: State Planning Framework Policy
State Planning Policy 2.4: Basic Raw Materials
WAPC Development Control Policy 1.2: Development Control - General Principles
North-West Corridor Structure Plan
The Future of East Wanneroo Strategy

INTRODUCTION:

The application has been submitted by Lime Industries and seeks approval for the development of a limestone extractive industry on Lot 52 Nowergup Road, Nowergup (**Attachment 1 - Proposed Site Plan**).

The Department of Environment and Conservation (DEC) has advised that Lime Industries (and its predecessors) have been licensed to undertake cement and lime manufacturing on the site since 1967, however, the site has been non-operational or in a state of 'care and maintenance' since 2001, which has been confirmed by the City of Wanneroo (City). It is to be noted that neither the City nor the WAPC has issued development approval for the previous limestone extraction operations on the site.

The DEC has further advised that it received a license renewal application from Lime Industries in August 2011. Based on the advice from the City of Wanneroo that the City has not issued development approval for lime manufacturing or an extractive industry licence for the site since activities began on the site in the 1920s, the DEC

has advised that it does not intend to complete its assessment of the license application until such time as Lime Industries obtains the necessary planning approvals from the City and the WAPC.

The site comprises 21 hectares of land located to the east of Wanneroo Road and contains five pot kilns and two shaft kilns built into a limestone escarpment; a processing feed and storage plant; a small office and residence; two limestone quarries; and a fenced machinery compound (**Attachment 2 - Aerial Site Plan**). Access to the site is achieved from Nowergup Road which is located to the north.

It is proposed that limestone extraction will comprise of three stages as shown at **Attachment 1**. The applicant has indicated that the estimated timing for each of the stages is as follows:

- Stage 1: 2012 - 2014
- Stage 2: 2014 - 2019
- Stage 3: 2019 - 2022

The limestone will be extracted through ripping and will then be transported to a mobile crushing and screening unit located on the floor of the pit within Stage 1. Crushed and screened material will then be blended/stockpiled for despatch. In addition to the limestone extraction operations, the application is seeking approval to conduct staff training relating to operating earthmoving equipment on the site.

The subject land is zoned 'Rural' in the Metropolitan Region Scheme (MRS) and is zoned 'Rural Resource' under the City of Wanneroo District Planning Scheme No. 2 (DPS 2) (**Attachment 3 - MRS Zoning Plan, Attachment 4 - DPS 2 Zoning Plan**).

The application has been referred to the WAPC for determination in accordance with Clause 32 (No. 2) of the MRS for extractive industry applications on land zoned 'Rural' under the MRS. Notwithstanding the requirement for the WAPC to make a determination of the application under the MRS, it should be noted that a separate determination of the application by the City is also required under the provisions of its DPS 2.

CONSULTATION:

Clause 29(3) of the MRS requires that when a local authority forwards an application to the WAPC, the local authority may, within 42 days of the date of receipt (or such period as the WAPC may allow), make recommendations for consideration by the WAPC in respect of such an application. In this regard, the City to date, has not provided the WAPC with any such recommendation within the prescribed period. The City has advised that it is yet to determine the application under DPS 2 and that it intends the application to be referred to the Council at its meeting in February 2013. As required by DPS 2, the City has advertised the application and has advised that a total of 198 submissions were received. The City has forwarded a copy of all of the received submissions to the Department of Planning and the issues raised are discussed later in this report.

The application was referred by the WAPC to the DEC, the Department of Mines and Petroleum, the Department of Water and Main Roads Western Australia for comment. No objections were received by these referral agencies.

COMMENTS:

State Planning Policy 2.4 'Basic Raw Materials'

The WAPC's State Planning Policy 2.4 (SPP 2.4) '*Basic Raw Materials*' sets out the matters which are to be taken into account and given effect to by the WAPC and local governments in considering zoning, subdivision and development applications for extractive industries.

One of the objectives of SPP 2.4 is to '*protect Priority Resource Locations, Key Extraction Areas and Extraction Areas from being developed for incompatible land uses which could limit future exploitation*'.

SPP 2.4 identifies the subject land as a Priority Resource Location (**Attachment 5 - SPP 2.4 Basic Raw Materials Mapping**). A Priority Resource Location is a location of regionally significant resources which should be recognised for future basic raw materials extraction and not be constrained by incompatible uses or development. SPP 2.4 provides that before determining an application for an extractive industry operation, the WAPC should consider '*the significance of the resource in terms of its positioning in a priority resource location, key extraction area or extraction area*'.

Clause 6.4.1 of SPP 2.4 also requires applications for extractive industry operations to be accompanied by a management plan and report which:

- demonstrates that sensitive land uses within 1,000m of the proposal will not be adversely affected by the extractive industry operations;
- identifies appropriate buffer distances to buffer the impact of operations to adjacent land uses;
- provide details of the proposed use, development and management of a site;
- describes arrangements for vehicular access to a site and likely traffic flows; and
- sets out proposals for the progressive and ultimate rehabilitation of the site for its intended long-term use.

The Environmental Management Plan (EMP) accompanying the application is generally consistent with the above requirements with the exception of demonstrating that sensitive land uses will not be adversely affected by the future operations. The EMP utilises the Environmental Protection Authority's (EPA's) Guidance Statement No. 3 '*Separation Distances Between Industrial and Sensitive Land Uses*' (2005), which identifies a generic 300-500m buffer distance for limestone extraction depending on the size of the operations. However, the Guidance Statement recognises that each proposed operation can be assessed on a case-by-case basis based on site specific details being provided as to the likely impacts to surrounding sensitive land uses.

The EMP identifies that a total of six sensitive receptors (dwellings along Gibbs Road) are located within the minimum 300m generic buffer from the proposed

extraction area and that the main potential disturbance factor is noise (**Attachment 6 - Neighbouring Premises Plan**). Having regard to the above, a site specific noise assessment was undertaken and in response to concerns raised by DEC relating to noise emission levels at the nearest noise sensitive premises, this was subsequently revised to incorporate a number of operational changes in order to reduce and mitigate the predicted noise emission levels. This included the relocation of the crushing and screening plant to the lowest point in the quarry and the addition of bunding around the crushing and screening equipment. The DEC has advised that if designed and managed properly, noise emissions from the proposed limestone extraction operations may comply with the assigned noise levels at all of the closest sensitive premises.

Therefore, although the proposal does not fully meet the objective of the SPP in regard to sensitive land uses within 1,000m of the proposal, it has been demonstrated that the proposal could be capable of complying with the EPA's Guidance Statement No. 3 for the purposes of considering the impact of the operations on surrounding noise sensitive premises. When having regard to the subject land being identified as a Priority Resource Location, which the SPP states should be recognised for future basic raw materials extraction and not be constrained by incompatible uses or development; and in view of the above discussion relating to the impact of the proposed operations on surrounding sensitive land uses, the application can be supported under the SPP.

Review of SPP 2.4

The Department of Planning (Department) is currently conducting a review of SPP 2.4 and the Department of Mines and Petroleum (DMP) has produced a new series of science based mapping to assist the review. The DMP mapping highlights quality limestone resource in the Nowergup locality which is a Regionally Significant Geological Supply node. The Department is also involved in undertaking a Strategic Assessment of the Perth and Peel Regions which is being led by the Department of Premier and Cabinet. The Strategic Assessment considers Matters of National Environmental Significance under the Federal Government's Environmental Protection and Biodiversity Conservation Act. The Strategic Assessment will also inform the review of SPP 2.4. The Strategic Assessment process has identified potential conflicts between the limestone resource and environmental values in the Nowergup locality and is examining potential measures to address this conflict.

