



Statutory Planning Committee

Agenda Attachments

**Tuesday, 14 October 2014
9.00 am**

Report Category

- 9 Statutory Items for Decision**
- 10 Policy Items for Discussion/Decision**
- 11 Confidential Items (Statutory & Policy)**



ITEM 9.%

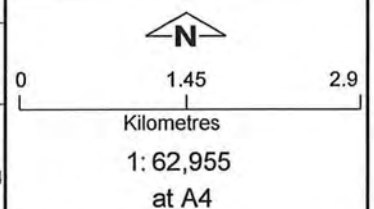
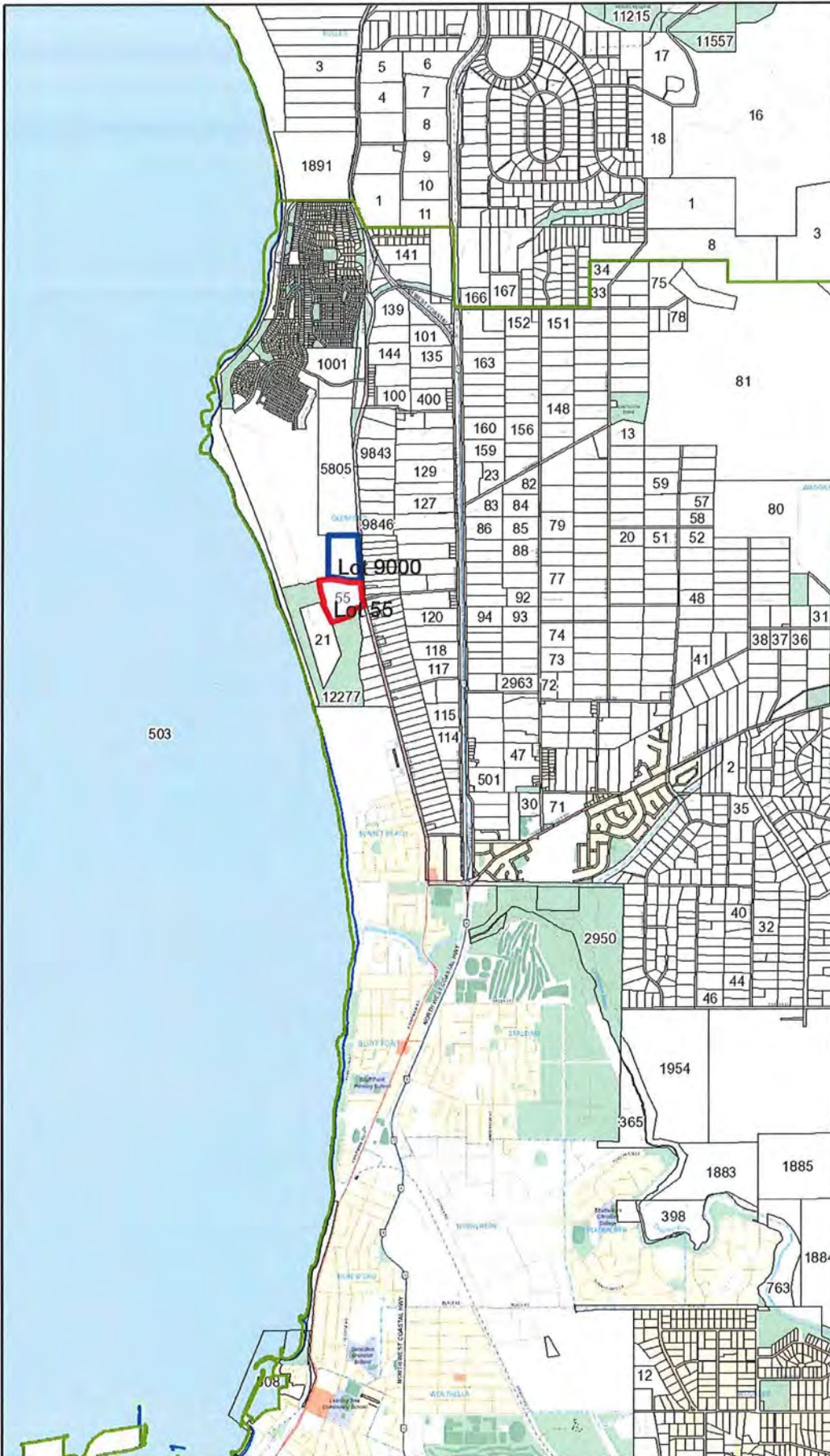
FINAL ENDORSEMENT - GLENFIELD DISTRICT ACTIVITY CENTRE STRUCTURE PLAN



Government of Western Australia
Department of Planning

Legend

- Local Government Area
- Cadastre (view 2)
- Cadastre (view 3)
- Cadastre (view 4)
- W.A. Coastline



Projection:

WGS 1984 Web Mercator Auxiliary Sphe

Notes:

The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. This information is stored in the relevant layers metadata. For these reasons the map should not be distributed outside of the Department.

Map was produced using DoP's PlanViewWA.

