



Statutory Planning Committee

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

**Tuesday 14 May 2013
9.00 am**

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



Neil Thomson
Secretary, Western Australian Planning Commission

Statutory Planning Committee

Membership:

Member	Representation in accordance with <i>Planning and Development Act 2005</i>	Term of office ends
Mr Eric LUMSDEN	Chairman, WAPC 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	Nominee of the Regional Minister Schedule 2 clause 4(2)(c)	26/9/2013
Ms Elizabeth TAYLOR	Community representative Schedule 2 clause 4(2)(d)	5/11/2014
Mr Ian HOLLOWAY	Professions representative Schedule 2 clause 4(2)(e)	5/11/2014
Mayor Carol ADAMS	Local government representative Schedule 2 clause 4(2)(f)	1/02/2012
Ms Megan BARTLE	WAPC appointee Schedule 2 clause 4(2)(g)	5/11/2014
Ms Sue BURROWS	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:

The Statutory Planning Committee is one of four committees set up by the WAPC on 1 March 1995 upon proclamation of the *Planning Legislation Amendment Act (No. 2) 1994*.

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 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 (Del 2009/05)

Planning and Development Act 2005 Section 16(1)

- 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
 - 6.1 Proposed Amendment No. 31 to Shire of York Town Planning Scheme No. 4 – Peter Webb & Associates
7. Announcements by the Chairperson of the board and communication from the WAPC
8. Confirmation of minutes of the meeting of 23 April 2013
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

Item No	Report	Request	Report Required by
7477.9.2	City of Mandurah – Endorsement of City Centre Precinct Plan	To request Committee Support to arrange for the City of Mandurah to address the SPC and to include a site visit to coincide with an SPC meeting to be held in Mandurah.	TBA

7477.11.1	The Wheatbelt – Towns of York and Toodyay	To request Committee Support to arrange a site visit with regard to water and bush fire issues and in relation to future approvals for rural living subdivisions due to lack of water resources, and a possible need for consolidation of the local towns. (to be combined with 7477.11.2)	TBA
7477.11.2	Avon Arc Study	To request Committee Support to invite Avon Arc to advise the Committee on issues such as sustainability, identifying priority areas, royalties for regions and capability. (to be combined with 7477.11.1)	TBA
7477.11.3	Private Arrangements for obtaining money for public open space by agreement	To request the Department to prepare a report to the WAPC regarding these types of arrangements.	TBA

13. Closure - next meeting to be held on 28 May 2013

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Attendance

Members

Mr Eric Lumsden	WAPC Chairman (Presiding Member) Director General, Department of Planning
Mayor Carol Adams	Local government representative
Ms Sue Burrows	WAPC appointee
Mr Henty Farrar	Nominee of the Regional Minister
Mr Ian Holloway	Professions representative
Ms Elizabeth Taylor	Community representative

Officers

Mr Michael Daymond	Department of Planning Senior Planning Officer, Perth and Peel Planning (Items 6.4 to Item 9.3)
Ms Emma-Lee Groser	Planning Officer, Perth and Peel Planning (Items 1.0 to Item 9.7)
Ms Cath Meaghan	Planning Director, Regional Planning and Strategy
Ms Kym Petani	Director, Metropolitan Planning North West, Perth and Peel Planning (Items 1.0 to Item 9.2)
Mr Mat Selby	Planning Director Perth and Peel Planning (Items 1.0 to Item 9.3)

Observers

Mr Seamus Carey	Statewest Planning (Item 6.3)
Mr Jim Cregan	Landowner (Item 6.3)

Presenters

Ms Amanda Butterworth	Allerding and Associates (Item 6.1)
Mr Kevin Jardine	Telstra (Item 6.1)
Mr Trevor Robb	Telstra (Item 6.1)
Assoc Prof Max Baumwol	Landowner (Item 6.2)
Mr Peter Goff	MGA Town Planners (Item 6.2)
Mr Simon O'Hara	Statewest Planning (Item 6.3)
Ms Delma Baesjou	Ayton Baesjou Planning (Item 6.4)
Mr Simon Keely	Landowner (Item 6.4)
Mr Stuart Young	Landowner (Item 6.4)

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Committee Support

Ms Leah Carr

Ms Christina Sanders

Committee Support Officer, Committee Support

Committee Support Officer - Department of Planning

7480.1 Declaration of Opening

The Presiding Member declared the meeting open at 9.00 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

7480.2 Apologies

Ms Megan Bartle

WAPC appointee

7480.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7480.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Ms Sue Burrows	9.2	28	Impartiality
Mayor Carol Adams	9.2	8	Representation

Ms Taylor, Mr Farrar and Mr Holloway noted that they had been contacted by Assoc Professor Baumwol in relation to item 9.2; however neither of them had discussed this item with him.

Mayor Carol Adams advised that she had been contacted by Assoc Professor Baumwol by telephone in relation to item 9.2 and had received documentation from him by email which had subsequently been circulated to all members of the Statutory Planning Committee.

Ms Burrows advised that, at the request of the applicant, she had assessed the application at item 10.5 and provided comment in her role as Independent Planning Reviewer. She sought leave to remain for this item but would not vote on item 10.5.

Resolved

Moved by Ms Taylor, seconded by Mr Farrar

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In accordance with clause 6.10(7) of the Standing Orders 2009, members of the Statutory Planning Committee agree that Mayor Adams, who has disclosed a representation interest, is permitted to participate in discussion and voting on item 9.2 due to being contacted by Assoc Professor Baumwol.

Resolved

Moved by Ms Taylor, seconded by Mr Farrar

In accordance with clause 6.10(7) of the Standing Orders 2009, members of the Statutory Planning Committee agree that Ms Burrows, who has disclosed an impartiality interest, is permitted to participate in discussion but not vote on item 10.5 as she had provided comment on the application.

The motion was put and carried.

7480.5 Declaration of Due Consideration

No declarations were made.

Moved to Item 7.

7480.6 Deputations and Presentations

7480.6.1 Adoption of Amendment 3 to the East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57 (refers item 9.2)

Presenter Amanda Butterworth
Kevin Jardine
Trevor Robb

Ms Butterworth and Mr Jardine gave a powerpoint presentation on the above and provided clarification in response to members' questions. A copy of the presentation has been placed on file.

Two documents had been forwarded to members prior to the meeting: "Telstra Briefing Paper - Proposed City of Wanneroo East Wanneroo – Cell 9 Landsdale Structure Plan No. 57 Amendment 3" and a flyer "The Perth International Telecommunications Centre". Copies have been placed on file.

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Ms Butterworth advised that Telstra supports the officer's recommendations, but requested that the word "conclusively" be deleted from Recommendation 2. Although Telstra will demonstrate the impacts of radio interference, resulting from increased densities within the LSP 57 area on the operations of the Perth International Telecommunications Centre, there are unknown elements in the proposed housing which may prevent Telstra from "conclusively" demonstrating those impacts.

She confirmed that modelling has commenced and has received an internal peer review. An independent review will also be undertaken. The process is expected to take eight weeks, and be finalised by the end of June 2013.

7480.6.2

Adoption of Amendment 3 to the East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57 (refers item 9.2)

Presenter Peter Goff
Max Baumwol

Assoc Prof Baumwol gave an overview of the situation in respect to the land in question.

A letter from MGA Town Planners dated 18 April 2013 had been forwarded to members prior to the meeting. A copy has been placed on file.

Mr Goff spoke to the powerpoint presentation. A copy of the presentation has been placed on file. Mr Goff drew attention to the existing text on the City of Wanneroo's website for 10.1 Residential Density Coding Provisions and recommended minor change to 10.1 c) and an additional provision 10.1 e).

Mr Goff tabled an excerpt from the Hansard record - a statement by the Minister in the Legislative Assembly on Tuesday 15 November 2005 in relation to the Metropolitan Region Scheme Amendment 1089/33, East Landsdale Precinct 64, which shows there is no commitment by government in relation to density in the East Landsdale area.

The Chairman noted that this was a difficult decision and the Committee needs to have all the facts before it to make a balanced decision. The Committee has requested that Telstra undertakes modelling and an independent peer review.