North-West Corridor Structure Plan

The North-West Corridor Structure Plan (1992) identifies the subject land within the 'Basic Raw Materials' zone. The Structure Plan identifies the areas of Neerabup and Nowergup north of Flynn Drive as a primary resource area for limestone and recommends that these be protected from urbanisation until such time as the resource has been extracted.

The proposed development is, therefore, considered to be consistent with this recommendation of the Structure Plan.

The Future of East Wanneroo Strategy

The Future of East Wanneroo Strategy (Strategy) was prepared by the WAPC in August 2007 and identifies the subject land within the 'Rural' zone. The Strategy recommends that the north-east portion of Carabooda/Nowergup (in which the subject land is located) remains in the 'Rural' zone and available for the protection of the significant deposits of sand and limestone in the area. The objectives for the planning and use of these sand and limestone resources are outlined in SPP 2.4. The proposed development is therefore consistent with this recommendation of the Strategy.

The Strategy also identifies the subject land within an area which has been identified for special uses and rural living subdivision to take advantage of the Wanneroo Road frontage and high traffic volume. The Strategy advises that the extent of areas suitable for special uses and rural living subdivision needs to be investigated and that any future changes to the City's DPS2 should be subject to the preparation of a local structure plan.

In this regard, on the 11 December 2012, the City adopted proposed Scheme Amendment No. 121 to introduce a new zone titled 'Landscape Enhancement' zone and rezone parts of Carabooda and Nowergup from 'Rural Resource' and 'General Rural' to 'Landscape Enhancement'. Proposed Amendment No. 121 replaces the previously proposed Amendment No. 108 which was refused by the Minister for Planning on the basis that it was contrary to SPP 2.4 as it included Priority Resource Locations within the Landscape Enhancement zone which would have affected the extraction of raw materials at this location. As a result, the area proposed to be zoned 'Landscape Enhancement' in proposed Amendment No. 121 is geographically smaller than the area that was previously proposed to be rezoned by Amendment No. 108, due to the exclusion of the State Government's designated priority resource areas and applying a 300m separation distance from those areas. The subject site and the immediate surrounding land is therefore not affected by the proposed 'Landscape Enhancement' Zone.

The proposed Amendment is yet to be considered by the WAPC or the Minister for Planning. Notwithstanding this, it is noted that the application is consistent with the proposed Amendment on the basis that the site and immediate surrounding area is not included in the proposed 'Landscape Enhancement' Zone .

Environmental Issues

The DEC advises that based on the information provided in the Vegetation Survey which was submitted with the application, it is possible that the threatened ecological community (TEC) type 26a known as *Melaleuca huegelii* - *Melaleuca acerosa* shrublands on limestone ridges may occur within the proposed development area, particularly at the outer boundary of the proposed Stage 2 extraction area. In this regard, the DEC has recommended a condition requiring the area in question to be resurveyed to verify the presence of the potential TEC and in the event that the vegetation unit is confirmed as a TEC, the extraction area be modified to exclude the unit from the area to protect it. The imposition of a condition is recommended in this regard in order to ensure that the final excavation boundary is to be determined to the specification of the DEC.

It is noted that the subject proposal was referred to the Environment Protection Authority (EPA) in August 2011. The EPA determined that the environmental impacts of the proposal are not significant enough to warrant formal assessment under Part V of the Environmental Protection Act 1986. An appeal was subsequently lodged by a third party against the EPA's decision not to assess the proposal and on 9 May 2012, the Minister for Environment dismissed the appeal, concluding that the EPA was justified in determining that the extraction and manufacture of lime at these premises does not warrant formal assessment. It was considered that the environmental risks associated with lime extraction and manufacturing are well known and can be effectively managed by the DEC through the licencing process under Part V of the Environmental Protection Act.

Public Submissions/Community Concern

A number of correspondence has been directed to the Minister in relation to limestone extraction in the Carabooda-Nowergup locality. These concerns relate to the need to protect Lake Nowergup as an environmental resource and area for tourism, recreation and rural lifestyle.

With regard to the subject application, the City has advised that it received a total of 198 submissions during the advertising period, with 197 of these being in objection and one being in support of the proposal.

Although it is a requirement of the City to advertise the application under the provisions of its DPS 2 and to have due regard to any relevant submissions received in its consideration of the application, there is no requirement for advertising under the MRS which may inform the WAPC's consideration of the application. Notwithstanding this, it was requested that the City provide a copy of the submissions it has received during advertising, and in this regard, the matters raised in the public submissions objecting to the application included:

- amenity and lifestyle impacts;
- adverse environmental impacts;
- lack of information relating to rehabilitation;
- past history on non-compliance;
- proposed earthmoving equipment training component not an ancillary use.

With regard to the above, the submitted Environmental Management Plan identifies the implementation of various measures relating to visual management, noise, dust and other potential factors which will ensure impacts are minimised. The various matters raised in the public submissions objecting to the proposed development can also be adequately addressed by imposing various conditions of development approval by the City under DPS 2 and by the WAPC under the MRS. Furthermore, any environmental impacts resulting from the proposal can be managed by the DEC through the licensing process. This is consistent with the Minister for the Environment's dismissal of the appeal against the level of assessment set by the EPA where the Minister concluded that the environmental impacts of the proposal are not significant enough to warrant formal assessment under the Environmental Protection Act 1986. The Minister also considered that the environmental risks associated with lime extraction and manufacturing are well known and can be effectively managed by the DEC through the Environmental Protection Act.

Relevant Planning Decisions in the Area

It is noted that in October 2010, the WAPC's Statutory Planning Committee conditionally approved an application for the development of a limestone quarry and concrete batching plant on Lot 1 Wanneroo Road Nowergup, which is situated directly to the west of the subject site. The City refused the application submitted to it and the applicant subsequently lodged an application for review of the City's decision with the State Administrative Tribunal (SAT). As a result of this, the City reconsidered its previous decision and resolved to approve the application.

In August 2011, the WAPC refused an application for the subdivision of Lot 435 Gibbs Road, Nowergup Road, which is situated to the immediate north of the subject site (**Attachment 2**) into four lots. One of the reasons for the WAPC's refusal was that it was inconsistent with SPP2.4, which recommends a presumption against the introduction of noise sensitive land uses which have the potential to be adversely affected by existing and potential future extractive industries. The applicant subsequently lodged an application for review of the WAPC's decision with the SAT, and as a result, in December 2011, the WAPC reconsidered its previous decision and resolved to approve the application based on a revised plan which allowed one additional dwelling on the site. The application was supported at the reconsideration stage, despite the fact that the additional dwelling would be located within 300m of the approved quarry buffer relating to Lot 1 Wanneroo Road and immediately adjacent to the Priority Resource Location for Limestone Extraction under SPP 2.4.

Metropolitan Region Scheme

Clause 30 of the MRS requires the WAPC to have regard to the following factors when determining a development application:

- the purpose for which the land is zoned or reserved under the MRS;
- the orderly and proper planning of the locality; and
- the preservation of the amenities of the locality.