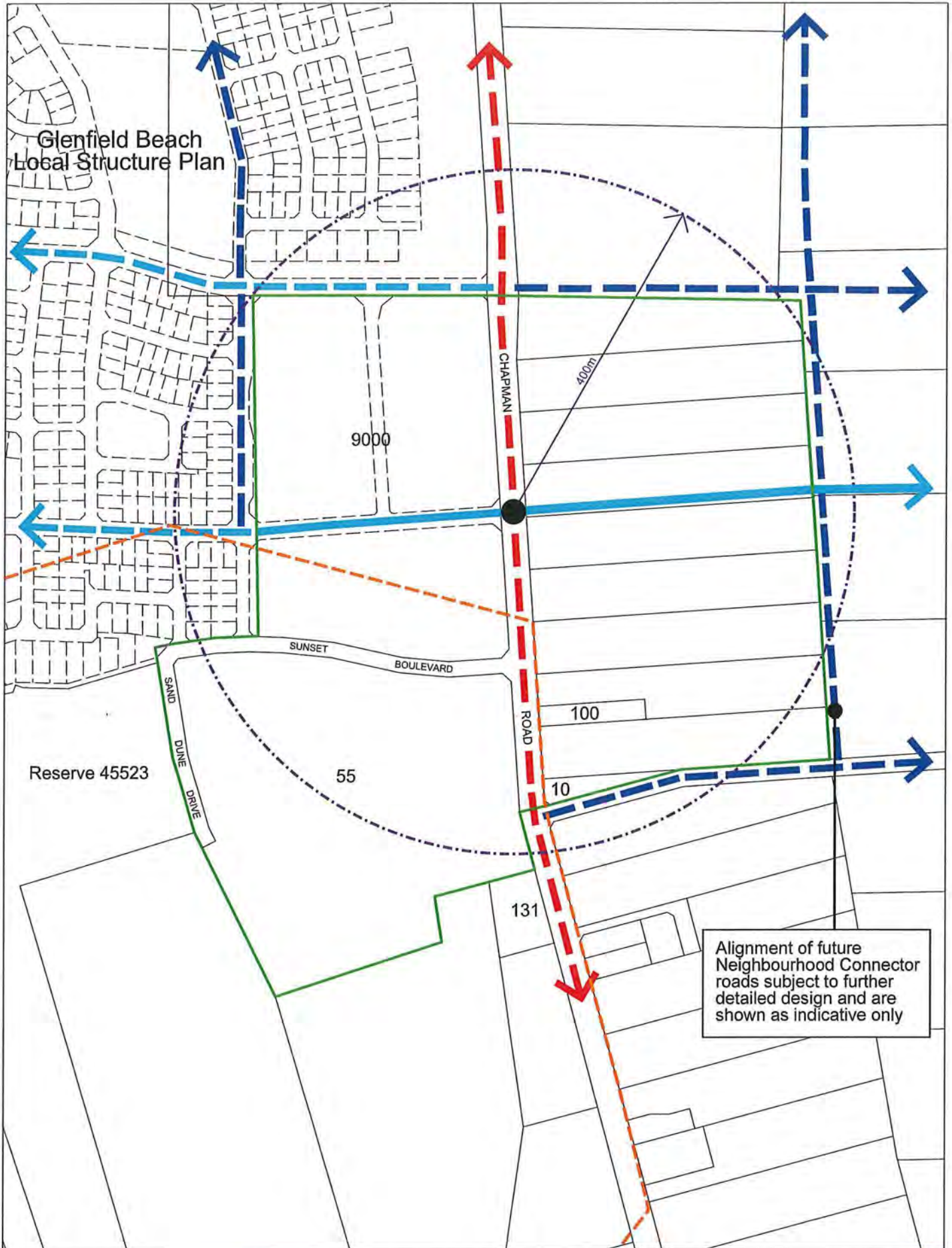
Locality Plan - Lot 9000 and Lot 55 Chapman Road

INTERNAL USE ONLY

Internal Spatial Viewer
[Link to viewer](#)

Produced by: FUNCTIONALITY TO COME

Date produced: 26-Sep-2014



Alignment of future Neighbourhood Connector roads subject to further detailed design and are shown as indicative only

Plan No.: 14511-16
Revision: REV.4
Scale: 1:4000@A3
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- Waste Water Treatment Plant Buffer
- Activity Centre Precinct Boundary
- Chapman Road (Intergrator Road A)
- Future Intergrator Road B
- Future Neighbourhood Connector Roads

GLENFIELD ACTIVITY CENTRE
PRECINCT BOUNDARY

FIGURE 2

DATE DRAWN: 20/08/2014
DRAWN BY: CdeL
CHECKED BY: JP
FILE: 10623 Activity Precinct boundary fig 2.dwg
V DATOR: AVO
H DATOR: MS04 (S)



Plan No. : 14511-17
 Revision : REV.3
 Scale : 1:3000@A3

FIGURE 9
GLENFIELD DISTRICT
ACTIVITY CENTRE PRECINCT
CONCEPTUAL MASTERPLAN

DATE DRAWN 20/12/2013 FILE 130821 Activity centre precinct plan land use Rev 1.dwg
 DRAWN BY: CdeL V DATES AND
 CHECKED BY: JP H DATES MGAH (50)

- Notes
1. A Detailed Area Plan pursuant to City of Greater Geraldton - Greenough Local Planning Scheme No. 5 (Greenough) to be prepared for areas shown prior to development approval.
 2. Final orientation of local access road to be determined at subdivision stage.
 3. Location of future local access road (public or private) to be determined at Detailed Area Plan stage.
 4. Integrator 'B' road to be a minimum of 27 metre width which shall connect with future east-west road link between Chapman Road and North West Coastal Highway.
 5. An urban water management plan is required including provisions for suitable drainage infrastructure. This is to be completed in accordance with the approved Local Water Management Strategy, and outcomes reflected in the detailed area plan (or local development plan) proposals to accommodate Dolby Creek Floodplain overflow path, to the satisfaction of the local authority and the Department of Water.
 6. Culverts under roads for Dolby Creek Floodplain overflow subject to detailed design in Urban Water Management Plan to the satisfaction of the local authority.
 7. Residential (R60) for aged persons accommodation (possible retirement village) permitted within 'Commercial' area as shown on Structure Plan map. If developed for Retirement Village, road design subject to Detailed Area Plan.
 8. Possible location for central piazza.
 9. Provision for centralised dedicated bus embayments on both sides of road to accommodate timed stops.
 10. Final land uses and design subject to WWTP odour modelling, and approval from the City of Greater Geraldton and Water Corporation.
 11. Road reserves may need to be revised at detailed area plan (or local development plan) stage to facilitate traffic numbers, parking and pedestrians, should a secondary school be developed in the adjacent Glenfield Beach residential area.
 12. Provision of pedestrian and cycling infrastructure and crossings will need to be considered, particularly in planning for the connection of east and west precincts of the activity centre along Chapman Road.
 13. Chapman Road may be subject to widening to accommodate future traffic volume and intersection requirements as development proceeds.
 14. Service vehicle requirements are to be considered in the movement network and design of the detailed area plans (or local development plans).
 15. Direct frontage for 'in and out' traffic along Chapman Road to be subject to further investigation at Detailed Area Plan Stage.

Future Residential

Lot 9000

Future Residential

SUNSET

BLVD

LOT 55

CHAPMAN ROAD

ADOPTION OF THE ACTIVITY CENTRE STRUCTURE PLAN

The Western Australian Planning Commission resolved on ___ day of _____ 2014 to adopt the Activity Centre Structure Plan as a guide for subdivision and development within the locality.