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7480.6.3 **Local Subdivision & Infrastructure Plan No. 370 - Alice Road, Mount Helena (refers item 9.7)**

Presenter Simon O'Hara

Mr O'Hara presented to members on the subdivision at Alice Road, Mount Helena and noted that he was seeking endorsement of the Shire of Mundaring's approval for the land to be subdivided into three lots, rather than two.

Mr O'Hara answered questions from members in relation to the fire management plan and access roads.

7480.6.4 **Amendment No. 122, Shire of Denmark Local Planning Scheme No. 3 – For Final Approval (refers item 10.5)**

Presenter Delma Baesjou
 Stuart Young
 Simon Keely

Ms Baesjou tabled documentation "Site characteristics and a Subdivision Guide Plan for Lots 1, 22, Pt 355 and 632 Mount Shadforth Road, Shadforth, Shire of Denmark". Copies have been placed on file.

Supplementary information on Lot 22 Warham Road and Mt Shadforth Road had previously been forwarded to members by email and a copy has been placed on file.

Ms Baesjou provided a powerpoint presentation. A copy of the presentation has been placed on file.

She noted that the landowners are keen to provide self-sufficient water to the land and request the discretion of the DoP Special Residential policy not to mandate mains water to these sites. Water Corporation has indicated it has no objection; is not insistent that the landowners connect to the mains water in the area; and recognises that there may be constraints and environmental implications in insisting on a mains water pipe.

The Chairman advised that this advice conflicts with information received by the Department of Planning from the Water Corporation.

Moved to item 8.

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7480.7 Announcements by the Chairperson of the Board and communication from the WAPC

The Chair advised that, at the request of the consultant, item 10.4 would be deferred to the next meeting of the Statutory Planning Committee in order for the consultant to make a deputation.

He further noted that he and Ms Burrows had visited the Telstra facility in East Wanneroo, and had requested Telstra Corporation Ltd to make a deputation to the Statutory Planning Committee.

Moved to Item 6.1.

7480.8 Confirmation of Minutes

7480.8.1 Minutes of the Statutory Planning Committee meeting held on 9 April 2013

Resolved

Moved by Mr Holloway, seconded by Ms Taylor

That the minutes of the Statutory Planning Committee meeting held on 9 April 2013, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

7480.9 Reports

7480.9.1 Proposed Amended Plan of Subdivision to Subdivide Lots 1 and 2316 Neaves Road, Mariginiup to Create 2 Rural Lots.

File	146448
Report Number	SPC/399
Agenda Part	C
Reporting Officer	Senior Planning Officer Metropolitan Northwest

Mr Farrar noted that he did not support Condition no. 4 and would vote against the item.

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

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That the Western Australian Planning Commission resolves to approve the amended plan date stamped 20 December 2012 for subdivision of Lots 1 and 2316 Neaves Road, Mariginiup subject to the following conditions and advice:

CONDITIONS:

1. *The plan of subdivision is to be modified to reflect the correct lot areas in accordance with the attached plan date stamped 15 March 2013. (Western Australian Planning Commission)*
2. *The provision of easements for existing or planned future water, sewerage and/or drainage infrastructure as may be required by the Water Corporation being granted free of cost to that body. (Water Corporation)*
3. *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)*
4. *The landowner/applicant shall provide a written undertaking to the satisfaction of the Western Australian Planning Commission to ensure that prospective purchasers of Lots 1 and 2 are notified on the contracts of sale that these lots may be affected by future regional road alignments as identified in the East Wanneroo Sub-Regional Structure Plan (January 2011) and the potential for traffic noise. (Western Australian Planning Commission)*

ADVICE:

1. *In regard to Condition 3, Western Power provides only one underground point of electricity supply per freehold lot.*

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ADVICE TO LOCAL GOVERNMENT

1. *In considering any development proposal including a wastewater disposal system on the subject site, the City of Wanneroo is advised to consult with the Department of Water with respect to the protection of groundwater resources.*

The motion was put and carried.

**For: Mayor Adams, Ms Burrows, Mr Holloway,
Ms Taylor
Against: Mr Farrar**

7480.9.2

Adoption of Amendment 3 to the East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57

File SPN/0124M-2
Report Number SPC/400
Agenda Part C
Reporting Officer Director Metropolitan Planning
Northwest

Mayor Adams disclosed an interest.

Member	Nature of interest
Mayor Adams	Representation

Officer's Recommendation

That the Western Australian Planning Commission resolves to:

1. refuse to adopt proposed Amendment 3 to East Wanneroo Cell 9 - East Landsdale Structure Plan No. 57 for the following reasons:
 - a) the proposal may result in increased radio interference thereby compromising the operations of the Perth International Telecommunications Centre;
 - b) 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;

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- c) the proposal to allocate residential density and control subdivision through Detailed Area Plans would fetter the role and authority of the Western Australian Planning Commission;
2. advise Telstra that while the Western Australian Planning Commission has, in this instance, adopted a precautionary approach and determined not to support the proposed density increase within the East Wanneroo Cell 9 - East Landsdale Structure Plan No. 57 (LSP 57) area at this time, that Telstra be requested to provide scientific evidence which conclusively demonstrates the impacts of radio interference, resulting from increased densities within the LSP 57 area, on the operations of the Perth International Telecommunications Centre.

The Committee, after considering all the information before it, including:

- deputations from both the applicants and representatives of Telstra Corporation Ltd, and
- Telstra having been requested by the Commission for modelling to be carried out to enable the Commission to make a more informed judgement,

that, in these circumstances, it was appropriate to defer the item for further consideration until the modelling information is available from Telstra.

The Committee does so, not only on the basis of this particular application, but also having regard for other issues that may eventuate within the Precinct from other applications which may require the Commission to consider the facts of those proposals on the Telecommunications facility operations.

The Commission requires the results of the modelling no later than the first SPC meeting in July 2013, ie 9 July 2013.

Resolved

Moved by Mr Farrar, seconded by Mr Holloway

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That the Western Australian Planning Commission resolves to defer consideration of the proposed Amendment 3 to East Wanneroo Cell 9 - East Landsdale Structure Plan No. 57 to await the results of the modelling from Telstra Corporation Ltd to be received no later than 9 July 2013.

The motion was put and carried.

7480.9.3

Modification of Claremont North East Precinct Local Structure Plan

File DP/10/02163
Report Number SPC/401
Agenda Part C
Reporting Officer Planning Officer, Metropolitan Planning Central

Resolved

Moved by Ms Taylor, seconded by Mayor Adams

That the Western Australian Planning Commission resolves to:

1. *endorse the following modifications to the Claremont North East Structure Plan in accordance with clause 750(4) of the Town of Claremont Town Planning Scheme No.3:*
 - a) *Reconfiguration of roads, lot boundaries and public open space along with deletion of the mixed use site at the eastern end of Shenton Road as detailed on the revised Claremont North East Precinct Structure Plan (figure 18).*
 - b) *Redistribution of heights and increase in heights in select locations as detailed on the revised Building Heights and Setbacks Plan (figure 19).*
 - c) *Increase in the target dwelling yield to 754 dwellings.*
 - d) *Reduce the area of public open space from 17.4% to 15.54% as detailed on the revised Public Open Space Plan (figure 20).*

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- e) *Where inconsistencies arise between the Detailed Area Plans and Design Guidelines relative to the Structure Plan, the requirements of the Detailed Area Plans and Design Guidelines prevail.*
 - f) *Extend the North East Precinct boundary to include the intersection of Lapsley and Graylands Roads and provide for directional intersection treatment to discourage through movement to north along Graylands Road.*
 - g) *Vary the public open space to reflect the current subdivision approvals for the development site;*
2. *not endorse the following modifications to the Claremont North East Structure Plan in accordance with clause 750(4) of the Town of Claremont Town Planning Scheme No.3:*
- a) *The creation of additional public open space at the intersection of Davies and Shenton Roads.*
 - b) *Modification of Lot 509 to convert the endorsed signalised 'T' intersection to a roundabout with constant flashing amber lights.*
 - c) *The reduction in height of development on Lots 508 and 509 to six storeys.*
 - d) *An average apartment size of 93m² be set as a minimum in each Detailed Area Plan lot within the Structure Plan.*
 - e) *Provision being made in the Structure Plan for the necessary studies to be undertaken and, if required, implementation or rectification measures as a Development cost to address the Department of Minerals and Energy concerns relative to buffer distances for the chlorination system installed at the Town of Claremont pool.*
 - f) *Modify the Structure Plan to include parking for at least 400 vehicles, or*

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alternatively the Developer be required to build and fund the building of a multi storey car park adjacent to the station precinct.