In this regard, the proposed development is considered to be:

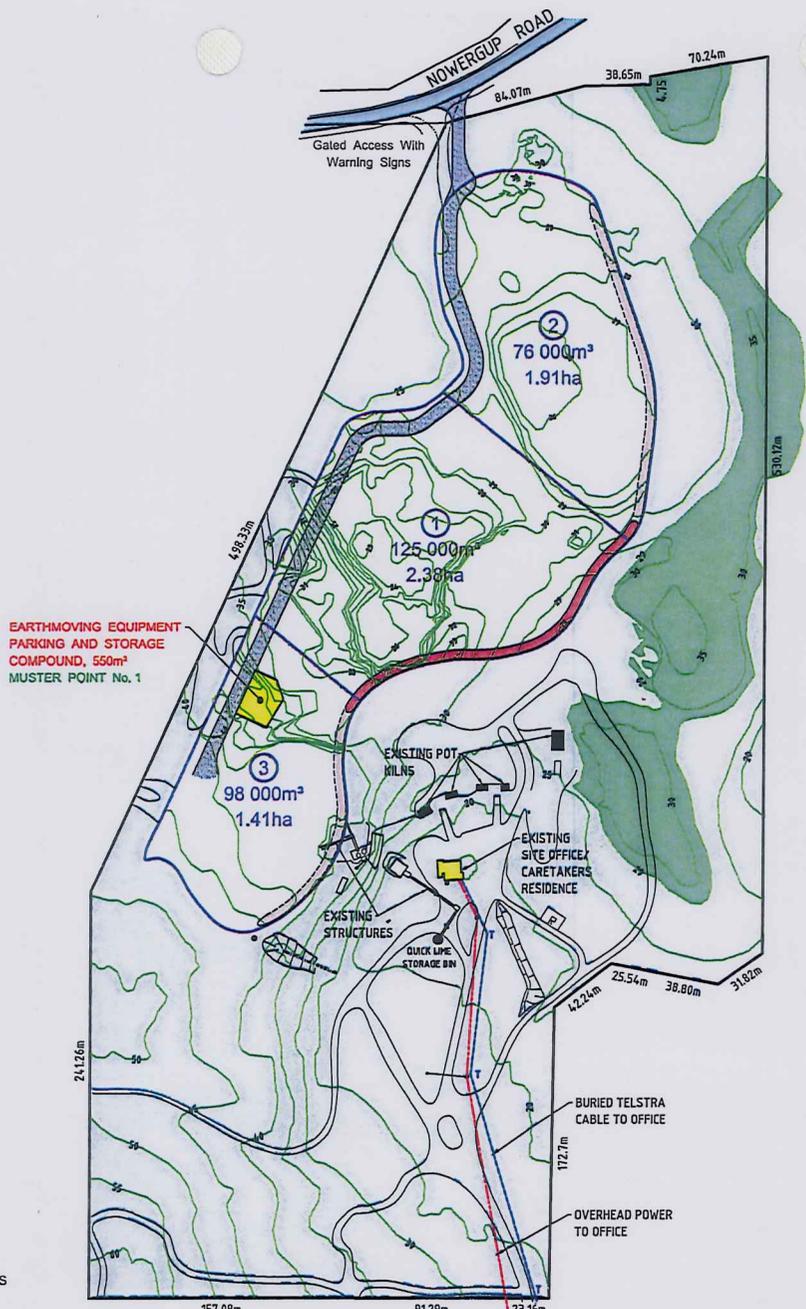
- consistent with the 'Rural' zoning of the subject land under the MRS and the 'Rural Resource' zoning of the land under DSP 2; and
- consistent with SPP 2.4, the North West Corridor Structure Plan and the Future of East Wanneroo Strategy.

Further, the Minister for Environment's dismissal of the appeals against the level of assessment set by the EPA concluding that the potential environmental impacts associated with the proposed development were not significant to warrant formal assessment, will ensure the proposed development is consistent with the preservation of the amenities of the locality. The imposition of various conditions of development approval by the City under DPS 2 and by the WAPC under the MRS will ensure that any adverse impacts on the amenities of the locality can be mitigated or minimised. Any environmental impacts resulting from the proposal can also be managed through the licensing process.

As stated above, the applicant has indicated that the estimated timing for the completion of the extraction operations is 2022. As such, it is considered reasonable for a condition to be imposed to stipulate that the WAPC's approval of the application is granted for a period of ten years from the date of the approval.

CONCLUSION:

The application is consistent with the provisions of the Metropolitan Region Scheme, the zoning of the land under the City's District Planning Scheme No. 2, State Planning Policy 2.4 'Basic Raw Materials', the North-West Corridor Structure Plan and the Future of East Wanneroo Strategy. Conditional approval is therefore recommended.



EARTHMOVING EQUIPMENT
PARKING AND STORAGE
COMPOUND, 550m²
MUSTER POINT No. 1

DEPARTMENT OF PLANNING
- 4 JAN 2013
FILE 30-50281-1

- LEGEND**
- Proposed extensions to existing excavation areas
 - Bund
 - Bunding to be extended as required by each stage of extraction
 - Vegetated ridge
 - Haulage and training route
 - Light vehicle tracks



Rev	Date	Description
C	23.03.2012	REVISION OF BUND
B	01.03.2012	EARTHMOVING EQUIPMENT COMPOUND RELOCATED
A	26.12.2011	ISSUED FOR COUNCIL APPROVAL

LIME INDUSTRIES
LIME INDUSTRIES PTY LTD
42 HECTOR STREET
GEOFFREY PARK VIC 3017
Telephone: (08) 9448 8844
Facsimile: (08) 9444 2011

RETROSPECTIVE APPROVAL FOR INDUSTRIAL EXTRACTION AND EXTENSION LOT 52 NOWERGUP ROAD, WANNEROO	
Proposed Extension to Extraction Area And Incidental Driver Training Facility	
A1 Sheet	Scale 1:1000
Drawing Number 2138 - G - 12	