Signed for and on behalf of the Western Australian Planning Commission:

an officer of the Commission duly authorised by the Commission pursuant to section 24 of the *Planning and Development Act 2005* for that purpose in the presence of:

Witness

Date:

FINAL APPROVAL

Adopted for Final Approval by resolution of the City of Greater Geraldton of the ordinary meeting of the Council held on the ___ day of _____ 2014 and the Common Seal of the City of Greater Geraldton was hereunto affixed by the authority of a resolution of the Council in the presence of:

Mayor

Chief Executive Officer

LEGEND

- Commercial
- Residential (R60)
- Integrator 'A' Road
- Integrator 'B' Road
- Neighbourhood Connector 'B'
- Local Access Road (Indicative)
- Structure Plan Boundary
- Wastewater Treatment Plant Buffer
- Detailed Area Plan Required
- Dolby Creek Floodplain Overflow Path
- Possible future aged persons accommodation (retirement village) at density of R60
- Pathways - shared path (Indicative)
- Pathway - pedestrians only (Indicative)
- Transit Stop (Indicative)
- Final design and land use subject to further investigation as specified on the LSP



Plan No. : 14511-19

Revision : REV.F

Scale : 1:2500@A3

0 25 50 75

133 Scarborough Beach Road Mount Hawthorn WA 6010 www.whelans.com.au

ACTIVITY CENTRE STRUCTURE PLAN
LOT 9000 CHAPMAN ROAD
GLENFIELD

PLAN 1

DATE DRAWN: 20/08/2014 FILE: 120902 Glenfield District Structure Plan.dgn
DRAWN BY: CdeL V DATUM: AHD
CHECKED BY: JEP H DATUM: MGA84 (50)

SPC ATTACHMENTS AGENDA Page 6

TOWN PLANNING

whelans

Glenfield Beach Activity Centre Structure Plan – Schedule of Submissions

Number & Date	Submitter	Nature of Submission	Comment	Council Response	WAPC Recommendation
1 (03-02-2014)	Dept. of Aboriginal Affairs	There are currently no known sites within the work area.		Note Submission	Uphold
2 (27-02-14)	TPG on behalf of Private Landowner	<p>Include Lot 55 Chapman Road in the proposed Structure Plan boundary, within the 'Commercial' zone.</p> <p>The proposed Structure Plan seeks to establish various zones throughout the proposed Activity Centre, being 'Residential R60' in the north western corner of Lot 9000, and 'Commercial' for the remainder of the area to facilitate the future development of a retail centre.</p> <p>Whilst this is generally accepted, the proposed Structure Plan report contains a series of anomalies and contradictions. The report details the development concepts for Lot 55, and Lot 55 is included in the various concept plans for the proposed Activity Centre. However the proposed Structure Plan boundary fails to include Lot 55 or the adjoining land on the eastern side of Chapman Road, both of which would be required to ensure that the Activity Centre contain a mix of land uses, as advocated by the WAPC.</p>	<p>The structure plan has been specifically prepared for Lot 9000 only, however the structure plan forms part of a larger overall area referred to as the Glenfield Activity Centre Precinct.</p> <p>Part 2 of the report (sections 1 – 8) provides a non-statutory vision report for the overall Glenfield Activity Centre Precinct. These sections simply provide a guiding framework for the future lodgement of other structure plan/s by the various other landowners in the precinct.</p> <p>It should also be noted that clause 15.7.5.1 of the Scheme states that a structure plan may be prepared for all <u>or part</u> of any zone or development area. The Lot 9000 structure plan is bounded to the south by Sunset Boulevard which provides for a suitable structure plan boundary. The Lot 9000 structure plan can proceed independently from Lot 55, without compromising the proper and orderly planning for the proposed overall Activity Centre Precinct.</p> <p>The landowner of Lot 55 has not provided any commercial, environmental, transport assessments etc. to support their 'Commercial' aspirations, all of which would be required for an activity centre structure plan.</p>	Dismiss Submission	Uphold Council Position - it is not considered reasonable for Lot 55 to be included within the Structure at this late stage, further considerations are outlined in the WAPC report.
3 (27-02-14)	Private Landowner	<p>Half of the front portion of our property falls within Stage 2 of the development and the other half in Stage 3 which could have a detrimental effect on the financial viability of developing our property if a delay should occur between each stage.</p> <p>If we were to subdivide our property to suit the proposed plan we would have to demolish our</p>	<p>The staging areas as shown in Figure 16 for land on the eastern side of Chapman Road and southern side of Sunset Boulevard (western side of Chapman Road) are indicative only and subject to landowners obtaining structure plan approval and development approval.</p> <p>The indicative staging of land as shown in Figure</p>	Note Submission	Uphold - conceptual plan over the affected lot only, Structure Plan and proposed zone for Lot 9000 only.

Glenfield Beach Activity Centre Structure Plan – Schedule of Submissions

Number & Date	Submitter	Nature of Submission	Comment	Council Response	WAPC Recommendation
		house and the trees that are currently located in the middle of our driveway.	16 should not be construed as representing the manner of staging (or timing of development) for those areas. The plan merely provides an example of how development of the proposed District Activity Centre could be staged at this level of planning.		
4 (04-03-14)	Water Corporation	<u>Water Conveyance</u> Currently the Geraldton Regional Water Supply Scheme review is in progress. Water connection points provided are conditional on the Geraldton northern water scheme having spare capacity.	The developer has been in close contact with the Water Corporation and is aware of the current water planning and its implications on the development.	Note Submission	Uphold
		<u>Wastewater Conveyance</u> A review of the wastewater planning for the northern Geraldton area is currently programmed. This review includes the transfer of wastewater when/if the Geraldton North wastewater treatment plant is viable to be ultimately relocated to within the Oakajee Industrial Estate.	The developer has been in close contact with the Water Corporation and is aware of the current wastewater planning and its implications on the development.	Note Submission	Uphold
		<u>Chapman Road Reserve Upgrade</u> The planning commission's policy aims to ensure coordination of all existing and proposed service infrastructure by completion of a 'detailed service report' as part of the 'detailed road layout plans'. It is recommended that the section of Chapman Road within the Activity Centre boundary has the reports and plans completed.	The WA Planning Commission Policy, DC 1.7 – General Road Planning states: <i>3.6.1 In addition to the transportation function of roads, the Commission recognises that road reserves are also important for the distribution and protection of public utilities. It is important, therefore, to ensure that road design takes into account the accommodation of such services in the most efficient and cost-effective way. The servicing agencies should be consulted at an early stage so that their requirements can be ascertained before detailed road layouts and designs are prepared.</i> The matter will be addressed by the developer during further stages of the development however the assertion that a 'detailed service report' is required as part of the 'detailed road layout plans' is not correct.	Note Submission	Uphold