The motion was put and carried.

7480.9.4

Layout Plan Amendments – Mapping Data Conversion

File -
Report Number SPC/402
Agenda Part D
Reporting Officer Planning Manager – Aboriginal Communities

Mr Farrar requested that the Local Government areas be added to the maps in the Layout Plans for clarity and Ms Meaghan undertook to arrange this.

Resolved

Moved by Ms Burrows, seconded by Ms Taylor

That the Western Australian Planning Commission resolves to:

- 1. endorse the Amendments to Layout Plans listed in Attachment 1;*
- 2. ratify the draft Layout Plans listed in Attachment 2.*

The motion was put and carried.

7480.9.5

Lot 6 North East Road, Gidgegannup: Subdivision to Create Two Lots for Rural Purpose.

File 147311
Report Number SPC/403
Agenda Part G
Reporting Officer Planning Officer, Perth and Peel Planning

Officer's Recommendation

That the Western Australian Planning Commission resolves to approve the proposed subdivision to create two lots at Lot 6 North East Road, Gidgegannup subject to the following conditions:

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CONDITIONS:

1. The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government)
2. Satisfactory arrangements being made with the local government for the partial cost of upgrading and/or construction of North Road. (Local Government)
3. 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)
4. 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)
5. 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)
6.
 - 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

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that all subdivisional works have been carried out in accordance with the pre-works geotechnical report. (Local Government).

7. A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'The lot(s) is/are subject to a fire management plan.' (Local Government)

8. 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. With regard to Condition 2, the City of Swan advises the applicant that the estimated cost of the North Road upgrading/construction is \$2200.
2. In regard to Condition 5, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.
3. In regard to 8, Western Power provides only one underground point of electricity supply per freehold lot.

Mr Farrar was of the view that Condition 6 should be deleted as there is no evidence from the City of Swan of the necessity for that Condition.

Resolved

Moved by Mr Farrar, seconded by Mayor Adams

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Subject to the removal of Condition 6, that the Western Australian Planning Commission resolves to approve the proposed subdivision to create two lots at Lot 6 North East Road, Gidgegannup subject to the following conditions:

CONDITIONS:

- 1. The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government)*
- 2. Satisfactory arrangements being made with the local government for the partial cost of upgrading and/or construction of North Road. (Local Government)*
- 3. 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)*
- 4. 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)*
- 5. 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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6. *A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

'The lot(s) is/are subject to a fire management plan.' (Local Government)

7. *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. *With regard to Condition 2, the City of Swan advises the applicant that the estimated cost of the North Road upgrading/construction is \$2200.*
2. *In regard to Condition 5, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.*
3. *In regard to Condition 7, Western Power provides only one underground point of electricity supply per freehold lot.*

The motion was put and carried.

7480.9.6

Lot 11 Chittering Road, Bullsbrook: Subdivision to Create Two Lots for Rural Purpose.

File 147114
Report Number SPC/404
Agenda Part G
Reporting Officer Planning Officer, Perth and Peel Planning

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Officer's Recommendation

That the Western Australian Planning Commission resolves to approve the proposed subdivision to create two lots at Lot 11 Chittering Road, Bullsbrook subject to the following conditions:

CONDITION(S):

1. A fire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3) to the specifications of the local government and/or the Department of Fire and Emergency Services. (Local Government)
2. A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'The lot(s) is/are subject to a fire management plan.' (Local Government)
3. 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)
4. A restrictive covenant, to the benefit of the local government, pursuant to section 129BA of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:

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'No development is to take place outside the defined building envelope(s), unless otherwise approved by the local government.'
(Local Government)

5. Satisfactory arrangements being made with the local government for the partial upgrading and/or construction of Chittering Road. (Local Government)
6. Prior to the commencement of subdivision works a foreshore management plan for the unnamed creek on the Chittering Road boundary is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan. (Local Government)
7. 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).
8. 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. With regards to Condition 5, the City of Swan advises the applicant that the estimated partial upgrade cost for Chittering Road is \$2200.
2. In regard to 8, Western Power provides only one underground point of electricity supply per freehold lot.

Mr Farrar was of the view that Condition 7 be deleted as it is considered in this instance not appropriate to the application under consideration.

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Resolved

Moved by Ms Burrows, seconded by Ms Taylor

Subject to the removal of Condition 7, that the Western Australian Planning Commission resolves to approve the proposed subdivision to create two lots at Lot 11 Chittering Road, Bullsbrook subject to the following conditions:

CONDITION(S):

- 1. A fire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3) to the specifications of the local government and/or the Department of Fire and Emergency Services. (Local Government)*
- 2. A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'The lot(s) is/are subject to a fire management plan.' (Local Government)*
- 3. 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)*
- 4. 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)

5. *Satisfactory arrangements being made with the local government for the partial upgrading and/or construction of Chittering Road. (Local Government)*
6. *Prior to the commencement of subdivision works a foreshore management plan for the unnamed creek on the Chittering Road boundary is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan. (Local Government)*
7. *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. *With regard to Condition 5, the City of Swan advises the applicant that the estimated partial upgrade cost for Chittering Road is \$2200.*
2. *In regard to Condition 7, Western Power provides only one underground point of electricity supply per freehold lot.*

The motion was put and carried.

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7480.9.7

Local Subdivision & Infrastructure Plan No. 370 - Alice Road, Mount Helena

File SPN/0481
Report Number SPC/405
Agenda Part G
Reporting Officer Planning Officer, Perth and Peel Planning

Officer's Recommendation

That the Western Australian Planning Commission resolves to adopt Local Subdivision and Infrastructure Plan (LSIP) No. 370 adopted by the Shire of Mundaring on 22 November 2012 in accordance with Clause 4.49(8) of the Shire of Mundaring Local Planning Scheme No. 3, subject to the following modifications:

- i. The LSIP being modified to depict the subdivision of two lots in accordance with the minimum lot size requirement of the Rural Landscape Living (1 to 2 ha) zone.
- ii. The LSIP being modified to state the following:
 1. Notwithstanding any statement to the contrary within AS 3959-2009 (or relevant equivalent), any buildings to be erected on lots within the Local Subdivision and Infrastructure Plan area shall comply with the requirements on AS 3959-2009, or equivalent Australian Standard; and
 2. A notification shall be inserted on the Certificate of Title in accordance with Section 70A of the Transfer of Land Act 1893 advising of the increased building construction standards in accordance with AS 3959-2009 or equivalent Australian Standard.'

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Mayor Adams, Ms Taylor and Mr Holloway noted that they did not support the Officer's recommendation and recommended that modification i. be removed to facilitate a subdivision of three lots.

Resolved

Moved by Mayor Adams, seconded by Ms Taylor

Subject to the removal of modification i., to facilitate a subdivision of three lots, that the Western Australian Planning Commission resolves to adopt Local Subdivision and Infrastructure Plan (LSIP) No. 370 adopted by the Shire of Mundaring on 22 November 2012 in accordance with Clause 4.49(8) of the Shire of Mundaring Local Planning Scheme No. 3, subject to the following modifications:

- i. The LSIP being modified to state the following:*
 - 1. Notwithstanding any statement to the contrary within AS 3959-2009 (or relevant equivalent), any buildings to be erected on lots within the Local Subdivision and Infrastructure Plan area shall comply with the requirements on AS 3959-2009, or equivalent Australian Standard; and*
 - 2. A notification shall be inserted on the Certificate of Title in accordance with Section 70A of the Transfer of Land Act 1893 advising of the increased building construction standards in accordance with AS 3959-2009 or equivalent Australian Standard.'*

The motion was put was put and lost as the Presiding Member used his casting vote in the negative as the initial vote was tied.