- - - - - SUBJECT LAND
 ——— CONTOURS (1m)
 - - - - - POSSIBLE EXTRACTION AREAS
 ■ VEGETATED RIDGE

AERIAL SITE PLAN
LOT 52 DUNSTAN ROAD
NOWERGUP
CITY OF WANNEROO

0 100 200m
 1:2000 @ A1 or 1:4000 @ A3
 ALL DISTANCES ARE IN METRES

REVISION	DESCRIPTION	DRAFTER	DATE
J			
I			
H			
G			
F			
E			
D			
C			
B			
A			

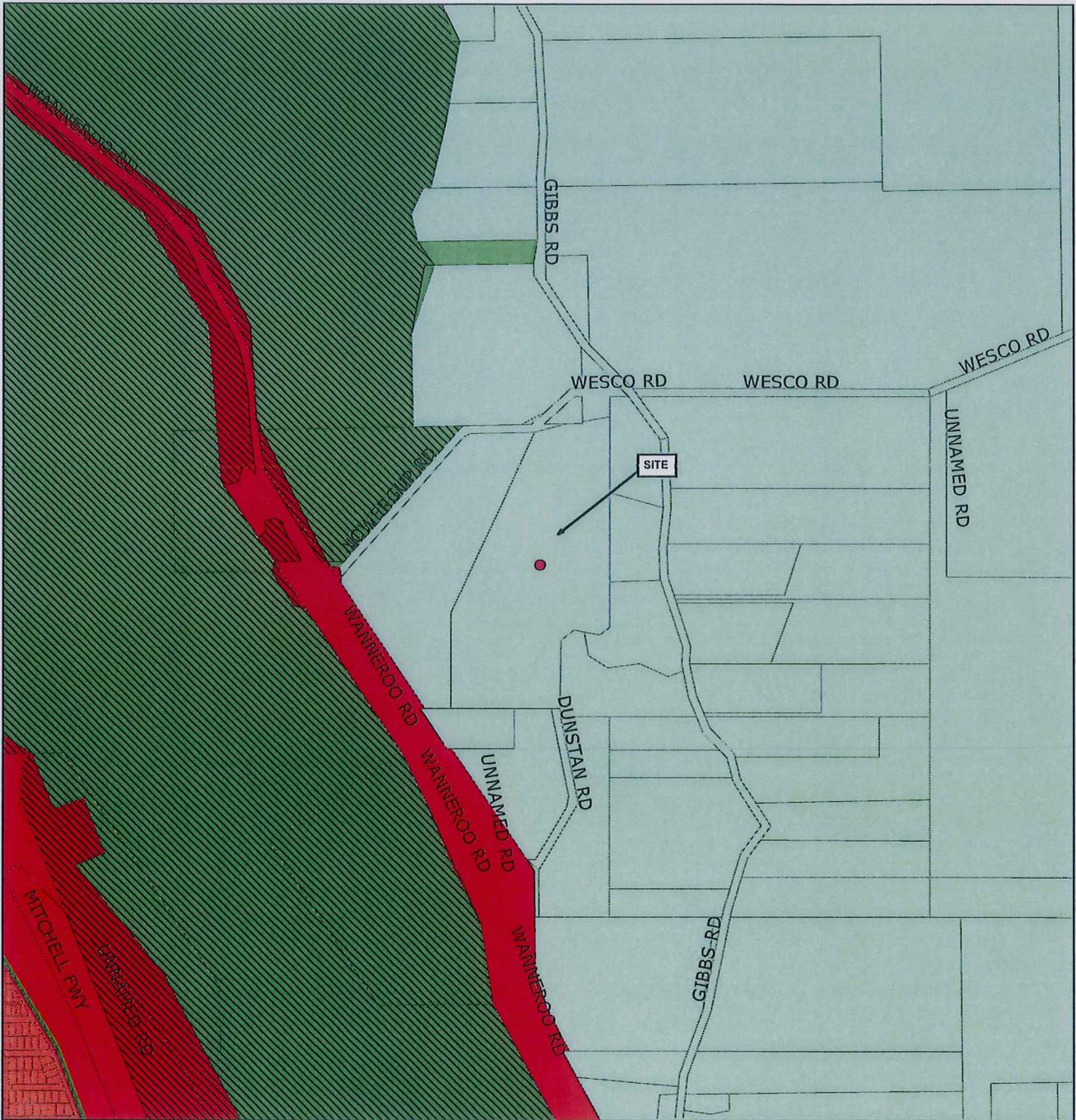
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ORIGINAL PLANNER	K.K.
ORIGINAL DRAFTER	M.R.
CREATED DATE:	03.08.2011
AERIAL DATE:	REARMAP - Jan 2011
CADASTRAL DATE:	MGA
TOPOGRAPHIC DATE:	WATER CORP.



11062P-FI-04

THIS PLAN HAS BEEN PREPARED FOR PLANNING PURPOSES. AREAS, CONTOURS AND DIMENSIONS SHOWN ARE SUBJECT TO SURVEY.



	Cadastral with Street Address Number		Bushforever Area
	Cadastral		URBAN
	Cadastral with Lot Numbers		RURAL
	Endorsed		PRIMARY REGIONAL ROADS
	Adopted		PARKS & RECREATION
	Draft		

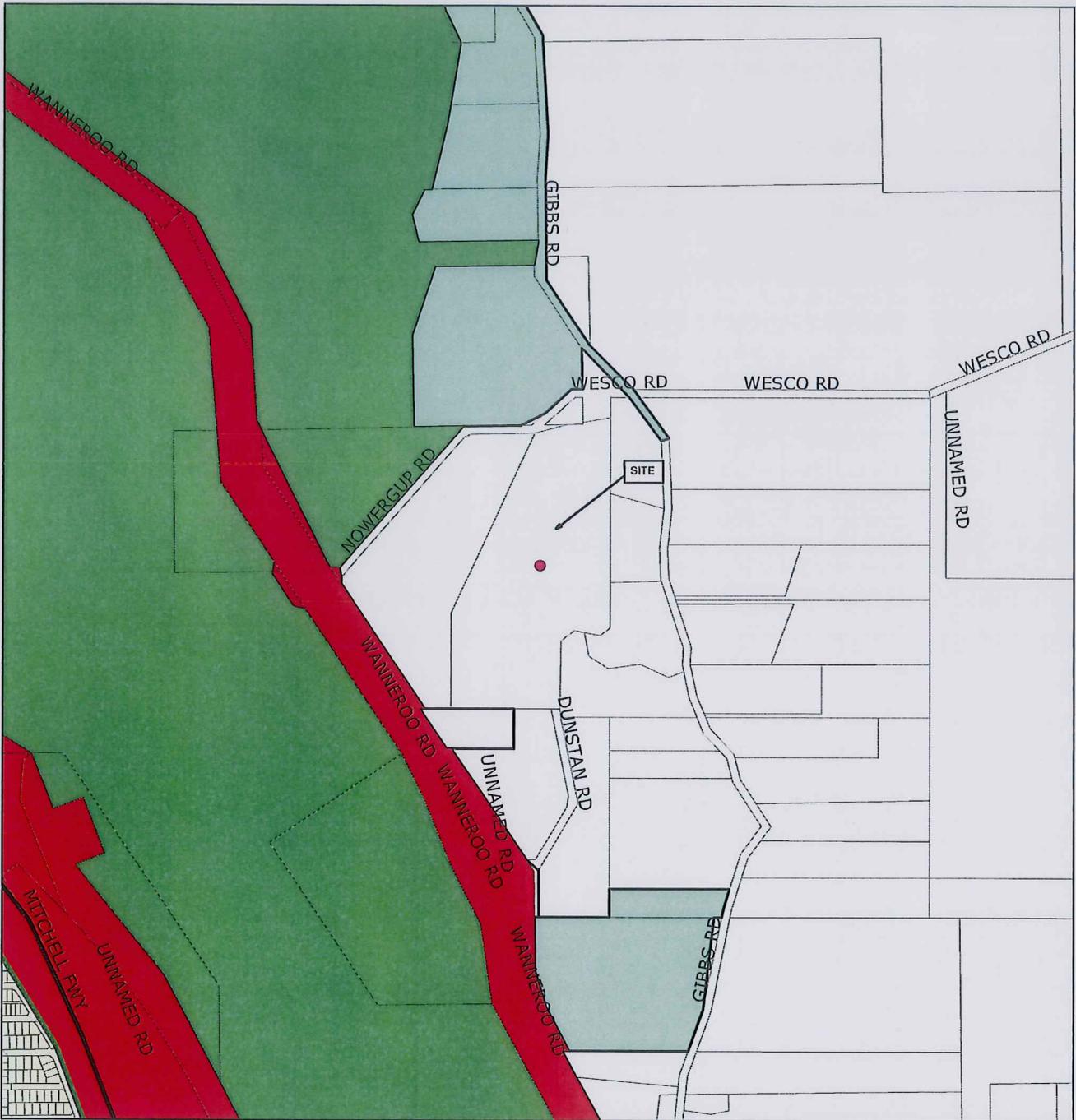
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Prepared by: acook
 Prepared for: WAPC Ref: 30-50281-1
 Date: Thursday, December 20, 2012 15:29
 Plot identifier: P20121220_1529

DP INTERNAL USE ONLY

Government of Western Australia
 Department of Planning

MRS Zoning



	Cadastre with Street Address Number		SPECIAL 10		RURAL RESOURCE
	Cadastre		LOCALITY BOUNDARY		URBAN DEVELOPMENT
	Cadastre with Lot Numbers		TPS - Scheme Boundaries		PARKS & RECREATION
	Endorsed		PRIMARY REGIONAL ROADS		GENERAL RURAL
	Adopted				
	Draft				