Glenfield Beach Activity Centre Structure Plan – Schedule of Submissions

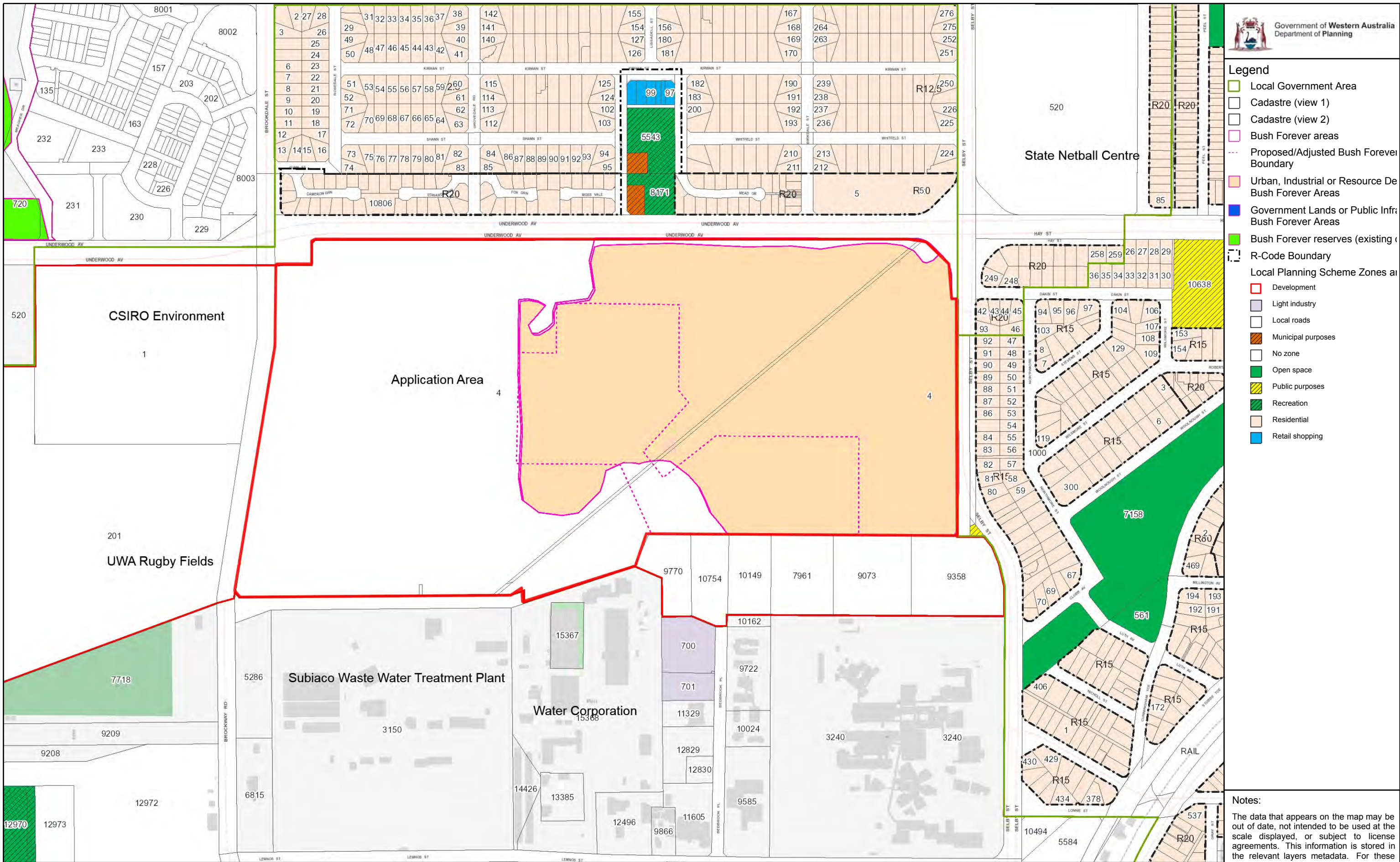
Number & Date	Submitter	Nature of Submission	Comment	Council Response	WAPC Recommendation
		<u>Geraldton North Wastewater Treatment Plant Buffer</u> The Water Corporation is unable to support the residential or non-compatible commercial development proposed within the recommended buffer on the Structure Plan.	The Structure Plan (Section 5.2) specifically deals with the buffer issue and states: <i>No subdivision or development of sensitive land uses (as defined by SPP 4.1 State Industrial Buffer and the Environmental Protection Authority's Guidance Statement No. 3 "Separation Distances between Industrial and Sensitive Land Uses") is permitted prior to further odour modelling required to determine an appropriate WWTP odour buffer to the satisfaction of the WAPC.</i>	Note Submission	Uphold
4 continued		The existing sand dune ridge on the eastern and northern boundary acts within the wastewater treatment plant site as a visual barrier. Should the proposed earthworks on Lot 9000 also be proposed into Lot 55 the Corporation would require that the existing sand dune within the treatment plant site is left undisturbed.	There are no earthworks proposed over Lot 55 or the treatment plant site.	Note Submission	Uphold
5 (27-02-14)	Main Roads WA	No comments. Request continued consultation in relation to future developments in this area given the potential for significant development with associated traffic generation.		Note Submission	Uphold
6 (26-02-14)	Department of Health	<u>Water and Sewerage</u> All developments are required to comply with the provisions of the draft Country Sewerage Policy. Accordingly, proposed R80 and R60 developments must be connected to scheme water and reticulated sewerage.	A full Engineering Servicing Report (Appendix 5) has been prepared detailing scheme water and reticulated sewer requirements.	Note Submission	Uphold
		<u>Public Health Impacts</u> Use this opportunity to minimise potential negative impacts of the mixed density development such as noise, odour, light and other lifestyle activities. Could consider incorporation of sound proofing/insulation, double glazing, design aspects relating to location of air conditioning units and other appropriate building/construction measures.	These aspects are dealt with at the development stage, not at this higher level structure planning. Detailed Area Plans are required prior to any development and these are the mechanism that can be used to address the issues raised.	Note Submission	Uphold
7	Coles	Strong supporter of this proposal to allow		Note	Uphold