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

Resolved

Moved by Ms Burrows, seconded by Mr Farrar

That the Western Australian Planning Commission resolves to adopt Local Subdivision and Infrastructure Plan (LSIP) No. 370 adopted by the Shire of Mundaring on 22 November 2012 in accordance with Clause 4.49(8) of the Shire of Mundaring Local Planning Scheme No. 3, subject to the following modifications:

- i. The LSIP being modified to depict the subdivision of two lots in accordance with the minimum lot size requirement of the Rural Landscape Living (1 to 2 ha) zone.*
- ii. The LSIP being modified to state the following:*
 - 1. Notwithstanding any statement to the contrary within AS 3959-2009 (or relevant equivalent), any buildings to be erected on lots within the Local Subdivision and Infrastructure Plan area shall comply with the requirements on AS 3959-2009, or equivalent Australian Standard; and*
 - 2. A notification shall be inserted on the Certificate of Title in accordance with Section 70A of the Transfer of Land Act 1893 advising of the increased building construction standards in accordance with AS 3959-2009 or equivalent Australian Standard.'*

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The motion was put and carried.

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

7480.10 Confidential Items

7480.10.1 State Administrative Tribunal Review: Invitation to Reconsider Conditions of Subdivision Approval to Create Two Lots for Development and Public Open Space Purposes

File 146289
Report Number SPC/406
Agenda Part D
Reporting Officer Senior Planning Officer - Appeals

THIS ITEM IS CONFIDENTIAL

7480.10.2 Shire of Northam Town Planning Scheme No. 3 Amendment No. 33 - For Final Approval

File TPS/0728/1
Report Number SPC/407
Agenda Part E
Reporting Officer Planning Manager – Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

7480.10.3 Shire of Mt Marshall – Local Planning Strategy and Local Planning Scheme No. 3 – Final Approval

File TPS/0241/1
Report Number SPC/408
Agenda Part E
Reporting Officer Planning Manager, Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

7480.10.4 Shire of York Local Planning Scheme 2 – Amendment No. 31 – For Final Approval

File 853/4/34/2P31V
Report Number SPC/409
Agenda Part E
Reporting Officer Principal Planner, Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

Statutory Planning Committee

Minutes
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7480.10.5 **Amendment No. 122, Shire of Denmark Local Planning Scheme No. 3 – For Final Approval**

File 22 March 2012
Report Number SPC/410
Agenda Part TPS/0750/1
Reporting Officer A/Executive Director, Regional Planning and Strategy

THIS ITEM IS CONFIDENTIAL

7480.11 **General Business**

Nil.

7480.12 **Items for Consideration at a Future Meeting**

Item No	Report	Request	Report Required by
7477.9.2	City of Mandurah – Endorsement of City Centre Precinct Plan	To request Committee Support to arrange for the City of Mandurah to address the SPC and to include a site visit to coincide with an SPC meeting to be held in Mandurah.	TBA
7477.11.1	The Wheatbelt – Towns of York and Toodyay	To request Committee Support to arrange a site visit with regard to water and bush fire issues and in relation to future approvals for rural living subdivisions due to lack of water resources, and a possible need for consolidation of the local towns. (to be combined with 7477.11.2)	TBA
7477.11.2	Avon Arc Study	To request Committee Support to invite Avon Arc to advise the Committee on issues such as sustainability, identifying priority areas, royalties for regions and capability. (to be combined with 7477.11.1)	TBA

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7477.11.3	Private Arrangements for obtaining money for public open space by agreement	To request the Department to prepare a report to the WAPC regarding these types of arrangements.	TBA
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7480.13 Closure

The next ordinary meeting is scheduled for 9.00 am on Tuesday 14 May 2013.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 11.30 am.

PRESIDING MEMBER _____

DATE _____

INDEX OF REPORTS

Item	Description
9	REPORTS
	A POLICY
9.1	ESTUARY HIDEAWAY CARAVAN PARK, BOUVARD: FORESHORE MANAGEMENT PLAN
	G DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA
9.2	SUBDIVISION TO CREATE 3 LOTS FOR RESIDENTIAL PURPOSE - LOTS 213-216 SUNDERCOMBE LOOP, WAROONA
10	CONFIDENTIAL REPORTS
	B LOCAL OR REGIONAL PLANNING SCHEMES / AMENDMENTS
10.1	CITY OF WANNEROO - DISTRICT PLANNING SCHEME NO.2 AMENDMENT NO.115 - FOR FINAL APPROVAL
10.2	CITY OF SWAN LOCAL PLANNING SCHEME AMENDMENT NO. 67 FOR FINAL APPROVAL
10.3	DRAFT IMPROVEMENT SCHEME - BROWSE LIQUEFIED NATURAL GAS PRECINCT – CONSENT TO ADVERTISE
10.4	SHIRE OF DENMARK RESOLUTION TO PREPARE A NEW LOCAL PLANNING SCHEME NO 4
10.5	CITY OF BUSSELTON - LOCAL PLANNING SCHEME AMENDMENT 181 - FOR FINAL APPROVAL

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

- 10.6 SHIRE OF MOUNT MAGNET LOCAL PLANNING STRATEGY AND LOCAL PLANNING SCHEME NO. 2 - FOR FINAL APPROVAL
- 10.7 CITY OF GREATER GERALDTON SOUTH GREENOUGH TO CAPE BURNEY COASTAL PLANNING STRATEGY FOR FINAL APPROVAL
- 10.8 SHIRE OF YORK LOCAL PLANNING SCHEME 2 – AMENDMENT NO. 31 – FOR FINAL APPROVAL
- 10.9 SHIRE OF THREE SPRINGS DRAFT LOCAL PLANNING SCHEME - CONSENT TO ADVERTISE

G DEVELOPMENTS / SUB DIVISIONAL /SURVEY STRATA ITEMS

- 10.10 SECTION 31 RECONSIDERATION (SAT ACT 2004) FOR CONDITIONS 1, 3, 6, 7, 8, 9 AND 13 REGARDING LOT 23 FRANCIS ROAD, PORT DENISON
-

ITEM NO: 9.1

ESTUARY HIDEAWAY CARAVAN PARK, BOUVARD: FORESHORE MANAGEMENT PLAN

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Senior Planning Officer Peel Planning, Perth and Peel Planning
AUTHORISING OFFICER:	A/Planning Director Peel Planning, Perth and Peel Planning
AGENDA PART:	A
FILE NO:	862/6/13/8PV2, 004-6-13-7PV
DATE:	1 May 2013
ATTACHMENT(S):	1. Location Plan 2. Foreshore Management Plan - Figure 03 3. Schedule of Submissions

RECOMMENDATION:

That the Western Australian Planning Commission resolves to endorse the Estuary Hideaway Caravan Park Foreshore Management Plan, subject to the following modifications:

- a. modify the Foreshore Management Plan Implementation Schedule at 2.2.2 to state that a management order for Reserve 41827 is intended to be vested in the City of Mandurah; and***
- b. replace references at 2.2.2, 3.6.7 and 3.7 to the 'Department of Regional Development and Lands' taking over responsibility for ongoing maintenance of the reserve and Unallocated Crown Land with the 'City of Mandurah'.***

SUMMARY:

- The City of Mandurah seeks endorsement of a Foreshore Management Plan (FMP).
- The key issues with the FMP relate to the land tenure arrangements and ongoing maintenance requirements.
- It is recommended the FMP be endorsed subject to modifications.

BACKGROUND:

A FMP has been prepared for part of unvested Crown Reserve 41827 and part of Unallocated Crown Land (UCL), adjacent to the Peel-Harvey Estuary. The FMP was prepared by Ecoscape (Australia) Pty Ltd for the owners of the adjacent Estuary Hideaway Caravan Park at Lot 10 Old Coast Road, Bouvard. (**Attachment 1** - Location Plan; **Attachment 2** - Foreshore Management Plan - Figure 03). A full copy of the FMP document can be made available upon request.

The FMP was advertised in April 2008 with 13 submissions received. The FMP was revised in response to the submissions received and readvertised in August 2011, resulting in five submissions being received (**Attachment 3** - Schedule of Submissions).

The City of Mandurah (the City) approved the modified FMP in October 2011 and forwarded the FMP to the WAPC in March 2012 for endorsement. Since then consultations occurred between the Department of Planning (DoP), Department of Regional Development and Lands (RDL) and the City in relation to land tenure arrangements.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Planning and Development Act 2005
Peel Region Scheme (PRS) 2006
Section: PRS - Part 6, 19(e)(iv) & 20

Strategic Plan

Strategic Goal: Planning
Outcomes: State wide integrated policy frameworks
Strategies: Develop state and regional policy frameworks

Policy

Number and / or Name: State Planning Policy No. 2: Environment and Natural Resources Policy;
State Planning Policy No. 2.6: State Coastal Planning Policy (SPP2.6)

DETAILS:

The FMP area applies to a 110 metre length of Reserve 41827 and an equivalent portion of the abutting UCL, adjacent to the Estuary Hideaway Caravan Park on Old Coast Road, Bouvard.