Scale 1:14,929
 0 500 m

Prepared by: acook
 Prepared for: WAPC Ref: 30-50281-1
 Date: Thursday, December 20, 2012 16:16
 Plot identifier: P20121220_1616

DP INTERNAL USE ONLY

Government of Western Australia
 Department of Planning

DPS 2 Zoning

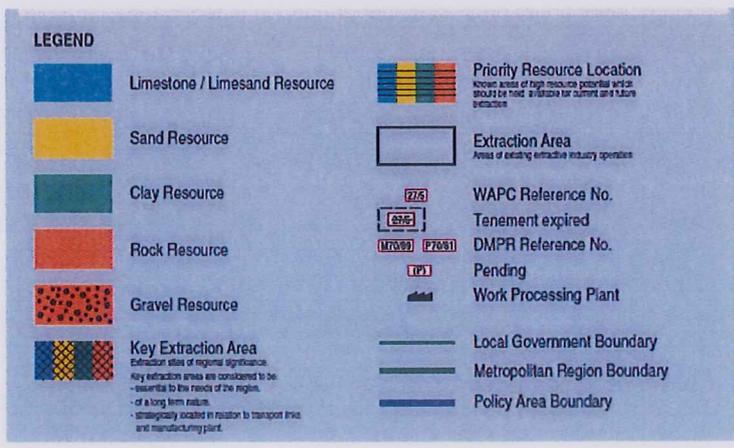
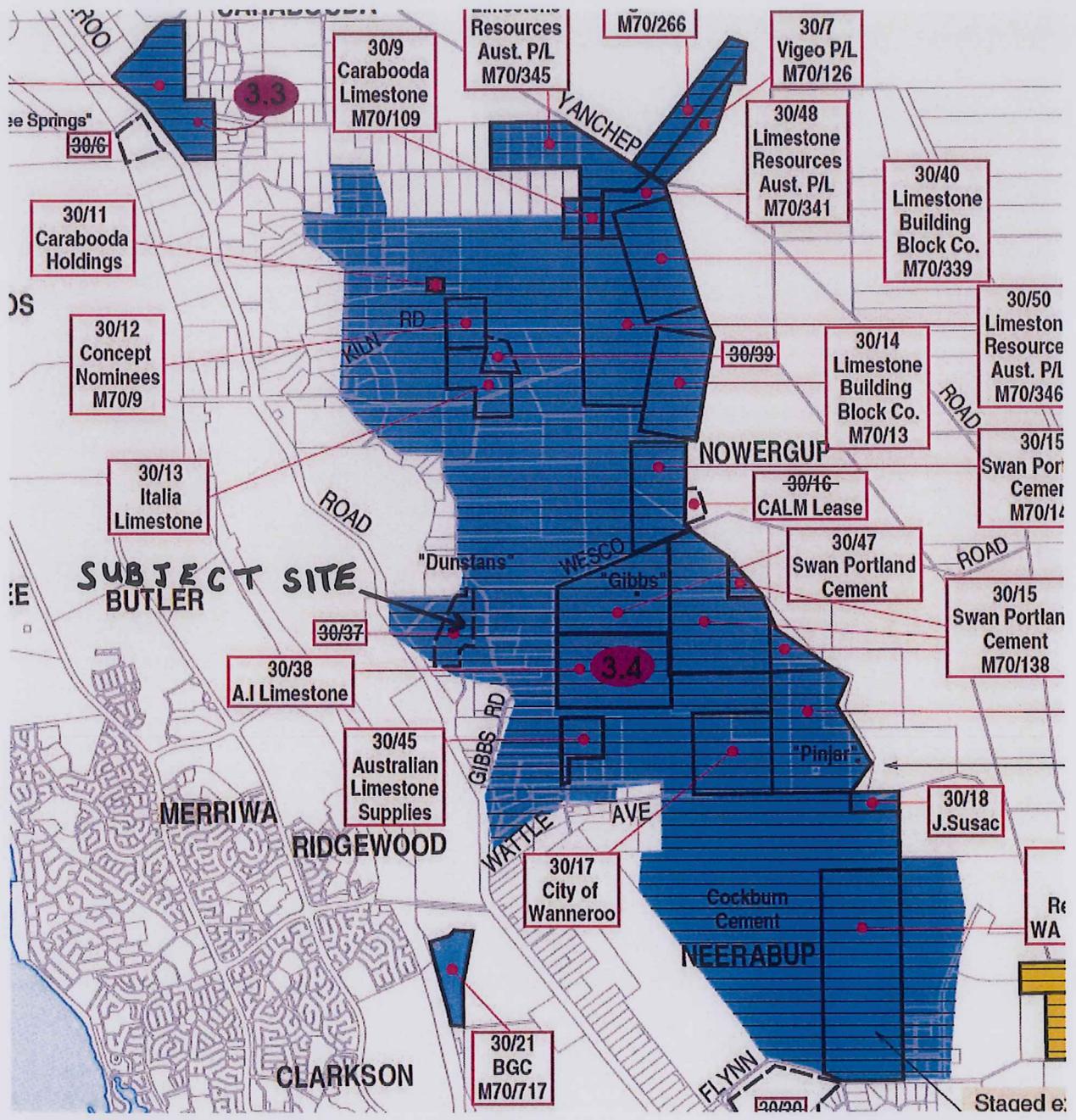


FIGURE A2 – NEIGHBOURING PREMISES



ITEM NO: 9.4

SUBDIVISION TO CREATE 4 LOTS FOR RESIDENTIAL PURPOSE - LOTS 29 AND 30 WALKER STREET, MUNDARING, SHIRE OF MUNDARING.

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	A/Planning Manager, Metropolitan Planning North East, Perth and Peel Planning
AUTHORISING OFFICER:	A/Director, Metropolitan Planning North East, Perth and Peel Planning
AGENDA PART:	G
FILE NO:	146037
DATE:	21 December 2012
ATTACHMENT(S):	1 - Plan of Subdivision 2 - Zoning Map 3 - LSIP 277
REGION SCHEME ZONING:	MRS: URBAN
LOCAL GOVERNMENT:	Shire of Mundaring
LOCAL SCHEME ZONING:	Residential R5
LGA RECOMMENDATION(S):	Approval With Conditions
REGION DESCRIPTOR:	Perth Metro North East
RECEIPT DATE:	7 May 2012
PROCESS DAYS:	44
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lots 29 And 30 Walker Street, Mundaring

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the amended plan date stamped 18 September 2012 for subdivision of Lots 29 and 30 Walker Street, Mundaring subject to the following conditions and advice:

CONDITIONS:

- 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)**
- Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures**

present on lot(s) 3 and 4 at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)

3. A revegetation plan being prepared, approved and implemented for the revegetation of the watercourse banks with appropriate native species to the specifications of the local government. (Local Government)
4. Prior to subdivisional works in the foreshore/waterway area, a plan is to be submitted and approved, detailing the waterway crossing and indicating how design and construction will minimise detrimental impacts on the waterway form and function. The waterway crossing plan is to be implemented as part of the subdivisional works. (Local Government)
5. The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government)
6. 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)
7. 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)
8. The land being filled, stabilised, drained and/or graded as required to ensure that:
 - a) lots can accommodate their intended development; and
 - 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; and
 - c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system. (Local Government)
9. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government. (Local Government)
10. 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) 3 and 5. 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 reticulated sewerage service is not available to the lot/s. Effluent disposal arrangements will require an Aerobic Treatment Unit at the northern end of the lot to the specification of the local government.'