Glenfield Beach Activity Centre Structure Plan – Schedule of Submissions					
Number & Date	Submitter	Nature of Submission	Comment	Council Response	WAPC Recommendation
(27-02-14)		commercial development at this site.		Submission	



ITEM 9.&

**SUBDIVISION LOT 4 AND LOT 105 UNDERWOOD AVENUE
SHENTON PARK**



Context Plan Attachment 1

INTERNAL USE ONLY

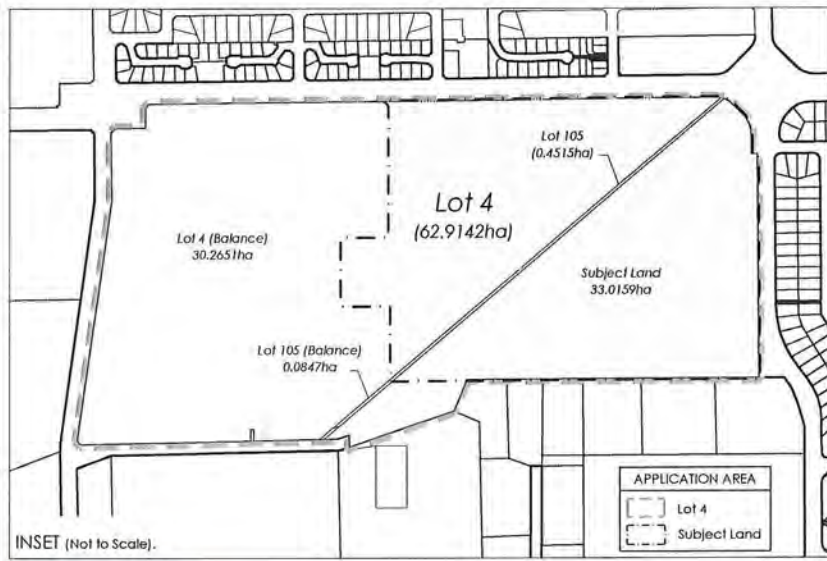
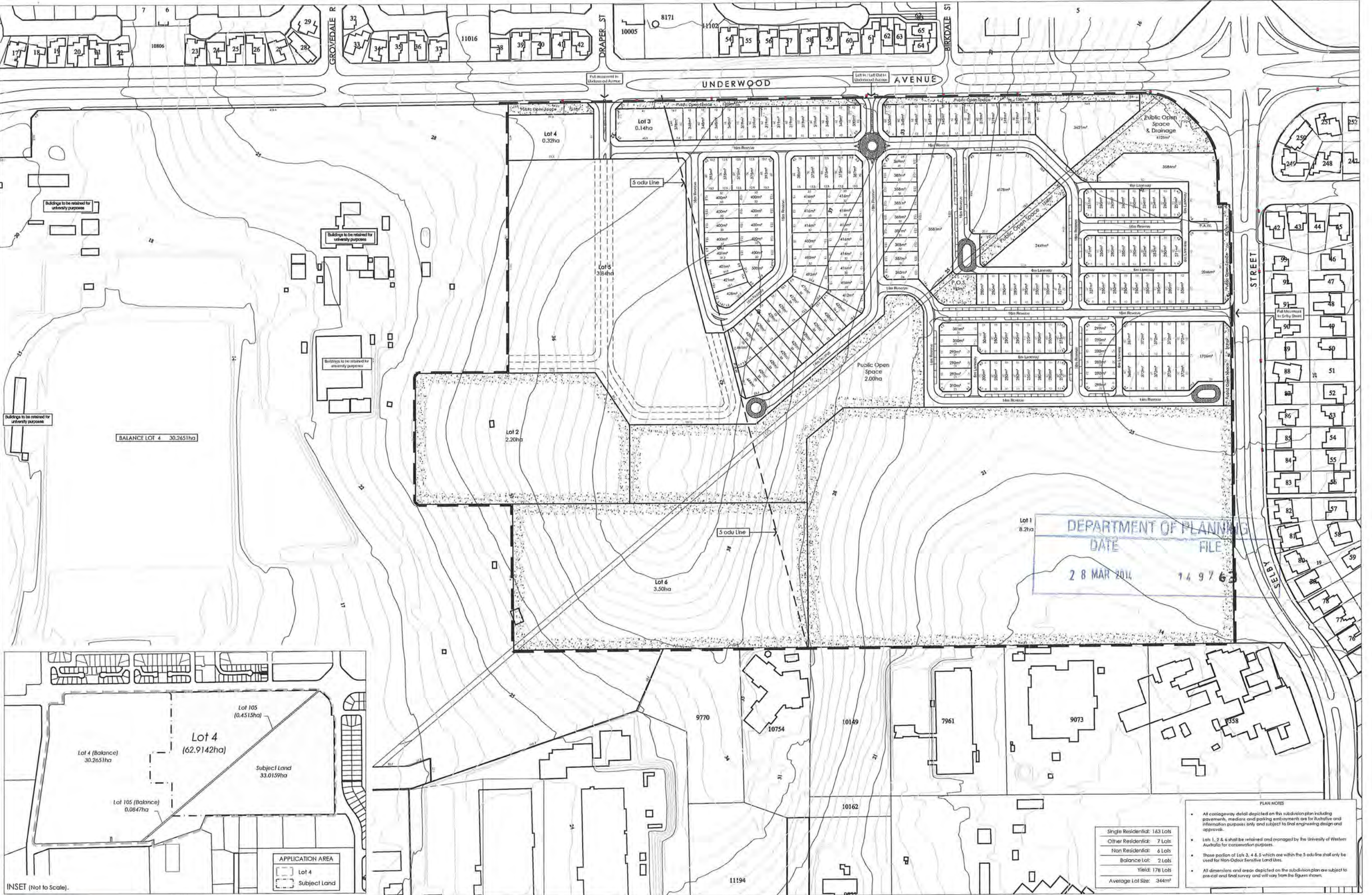
Internal Spatial Viewer
[Link to website](#)

0 0.17 0.3 Kilometres
1: 6,812
at A3
Projection: WGS 1984 Web Mercator Auxiliary Sphere

Notes:
The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. This information is stored in the relevant layers metadata. For these reasons the map should not be distributed outside of the Department.
Map was produced using DoP's PlanViewWA.