The FMP area is currently non-irrigated, parkland cleared with natural vegetation fringing the Peel-Harvey Estuary. The area contains informal tracks to the caravan park and to an adjacent unconstructed road reserve.

The primary aim of the FMP is to conserve the natural environment of the area while allowing compatible community access for passive recreation. Proposed works within the FMP, to be undertaken by the owners of Lot 10, include:

-
- formalising existing paths to a three metre wide compacted limestone standard;
 - signage installation;
 - low fencing;
 - picnic tables;
 - revegetation and rehabilitation;
 - removable bollards for maintenance purposes; and
 - control measures for weed, fire and feral animals.

Prior to any works commencing, the FMP recommends the applicant be required to obtain approval for a s91 Foreshore Licence under the *Land Administration Act 1997* (LAA) from RDL and to lodge an Aboriginal heritage application.

An implementation period and three year maintenance period with a six monthly monitoring schedule is recommended within the FMP. The FMP proposes that ongoing tenure and maintenance of the unvested Crown Reserve will lie with RDL upon completion of the maintenance period.

GOVERNMENT AND CORPORATE IMPLICATIONS:

As the FMP area has not yet been vested in the City, there is some risk that the City may not be in a position to appropriately enforce compliance with the FMP. However, it is expected that such vesting will occur in due course.

CONSULTATION:

Submissions

Thirteen submissions were received during the 2008 advertising period which resulted in modification to and readvertising of the FMP in August 2011. The modified FMP was forwarded to relevant agencies and landholders within a 400m radius of the site, resulting in five submissions. The issues raised in the submissions are discussed in the Schedule of Submissions (**Attachment 3**), together with the Council's response and Department of Planning's comments.

The main issue raised in the submissions relates to future maintenance of the site.

OFFICER'S COMMENTS:

State Coastal Planning Policy 2.6 (SPP2.6)

SPP2.6 section 5.1 *Coastal Foreshore Reserves (vii)* supports foreshore reserves being vested in the local government for the purposes of foreshore management and recreation, and at *Coastal Strategies and Management Plans (x)* requires the preparation of a FMP and its implementation by the proponent for foreshore reserves.

The FMP is proposed over a portion of unvested Reserve 41827 and UCL, however the FMP does not address future vesting of the site.

Environment Considerations

A Flora and Vegetation Survey was undertaken with no known Threatened Ecological Communities occurring on the site and Declared Rare or Priority Flora are unlikely to occur on the site. The FMP does not propose any works that would compromise the environmental features of the site or the nearby Peel-Harvey Estuary.

Tenure

Proposed tenure arrangements for the relevant portion of Reserve 41827 and UCL are now sufficiently well progressed, being:

- a) RDL is agreeable to the creation of a new reserve for the site, which separates unrelated encroachment issues associated with another portion of the reserve;
- b) RDL supports in principle the amalgamation of UCL into the proposed new Reserve;
- c) the City is prepared to accept vesting of the proposed new Reserve;
- d) in anticipation of the land being vested in this manner, the City has applied for an s91 Foreshore Licence under the LAA.

It is recommended the FMP is approved subject to a modification that indicates vesting of the relevant portion of Reserve 41827 is intended to be held by the City of Mandurah rather than RDL.

Site Maintenance

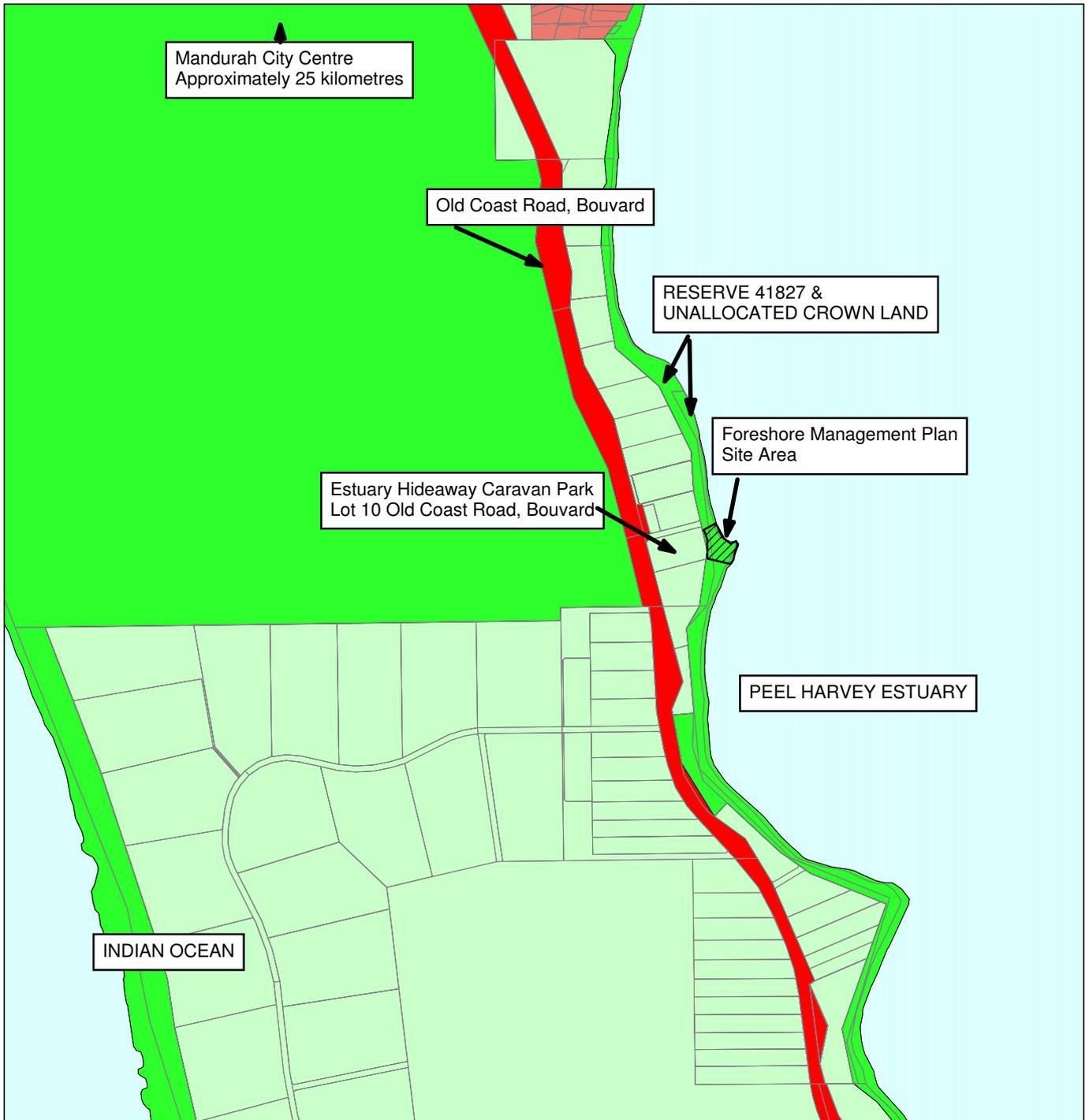
The FMP recommends that RDL will be responsible for the ongoing maintenance of the FMP site following implementation works and a three year maintenance period.

The RDL is not prepared to be responsible for the ongoing maintenance and associated works of the FMP area following the three year maintenance period. As the City is prepared to accept vesting of the site, as discussed above, it is recommended the FMP is approved subject to a further modification indicating that the City will be responsible for the ongoing maintenance responsibility of the Reserve and UCL.

Conclusion

It is recommended that the FMP is endorsed subject to modifications, as outlined in the recommendation of this report.

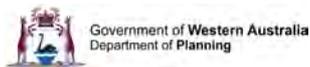
The proponent and the City are agreeable to the recommended modifications.