'There is a water course on this lot. Development will require measures to reduce flood risk to the specifications of the local government.'
(Local Government)

-
11. 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)
 12. 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 1, 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 8, the landowner/applicant is advised that there is anecdotal evidence of flooding of the creek. A flood risk assessment is to be conducted to determine recommendations for finished floor levels for future dwellings on lots 3 and 4 based on water tables, peak watercourse flows and 1:100 year flood levels.
3. In regard to Condition 9, the landowner/applicant shall make good any damage to the existing verge vegetation within the road reserve.
4. In regard to Condition 11, 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.
5. In regard to Condition 12, Western Power provides only one underground point of electricity supply per freehold lot.

SUMMARY:

The application proposes the amalgamation & re-subdivision of two lots of 4065m² and 4082m² to create four lots of 2000m² to 2081m² in a battle-axe configuration. The subject land contains two dwellings and associated outbuildings. Two outbuildings are to be demolished while the two dwellings and two outbuildings are to be retained. The subject land also contains a winter creek that traverses the properties.

The application is referred to the Statutory Planning Committee for determination as the proposal does not comply with the minimum frontage requirement specified in Table 1 of the Residential Design Codes (R-Codes) for the R5 code. In all other respects the proposal complies with the Government Sewerage Policy, the WAPC's policies, the Shire of Mundaring Local Planning Scheme No. 3 and the R-Codes.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section: Planning and Development Act 2005
Part 10 — Subdivision and development control

Strategic Plan

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

Policy

Number and / or Name: State Planning Policy 3 Urban Growth and Settlement
State Planning Policy 3.1 Residential Design Codes
WAPC Policy No. DC 2.2 – Residential Subdivision
Government Sewerage Policy – Perth Metropolitan Region

INTRODUCTION:

The application proposes the amalgamation and re-subdivision of two lots of 4065m² and 4082m² to create four lots of 2000m² to 2081m² in a battle-axe configuration. The subject land contains two dwellings and associated outbuildings. Two outbuildings are to be demolished while the two dwellings and two outbuildings are to be retained. The subject land also contains a winter creek that traverses the properties. It is noted that the southern boundaries of Lots 29 & 30 abut an unconstructed 20m wide Right of Way (ROW) which extends eastwards from Lot 800 Hartung St, then north to Walker St. The northern section is only 3m wide.
(Attachment 1 – Amended Plan of Subdivision)

The subject land is zoned 'Urban' under the Metropolitan Region Scheme and 'Residential R5' under the Shire of Mundaring Local Planning Scheme No. 3. (LPS 3)
(Attachment 2 – Zoning Map).

The application has been referred to the Statutory Planning Committee for determination as the frontages of the proposed lots are less than minimum required under the Residential Design Codes (R-Codes).

CONSULTATION:

The Shire of Mundaring recommends approval subject to conditions.

The Water Corporation recommends a standard water condition and Western Power recommends a standard electricity condition.

The Department of Health advises that based on the findings of a geotechnical report the Department raises no objection to the proposal.

COMMENTS:

Clause 4.48 of LPS 3 states that Council shall not support applications for subdivision within the Residential zone, unless exempted pursuant to clause 4.50, unless the subdivision proposal is consistent with an approved Local Subdivision and Infrastructure Plan (LSIP) prepared in accordance with Schedule 7. Clause 4.50 sets out the circumstances in which the Shire may exercise its discretion and not require preparation of an LSIP. In addition, under LPS 3, subdivision to create lots in battle-axe configuration is not generally supported, however may be considered where the Shire is satisfied that battle-axe lots 'are part of the best planning solution in the particular circumstances'.

In this regard the subject land is within the area covered by LSIP 277, which the Shire advises was endorsed by the WAPC on 15 February 1999. (**Attachment 3 - LSIP 277**). LSIP 277 depicts a 20 metre wide unconstructed ROW which extends from the eastern boundary of Lot 800 Hartung Street, along the southern boundaries of the subject land and adjoining lot 28, then north (3 metres wide) to Walker Street. It is not clear when this ROW was created, however LSIP 277 depicts the ROW being closed and the land being amalgamated into the adjoining lots. Extension of the ROW to provide a through road is not possible given the existing approvals and development on the surrounding land. No information has been provided to demonstrate that the ROW has been closed in accordance with the requirements of the *Land Administration Act* 1997, and the proposed subdivision does not include amalgamation of the ROW land.

LSIP 277 does not depict subdivision of the subject land. However given that LSIP 277 does not contemplate vehicle access via the ROW, that the proposed lot sizes accord with the requirements of the R-Codes and LPS 3, and that no objections have been raised by any of the referral agencies consulted, it is considered that the application can be considered for support without requiring LSIP 277 to be modified to reflect the proposed subdivision. With regard to the proposed battle-axe configuration, as the LSIP 277 depicts amalgamation of the ROW land into the adjoining lots, the proposed battle-axe configuration is considered appropriate and is supported.

Table 1 of the R-Codes specifies a minimum lot size requirement of 2000m² and a minimum effective frontage of 30 metres within areas coded R5. The proposal complies with the minimum lot size requirement but does not comply with the minimum effective frontage. The application proposes to reduce the minimum effective frontage of each lot by approximately 3m being the width of the battle-axe leg servicing the proposed rear lots. The effective frontage of the lots would therefore be approximately 27m each. Within the immediate locality lot frontages achieve the minimum 30m width requirement under the R-Codes. In this instance the proposed vehicle access arrangements are supported, and the shortfall in the lot frontages does not compromise principles of proper and orderly planning. It is recommended that the proposed lot frontages be supported.

The original application proposed four lots ranging in size from 1823m² to 2253m². The application was deferred pending a geotechnical report to demonstrate that on-site disposal of wastewater was achievable and compliance with the minimum lot sizes for unsewered lots specified within the Government Sewerage Policy. An