Produced by: FUNCTIONALITY TO COME

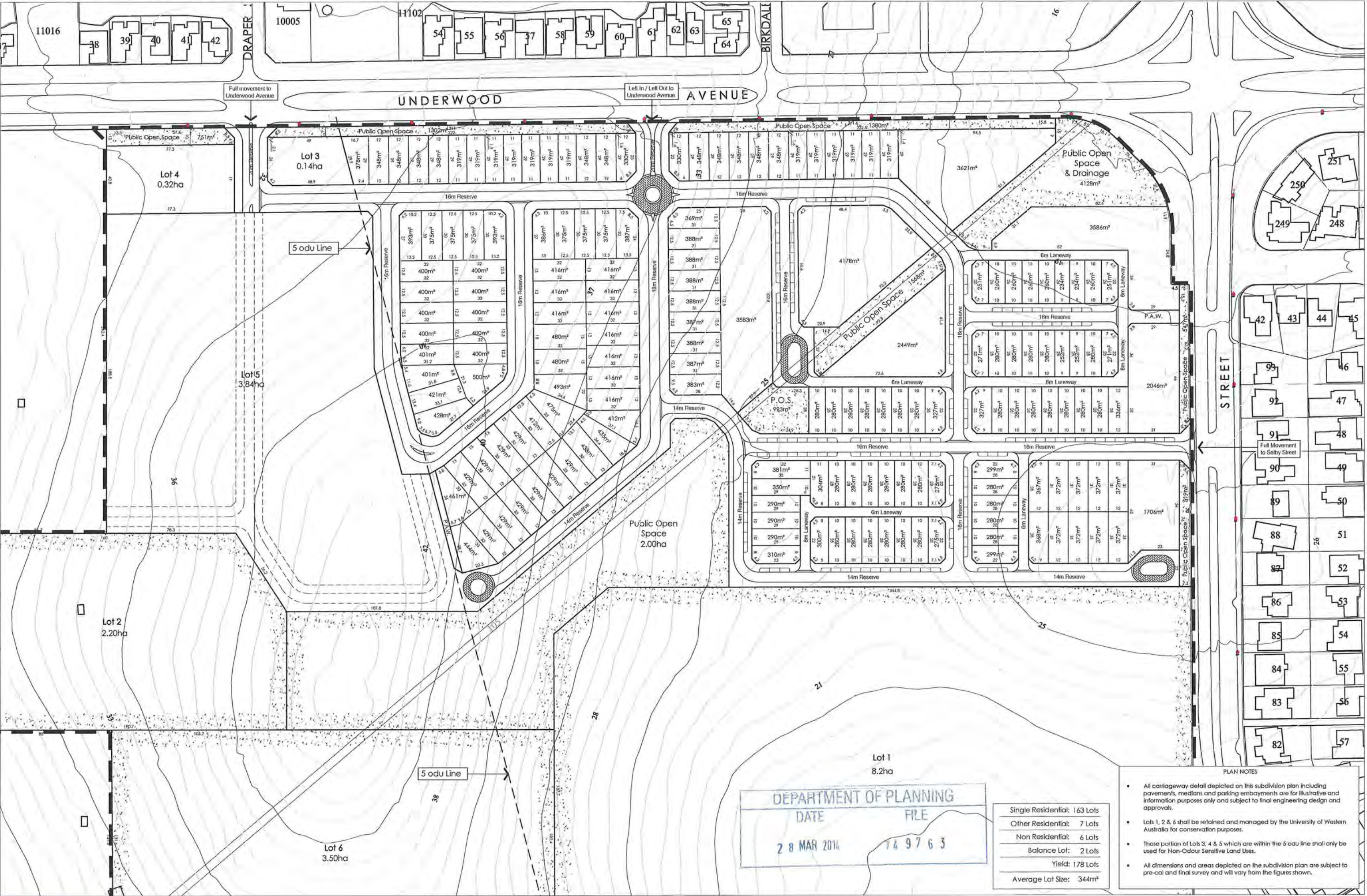
Date produced: 19-Oct-2014



DEPARTMENT OF PLANNING
DATE 28 MAR 2011
FILE 149763

Single Residential:	163 Lots
Other Residential:	7 Lots
Non Residential:	6 Lots
Balance Lot:	2 Lots
Yield:	178 Lots
Average Lot Size:	344m ²

- PLAN NOTES
- All carriageway detail depicted on this subdivision plan including pavements, medians and parking embayments are for illustrative and information purposes only and subject to final engineering design and approval.
 - Lots 1, 2 & 6 shall be retained and managed by the University of Western Australia for conservation purposes.
 - Those portions of Lots 3, 4 & 5 which are within the 5 odu line shall only be used for Non-Open Space Land Uses.
 - All dimensions and areas depicted on the subdivision plan are subject to pre-sal and final survey and will vary from the figures shown.



DEPARTMENT OF PLANNING
DATE 28 MAR 2014 FILE 14 97 6 3

Single Residential:	163 Lots
Other Residential:	7 Lots
Non Residential:	6 Lots
Balance Lot:	2 Lots
Yield:	178 Lots
Average Lot Size:	344m²

- PLAN NOTES
- All cartilage detail depicted on this subdivision plan including pavements, medians and parking embayments are for illustrative and information purposes only and subject to final engineering design and approvals.
 - Lots 1, 2 & 6 shall be retained and managed by the University of Western Australia for conservation purposes.
 - Those portion of Lots 3, 4 & 5 which are within the 5 odu line shall only be used for Non-Odor Sensitive Land Uses.
 - All dimensions and areas depicted on the subdivision plan are subject to pre-cal and final survey and will vary from the figures shown.

STATUS OF THIS DOCUMENT

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Published on: 14 July 2010

Statement No. 835

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(PURSUANT TO THE PROVISIONS OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

**DEVELOPMENT AND CONSERVATION PROPOSAL
LOT 4 UNDERWOOD AVENUE, SHENTON PARK**

Proposal: The proposal area is approximately 33.4 hectares of Lot 4 Underwood Ave in Shenton Park. Within this area the University intends to establish a conservation area (13.9 hectares), Public Open Space (2 hectares) and a development area (17.5 hectares). The development area includes approximately 13 hectares to be developed for residential purposes with the remainder of the area for “University purposes - future use and development”, as it is affected by odour from the Subiaco Wastewater Treatment Plant. This area will remain vegetated pending the clarification of the development and land use potentials of this land with relevant planning authorities in accordance with Local Planning Scheme requirements.