-  Cadastre with Lot Numbers
-  URBAN
-  RURAL
-  PRIMARY REGIONAL ROADS
-  REGIONAL OPEN SPACE
-  WATERWAYS

Scale 1:20,000
 0 500 m

Prepared by: Iharris
 Prepared for: 862/6/13/8pv2
 Date: Tuesday, April 30, 2013 12:44
 Plot identifier: P20130430_1244



LOCATION PLAN
 Foreshore Management Plan
 for Reserve 41827

DP INTERNAL USE ONLY

notes

Vehicular access to the foreshore area shall be limited to emergency and maintenance vehicles only via the use of bollards at 1500 centres and gates or removeable bollards at designated pathway entry points to foreshore area.

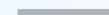
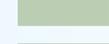
Public access and parking to be installed by the City of Mandurah at a later stage.

Domestic animals are prohibited from the foreshore area.

Camping activities within the foreshore area are prohibited.

approximate boat ramp location

legend

-  site boundary
-  existing path
-  compacted crushed limestone trail / firebreak
-  informal access trail (bare earth)
-  existing trees to be retained
-  proposed trees
-  significant tree habitats
-  rehabilitation (planting and / or weed control)
-  weed control around lagoon & foreshore edge planting
-  foreshore back planting
-  upland planting
-  non-irrigated parkland cleared
-  parkland cleared recreation nodes (access to estuary)
-  concrete edge
-  low fence (1.2m)
-  bollards to delineate private land & foreshore & restrict vehicle access
-  removeable bollard / gate
-  picnic table / bench
-  signage

road reserve

camping permitted

camping restricted

vehicle access restricted - only authorised emergency and maintenance vehicles

lagoon

peel-harvey estuary



typical signage detail



typical fencing detail

SCHEDULE OF SUBMISSIONS
Estuary Hideaway Caravan Foreshore Management Plan - 2011
CITY OF MANDURAH

	Owner/Address	Submission (Summarised comments)	Council Comment and Recommendation	WAPC Comment/Recommendation
1.	Robyn Kursar PO Box 5775 FALCON WA 6210	Don't exclude dogs from foreshore. Controls could include: <ul style="list-style-type: none"> • Dogs should be kept on a leash. • Install "poo" bag dispensers • Install signage about keeping dogs on lead 	Dismissed - Domestic pets will be excluded from the foreshore, via signage and community education, to minimise habitat disturbance and predation of native fauna.	Dismissed – Agree with Council's comment.
2.	PW & JM Mills 2133 Old Coast Road BOUVARD WA 6211	Happy for progress to happen for the enjoyment of the public.	Noted.	Noted.
3.	Barry Small President Canoe Trail Friends of Mandurah & Pinjarra Inc PO Box 3188 MANDURAH EAST WA 6210	Increase recreational use and interpretation of the foreshore by both caravan park guests and the general public. <ol style="list-style-type: none"> a. Access to the foreshore by providing a "road" which caters for both vehicles and pedestrians, within the road reserve from western end to eastern end. b. Informal canoe launch site be provided, via the parkland cleared recreational node identified in the plan, at the northern end of specified foreshore area. c. In the mean-time, install a visible sign to be placed at the western end of the road reserve promoting the existing pedestrian public access, and an informal car park established. 	Dismissed: <ol style="list-style-type: none"> a. There is no current restriction for canoe access to the foreshore. However, the City will investigate providing a path through the adjacent road reserve. b. Capacity for launching canoes already exist. c. Outside the scope of the FMP. 	Dismissed. <ol style="list-style-type: none"> a. The road reserve is outside the FMP area. b. Canoe launching is available approximately 75m north of the FMP area via an existing boat ramp. c. Agree with Council's comment.

	Owner/Address	Submission (Summarised comments)	Council Comment and Recommendation	WAPC Comment/Recommendation
4.	P&M Sindle 2138 Old Coast Road HERRON WA 6211	<p>a. Concerns about the proprietors of the Caravan Park to respect the Reserve.</p> <p>b. Trees in the past have not been trimmed to required standards.</p> <p>c. Increased amount of traffic into Yalgorup National Park opposite the Caravan Park.</p> <p>d. Will there be restrictions on boat access to the estuary foreshore? Need protection of the estuary foreshore by way of speed restrictions and marked entry and exit for boats.</p> <p>e. Public access to the foreshore – does that mean that nearby residents will have a right of way to the estuary foreshore?</p>	<p>a. Noted - The owner has been made aware of responsibilities in managing the reserve.</p> <p>b. Noted - Under Town Planning Scheme No. 3, trees must be trimmed to Australian Standard (AS 4373-2007), if standards are not met, the case is referred to the City's Compliance Dept.</p> <p>c. Dismissed - Beyond scope of FMP.</p> <p>d. Dismissed – The FMP will not increase boat activity. Transport of boats is a Department of Transport responsibility. The FMP does not alter existing access for boats.</p> <p>e. Noted – The public has full access to foreshore and also north and south tracks by way of a road reserve.</p>	<p>a. Noted – Prior to works commencing a s91 Foreshore License under the <i>Land Administration Act</i> is required. The FMP sets out the proponents responsibilities in implementing and maintaining the required works</p> <p>b. Supported – Agree with Council's comment.</p> <p>c. Dismissed – Agree with Council's comment.</p> <p>d. Dismissed – Boats will not be able to be launched from the FMP area as access is limited to emergency and maintenance vehicles only. A boat ramp is located immediately north of the FMP area.</p> <p>e. Upheld in Part – Public access is formally unrestricted, however, is practically restricted by existing landscaping beyond the scope of the FMP.</p>

	Owner/Address	Submission (Summarised comments)	Council Comment and Recommendation	WAPC Comment/Recommendation
5.	Department of Regional Development and Lands (RDL), State Lands Services Division PO Box 1143 West Perth WA 6872	<p>a. Prior to works being undertaken on the foreshore the proponent to negotiate a Section 91 license.</p> <p>b. RDL is not prepared to become responsible for future maintenance and works under the FMP as currently proposed.</p> <p>c. A Section 91 license will not be issued until agreement is reached regarding future appropriate management.</p>	<p>a. Noted – The proponent is aware of this requirement.</p> <p>b. Noted - The City is in negotiations with RDL to take over management of the reserve.</p> <p>c. Noted - No works will be undertaken until a license has been issued.</p>	<p>a. Noted - The FMP requires a section 91 license be obtained prior to site works.</p> <p>b. Upheld – Recommend the FMP be modified to require ongoing responsibility, following the recommended three year maintenance period, to be the responsibility of the City of Mandurah.</p> <p>c. Noted. Department of Planning has undertaken consultations with the City and RDL regarding vesting arrangements for the FMP area. Agreement in principle has been reached with all parties.</p>

ITEM NO: 9.2

SUBDIVISION TO CREATE 3 LOTS FOR RESIDENTIAL PURPOSE - LOTS 213-216 SUNDERCOMBE LOOP, WAROONA

WAPC OR COMMITTEE

Statutory Planning Committee

REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Officer, Peel Planning, Perth and Peel Planning
AUTHORISING OFFICER:	A/Planning Director, Peel Planning, Perth and Peel Planning
AGENDA PART:	G
FILE NO:	147627
DATE:	6 May 2013
ATTACHMENT(S):	1. Location Plan 2. Plan of Subdivision 3. Related Survey Strata Plan of Subdivision
REGION SCHEME ZONING:	PRS: URBAN
LOCAL GOVERNMENT:	Shire of Waroona
LOCAL SCHEME ZONING:	Urban 4 - Residential
LGA RECOMMENDATION:	Conditional Support
REGION DESCRIPTOR:	MAND
RECEIPT DATE:	14 March 2013
PROCESS DAYS:	53
APPLICATION TYPE:	Subdivision
CADASTRAL REFERENCE:	Lots 213-216 Sundercombe Loop, Waroona

RECOMMENDATION:

That the Western Australian Planning Commission resolves to approve the application for subdivision of Lots 213-216 Sundercombe Loop, Waroona as shown on the plan date-stamped 14 March 2013. This decision is valid for three years subject to the following condition(s) and advice:

CONDITIONS:

- 1. 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)***

2. 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)**

ADVICE:

Nil

LEGISLATION / STRATEGIC PLAN / POLICY:

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

Strategic Plan

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

Policy

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

SUMMARY:

- The application seeks approval to create three freehold lots.
- The application is presented to Committee as one lot proposes a frontage which does not comply with WAPC policy.
- It is recommended the application is approved subject to standard conditions.