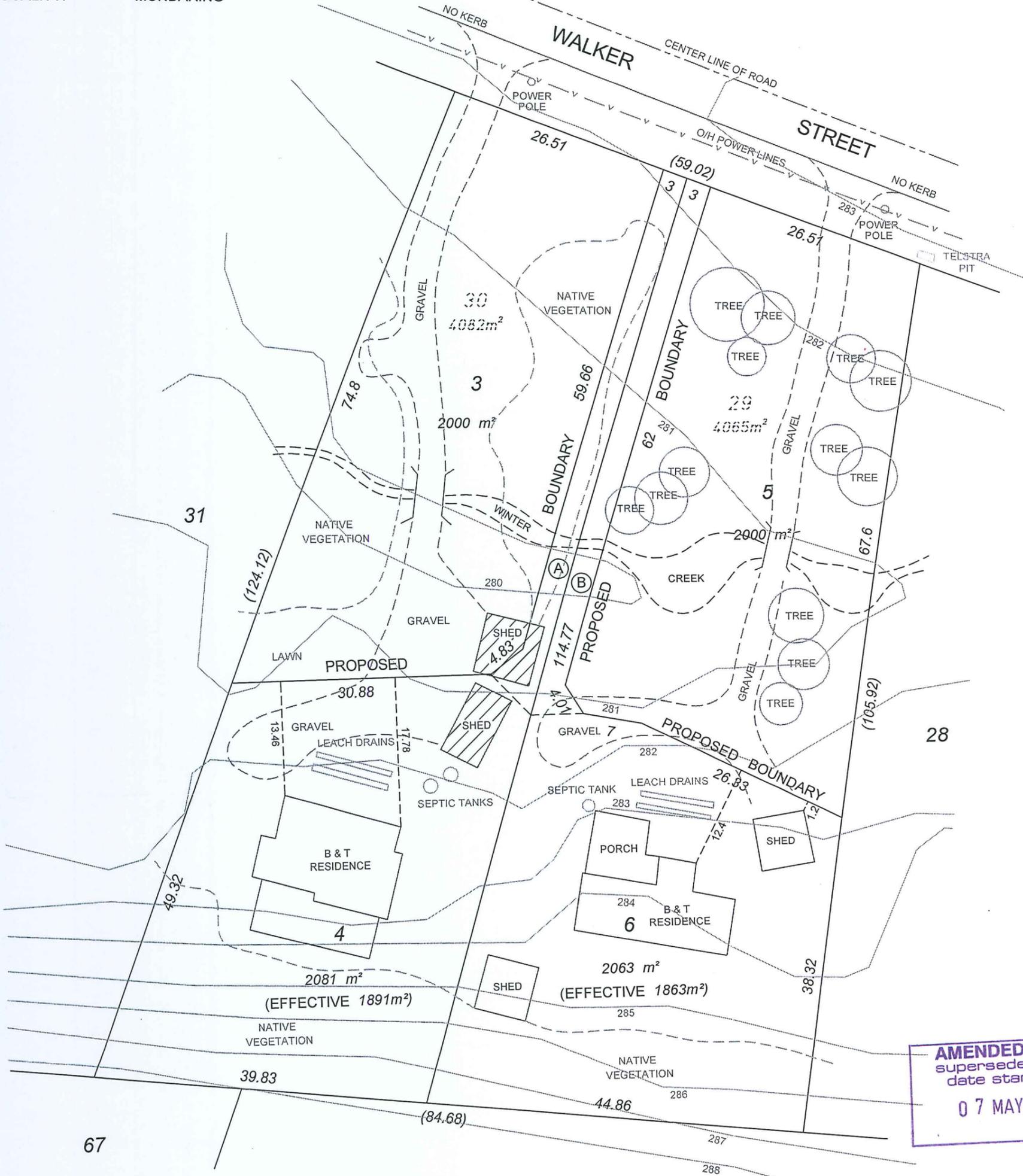
amended plan was subsequently lodged increasing the minimum lot size to 2000m² which complies with the R5 code and also the Government Sewerage Policy.

The applicant also lodged a geotechnical report demonstrating that on-site disposal of wastewater is achievable. The report recommends the use of an Aerobic Treatment Unit for effluent disposal on the proposed vacant lots with a 150m² effluent disposal area adjacent to the Walker Street road reserve so that it can achieve a 30 metre setback from the winter creek that traverses the property. This geotechnical report was accepted by the Department of Health and the Shire of Mundaring.

The Shire of Mundaring advises that there is anecdotal evidence of flooding of the winter creek. The Shire has requested a non-standard condition to require a flood risk report to recommend finished floor levels for future dwellings on the proposed vacant lots and an associated Section 165 notification under the Planning and Development Act 2005 to be placed on the titles of the new lots. The subdivision will require a standard drain, fill and easements condition which is considered satisfactory to address the perceived potential flood risk of the intermittent creek.

CONCLUSION:

The proposal does not comply with the minimum frontage requirement specified in Table 1 of the R-Codes for the R5 code, however the proposal complies with the Government Sewerage Policy, and is generally compliant with WAPC's policies, the Shire of Mundaring Local Planning Scheme No. 3 and the R-Codes. It is recommended that the subdivision proposal be approved subject to conditions.



AMENDED PLAN
 supersedes plan
 date stamped
 07 MAY 2012

LOT	DESCRIPTION	AREA
29	ORIGINAL LOT	4065m ²
30	ORIGINAL LOT	4082m ²
3	PROPOSED LOT	2000m ²
4	PROPOSED LOT	2081m ²
5	PROPOSED LOT	2000m ²
6	PROPOSED LOT	2063m ²

RECIPROCAL RIGHTS
 OVER (A) & (B) EASEMENTS

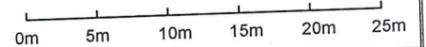


DENOTES BUILDING TO BE REMOVED

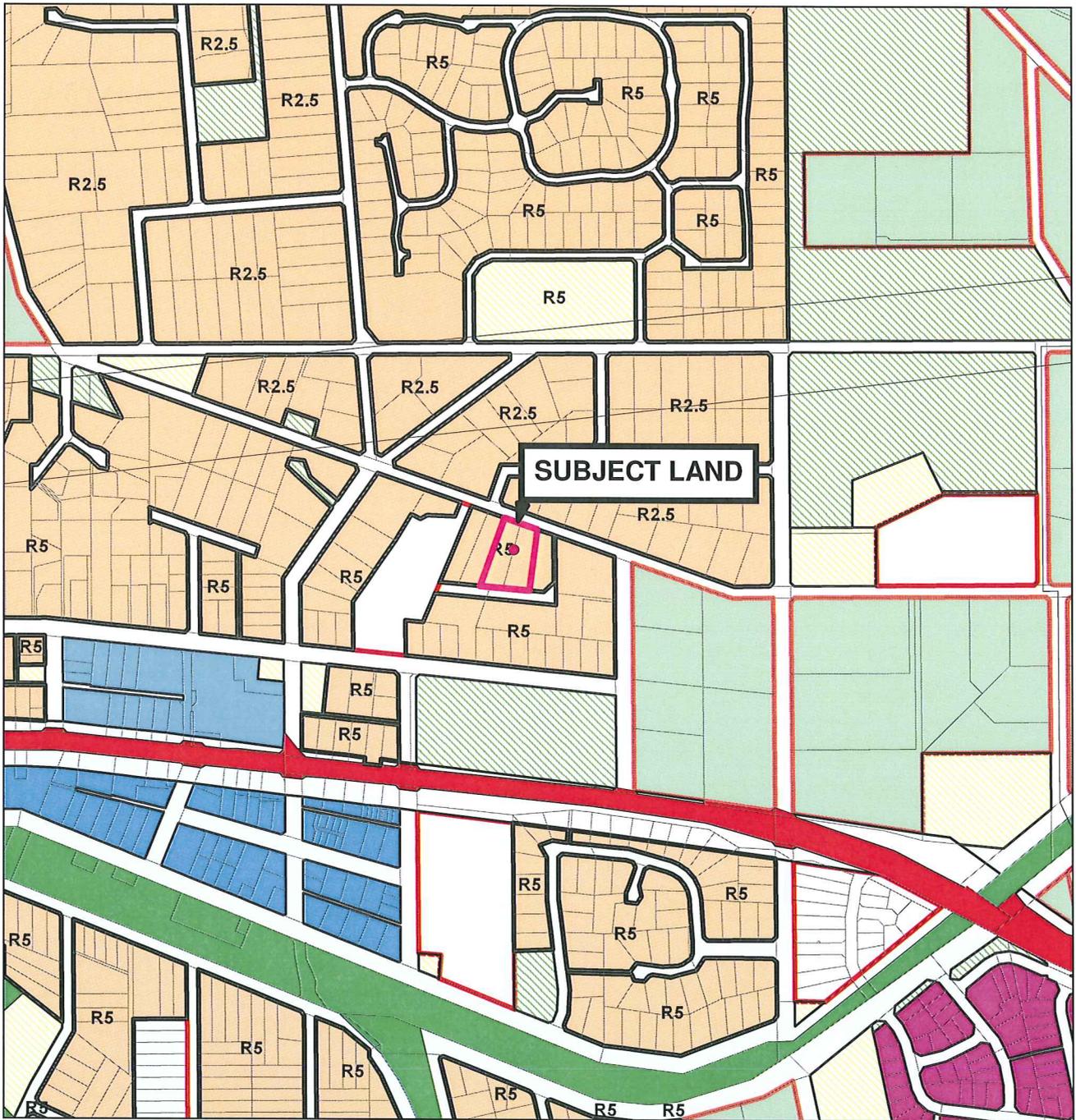
DEPARTMENT OF PLANNING
 18 SEP 2012
 FILE 146037