Proponent: The University of Western Australia

Proponent Address: 39 Stirling Highway Crawley WA 6009

Assessment number: 1403

Report of the Environmental Protection Authority: Bulletin 1272

The proposal referred to in the above report of the Environmental Protection Authority may be implemented. The implementation of that proposal is subject to the following conditions and procedures:

1 Proposal Implementation

1-1 The proponent shall implement the proposal as documented and described in schedule 1 of this statement subject to the condition and procedures of this statement.

Published On:

2 Proponent Nomination and Contact Details

- 2-1 The proponent for the time being nominated by the Minister for the Environment under sections 38(6) or 38(7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal.
- 2-2 The proponent shall notify the Chief Executive Officer of the Office of the Environmental Protection Authority (CEO) and the CEO of the City of Nedlands of any change of the name and address of the proponent for the serving of a notice or other correspondence within 30 days of such change.

3 Time Limit of Authorisation

- 3-1 The authorisation to implement the proposal provided for in this statement shall lapse and be void within five years after the date of this statement if the proposal to which this statement relates is not substantially commenced.
- 3-2 The proponent shall provide the CEO with written evidence which demonstrates that the proposal has substantially commenced on or before the expiration of five years from the date of this statement.

4 Compliance Reporting

- 4-1 The proponent shall submit to the CEO and to the CEO of the City of Nedlands environmental compliance reports annually reporting on the previous twelve-month period, unless required by the CEO to report more frequently.
- 4-2 The environmental compliance reports shall address each element of an audit program approved by the CEO and shall be prepared and submitted in a format acceptable to the CEO.
- 4-3 The environmental compliance reports shall:
 - 1. be endorsed by signature of the proponent's chief executive officer or a person, approved in writing by the CEOP, delegated to sign on behalf of the proponent's chief executive officer;
 - 2. state whether the proponent has complied with each condition and procedure contained in this statement;
 - 3. provide verifiable evidence of compliance with each condition and procedure contained in this statement;
 - 4. state whether the proponent has complied with each key action contained in any environmental management plan or program required by this statement;
 - 5. provide verifiable evidence of conformance with each key action contained in any environmental management plan or program required by this statement;
 - 6. identify all non-compliances and non-conformances and describe the

corrective and preventative actions taken in relation to each non-compliance or non-conformance;

7. provide an assessment of the effectiveness of all corrective and preventative actions taken; and
 8. describe the state of implementation of the proposal.
- 4-4 The proponent shall make the environmental compliance reports required by condition 4-1 publicly available in a manner approved by the CEO.

5 Odour Affected Land

5-1 Subject to condition 5-2 no clearing of native vegetation shall occur in the area designated “Area 1” on Figure 1.

5-2 Where:

- (a) a Land Use Plan (“the Plan”) has been prepared by the proponent;
- (b) the Minister for Environment, on advice of the Department of Environment and Conservation, is satisfied that implementation of the Plan will not subject people to unacceptable levels of odour; and
- (c) the proponent has received the prior written advice of the Minister for the Environment that clearing may occur in the whole of area designated “Area 1” on Figure 1, or such part as is specified in the Minister’s advice,

then the clearing may occur in such part of the areas designated “Area 1 on Figure 1 as is specified in the advice referred to in paragraph (c).

5-3 The Land Use Plan referred to in condition 5-2 shall be prepared to the requirements of the Minister for Environment, on advice of the Department of Environment and Conservation, the Western Australian Planning Commission, the City of Nedlands and the Water Corporation and shall include:

1. specification of the area within “Area 1” shown on Figure 1 to which the plan applies;
2. the intended land uses within the area of application;
3. an outline of the timing of proposed development including demonstrating that other necessary statutory approvals to develop land have been identified;
4. describe the sensitivity of land uses where a land use sensitive to odour emissions includes residential development, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, childcare facilities, shopping centres, and some commercial or institutional uses which require high levels of amenity or are sensitive to particular emissions.

- 5-4 Any areas in the Land Use Plan identified as land uses sensitive to odour will need to meet either:
1. the current criterion for acceptable levels of odour, which is that odour levels should be no greater than 5 Odour Units at 99.9 percentile frequency and 1 hour averaging; or
 2. future standards at the time of submission of the Plan, that are deemed acceptable by the Minister for the Environment.

6 Rehabilitation and Management Plan

- 6-1 Within six months following the formal authority issued to the decision-making authorities under section 45(7) of the *Environmental Protection Act 1986*, the proponent shall prepare a Rehabilitation and Management Plan for the area identified as “Conservation Area” on Figure 1, to the requirements of the Minister for the Environment, on the advice of the Department of Environment and Conservation and the City of Nedlands.

The objective of this Plan is to provide for rehabilitation of the existing degraded area of native vegetation and enhancement of the natural biodiversity values.

This Plan shall address the following:

1. planting and/or seeding of appropriate local native vegetation species; with an emphasis on species suitable for Carnaby's Black Cockatoo foraging and roosting;
 2. management and control of weeds;
 3. management of fire;
 4. management to maintain and enhance bush values with particular measures identified to apply to the smaller area of native vegetation in the western portion;
 5. management of public access consistent with the conservation objectives of the area;
 6. identification of the resources needed for ongoing management: and
 7. identification of the ongoing management authority and any process for timing of handing over management responsibilities if the proponent is not to be the final managing authority.
- 6-2 The proponent shall implement the Plan required by condition 6-1 and provide to the Minister for Environment within 12 months of approval a report on progress in implementing the Plan.

7 Carnaby's Black Cockatoo Conservation Area

- 7-1 The proponent shall establish a Conservation Area of 13.9ha on Lot 4 Underwood Avenue covenanted for the long-term protection of plant species suitable for foraging, and roosting for Carnaby's Black Cockatoo (as shown in Figure 1).
- 7-2 The 13.9ha Conservation Area, as required by Condition 7-1, shall consist of three contiguous parcels, being a 2.2ha western area of existing native vegetation, a 8.2ha eastern area of native vegetation, and a 3.5ha central area requiring rehabilitation (as shown in the Figure 1).
- 7-3 Rehabilitation of the central 3.5ha area, as required by Condition 7-2 shall be in accordance with the objectives established in Condition 6-1.
- 7-4 The proponent shall increase the size of the Public Open Space to 2.0ha and delete the proposed road between the POS and western Conservation Area (as shown in Figure 1).