INTRODUCTION

The application seeks approval to subdivide four lots into three freehold lots ranging in size from 708m² to 1728m² (**Attachment 1** - Location Plan; **Attachment 2** - Plan of Subdivision).

Proposed Lot 14 is subject to a concurrent survey strata application (WAPC ref: 265-13) proposing two residential lots and one common property lot, which is being processed under delegated authority (**Attachment 3** - Related Survey Strata Plan of Subdivision).

CONSULTATION

The Shire of Waroona supports the application subject to standard conditions.

The Water Corporation raises no objection to the application.

Western Power raises no objection to the application subject to standard conditions.

All recommended conditions have been assessed and where considered fair, reasonable and relevant, they should be imposed.

PLANNING ASSESSMENT

The lots are zoned Urban under the Peel Region Scheme and Urban 4 - Residential R12.5 in the Shire of Waroona Town Planning Scheme No. 7 (TPS7).

Residential Density Codes

WAPC *State Planning Policy 3.1 Residential Design Codes (R-Codes)* requires a minimum lot size of 700m² with an average lot size of 800m². The proposal complies with these requirements.

The R-Codes also requires a minimum frontage of 17m for lots coded R12.5. Proposed Lot 214 does not comply with this requirement as it has a frontage of approximately 13m at the setback line, which represents a variation of 23.5%.

The R-Codes do not contain any provisions to enable variation to the minimum frontage requirements.

Development Control Policy 2.2 - Residential Subdivision (DC2.2)

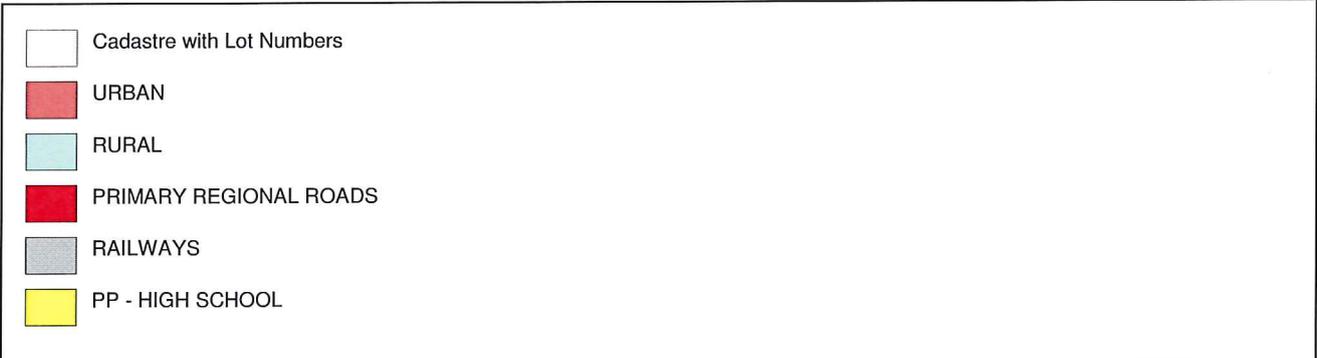
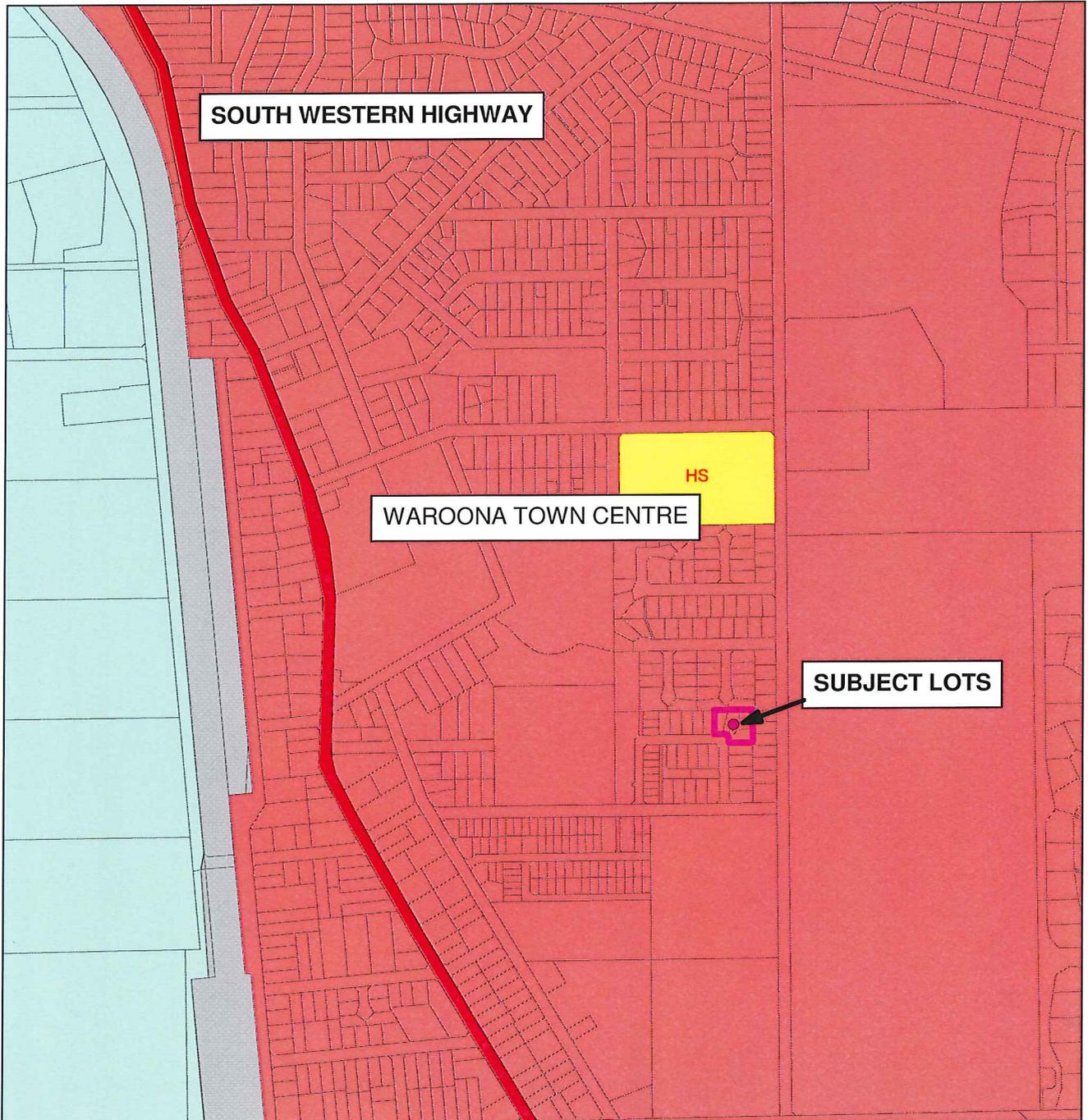
Clause 3.2.1 of DC2.2 states that generally, the minimum lot size and frontage requirements of the relevant code will form the basis for the subdivision of residential land. Although DC2.2 sets out discretionary provisions regarding minimum and average lot sizes variations of the R-Codes, it does not provide discretion in relation to minimum frontage requirements.

It is recommended that the application is approved as:

- a) none of the existing four lots comply with the minimum frontage requirements, whereas two of the three proposed lots would comply with the frontage requirements;
- b) the subdivision will result in more regularly shaped lots;
- c) the lots meet both the minimum and average lot size requirements; and
- d) proposed Lot 214 is capable of being developed in an orderly manner, as demonstrated by the proposed concurrent survey strata application (WAPC ref: 265-13).

CONCLUSION

It is recommended the application is approved subject to standard conditions.