REV.	DESCRIPTION	BY	DATE

- WARNINGS:**
1. LOT NUMBERS, DIMENSIONS AND AREAS SUBJECT TO WAPC APPROVAL, SURVEY AND TITLES OFFICE AUDIT.
 2. POSITION OF BUILDINGS IS APPROXIMATE ONLY.
 3. ALL ABOVE & BELOW GROUND SERVICES MAY NOT HAVE BEEN LOCATED - CHECK WITH RELEVANT AUTHORITIES BEFORE COMMENCING ANY WORKS.



PROPOSED SUBDIVISION OF LOTS 30 ON DIAGRAM 44843 & 29 ON DIAGRAM 44844 780 & 820 WALKER STREET, MUNDARING	SCALE 1:500 SEPTEMBER 2012 ROBINS & METCALF DATUM : AHD	SCANLAN SURVEYS PTY LTD LICENSED SURVEYORS P O BOX 429 MIDLAND 6936 PH: 08 9250 2261 FAX: 08 9274 6206 Email : bill@scanlansurveys.com.au	DRAWING (A3)	REVISION
			7045/12/1	
			DRAWN BY : LF	
			APPROVED : WS	



	Cadastre with Lot Numbers		PRIMARY REGIONAL ROADS		PUBLIC OPEN SPACE
	Suburbs		PARKS & RECREATION		PUBLIC PURPOSES
	Townsites		DISTRICT BUSINESS		RESIDENTIAL
	SPECIAL 10		DISTRICT SHOPPING		RURAL LANDSCAPE LIVING
	TPS - Scheme Boundaries		LIGHT INDUSTRY		SPECIAL PURPOSE
	TPS - R Code Boundaries		NO ZONE		

Scale 1:10,144
 0 250 m

Prepared by: jdorn
 Prepared for: Statutory Planning Committee
 Date: Monday, December 24, 2012 11:48
 Plot identifier: P20121224_1148

DP INTERNAL USE ONLY

Government of Western Australia
 Department of Planning

Zoning Map

SUBJECT LOTS 29 & 30

UNCONSTRUCTED RIGHT OF WAY

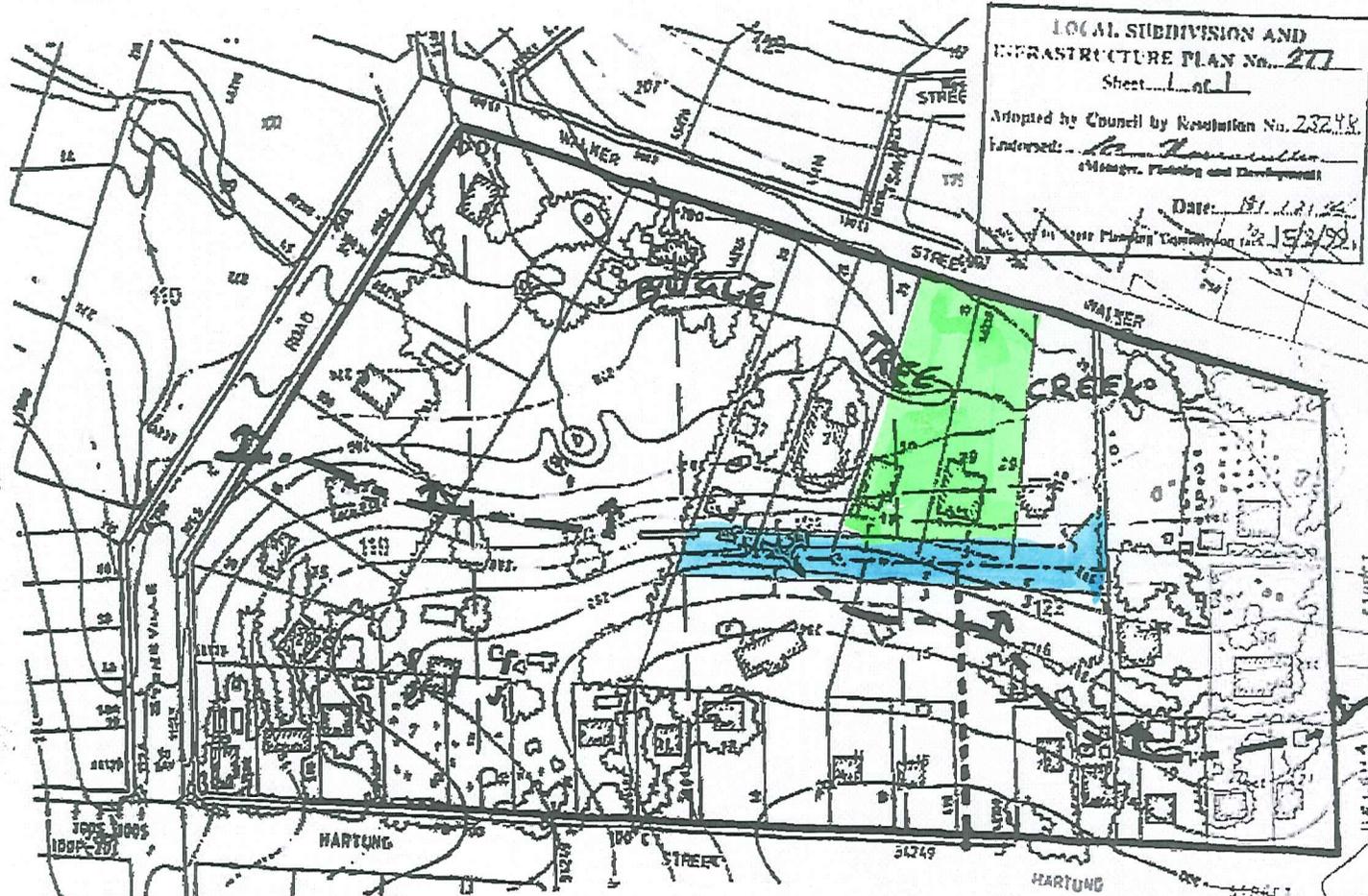
LEGEND

Building Envelopes



LOCAL SUBDIVISION AND
INFRASTRUCTURE PLAN No. 277
Sheet 1 of 1
Adopted by Council by Resolution No. 23248
Endorsed: *[Signature]*
Manager, Planning and Development
Date: 15/03/2013
Approved by State Planning Commission (15/3/2013)

- ▭ Easement
- ▭ Boundary
- Vegetation
- Existing Pit
- Pit Cut Filled
- Easement Solution
- Easement Roll-Over
- Lot Interlocking



LOCAL SUBDIVISION & INFRASTRUCTURE PLAN
Lots 7, 8, 9 + 16 HARTUNG ST. MUNDARING



SHIRE OF MUNDARING

ZONE	Scheme Map
R5	16 / 277

ATTACHMENT 3