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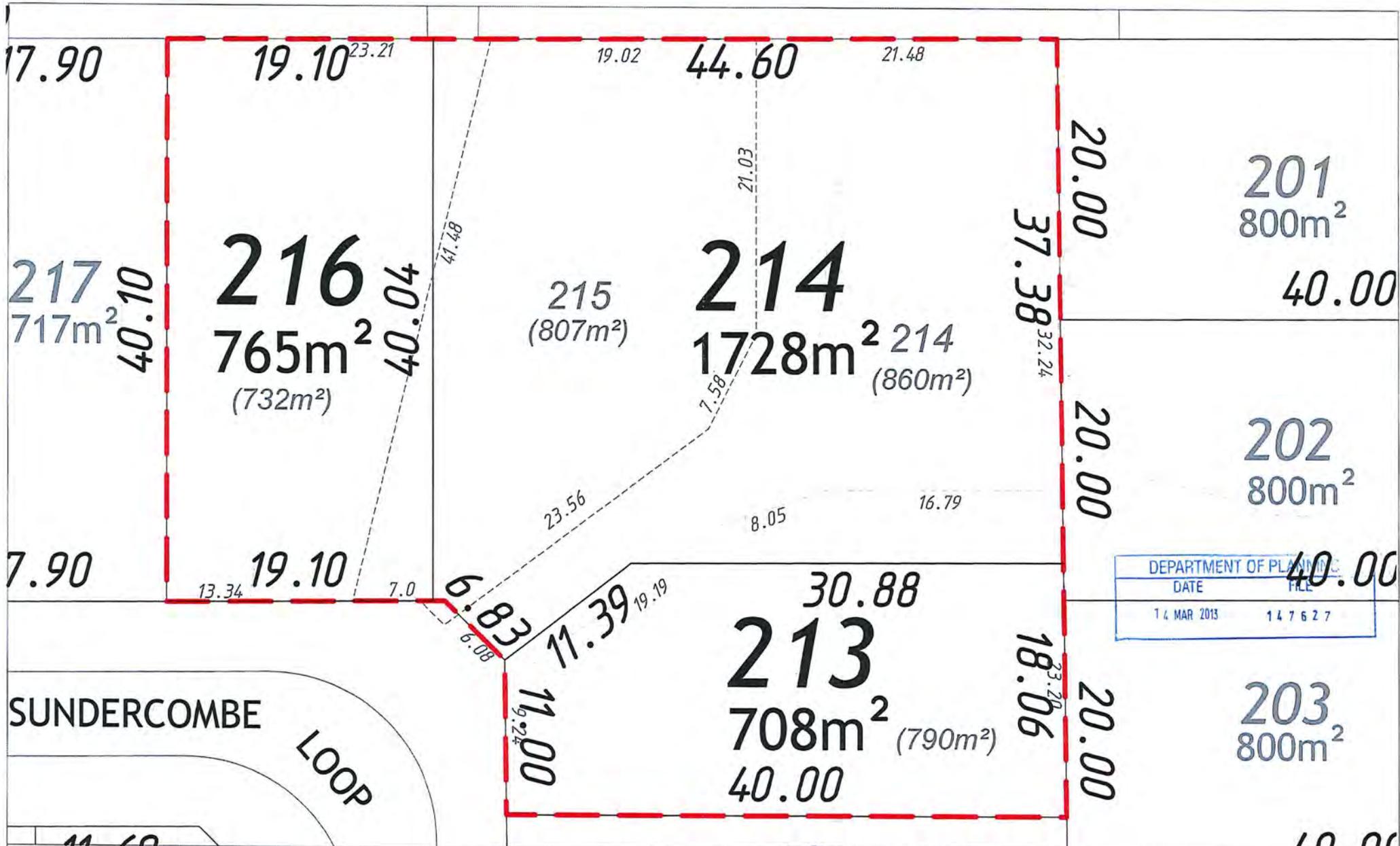
Prepared by: lharris
 Prepared for: 147627
 Date: Thursday, March 28, 2013 13:49
 Plot identifier: P20130328_1349

DP INTERNAL USE ONLY




Government of Western Australia
 Department of Planning

Location Plan
 Lots 213-216 Sundercombe Loop
 Waroona



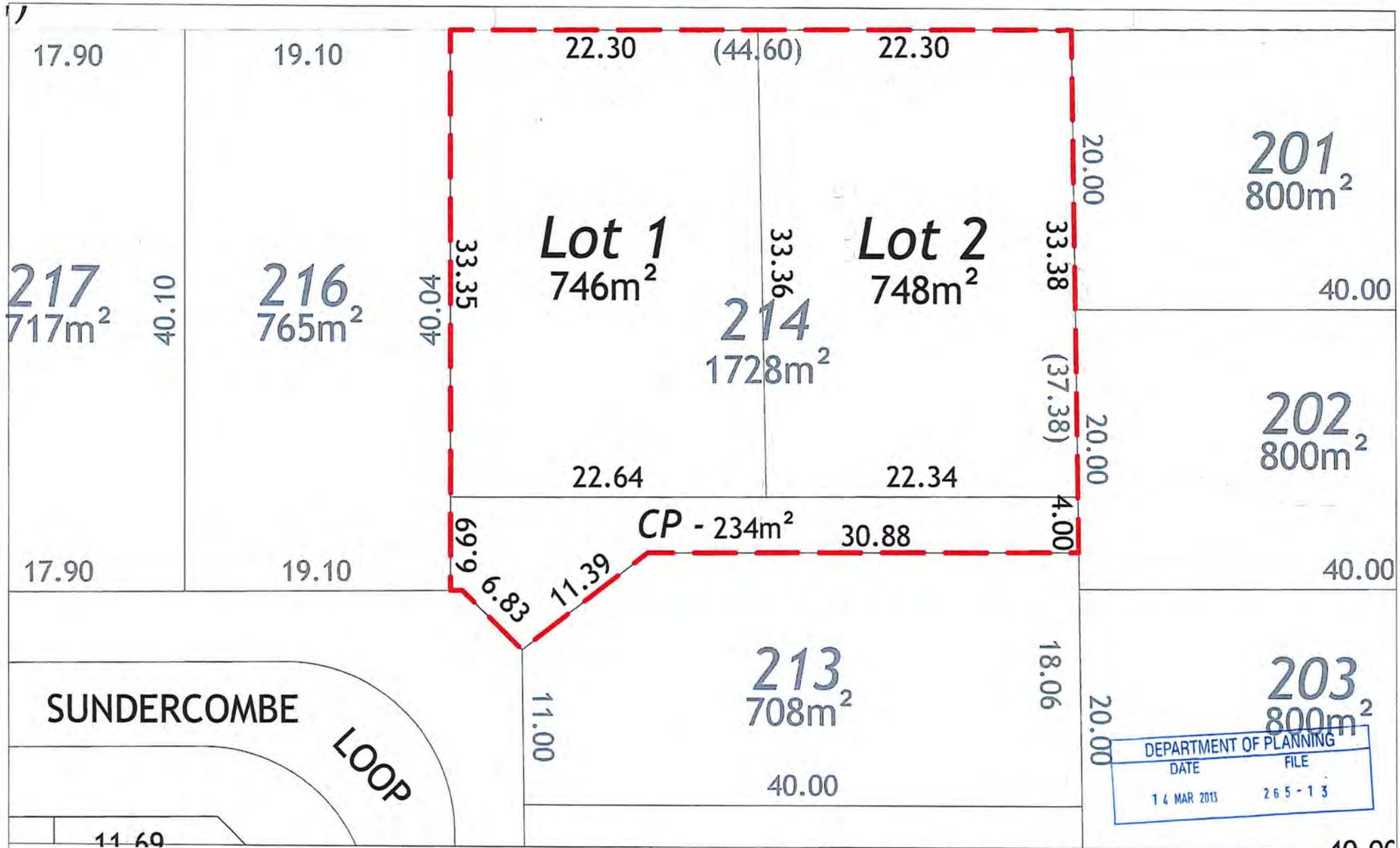
DEPARTMENT OF PLANNING
 DATE FILE
 14 MAR 2013 147627

PLAN OF RE-SUBDIVISION AND AMALGAMATION
 LOTS 213 TO 216 SUNDERCOMBE LOOP
 WARDONA

Scale: 1:250
 Date: Feb 2013
 Job No: C1507
 File No: P1507-11

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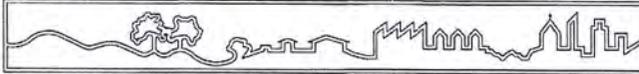


DEPARTMENT OF PLANNING
 DATE FILE
 14 MAR 2013 265-13

PLAN OF SURVEY STRATA SUBDIVISION
 LOTS 213 TO 216 SUNDERCOMBE LOOP
 WAROODA

Scale: 1:250
 Date: Feb 2013
 Job No: C1507
 File No: P1507-12

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