Notes

- 1. The Minister for the Environment will determine any dispute between the proponent and the Office of the Environmental Protection Authority or the Department of Environment and Conservation over the fulfillment of the requirements of the conditions.

Hon Donna Faragher JP MLC
MINISTER FOR ENVIRONMENT; YOUTH

The Proposal (Assessment No. 1403)

General Description

The proposal area is approximately 33.4 hectares of Lot 4 Underwood Ave in Shenton Park. Within this area the University intends to establish a conservation area (13.9 hectares), Public Open Space (POS) (2.0 hectares) and a development area (17.5 hectares).

The development area includes approximately 13 hectares to be developed for residential purposes with the remainder of the area for “University purposes - future use and development”, as it is affected by odour from the Subiaco Wastewater Treatment Plant. The University proposes this area will remain vegetated pending the clarification of the development and land use potentials of this land with relevant planning authorities in accordance with Local Planning Scheme requirements.

Figure 1 shows Lot 4, the area of the proposal and, the conservation, Public Open Space and development areas.

The proposal is described in the following document: Section 2 of the Environmental Review, ATA Environmental, 2007.

Summary Description

A summary of the key proposal characteristics is presented in Table 1

Table 1 – Summary of Key Proposal Characteristics

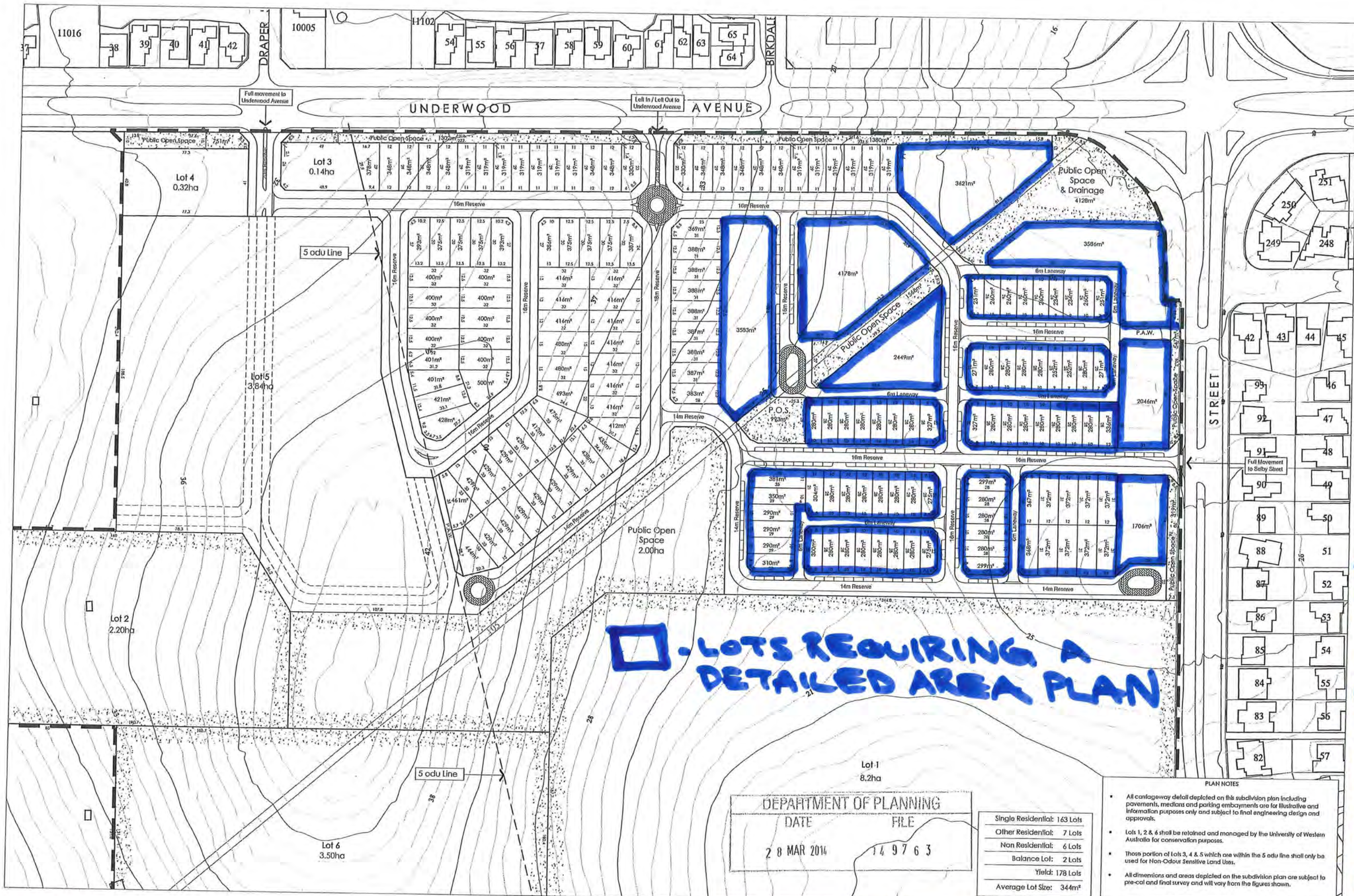
Element	Description
Proposal	<ul style="list-style-type: none"> • 13 hectares residential subdivision creating single residential lots in addition to grouped housing sites. • 13.9 hectares for conservation. • 2.0 hectares for Public Open Space. • 4.5 hectares set aside for “University purposes - future use and development”.
Area (including Public Open Space and reserves)	The proposal area comprises approximately 33.4 hectares of Lot 4 Underwood Avenue, Shenton Park.
Area of disturbance	The proposal is to clear, subdivide and develop 13 hectares of the north-eastern portion of the subject land for residential development. A further 4.5 hectares for “University Purposes - future use and development” will remain vegetated pending the clarification of the development and land use potentials of this land.

Infrastructure	<ul style="list-style-type: none"> • Roads within the sub-division • Footpath on at least one side of all internal roads. • Installation of sewerage connections, soak wells and drainage swales.
Setbacks	<ul style="list-style-type: none"> • 5 metre wide landscape buffer on Underwood Avenue.
Rehabilitation	Preparation and implementation of a Rehabilitation and Management Plan for the retained bushland areas, including fencing, management of weeds, rehabilitation of degraded areas and community awareness programmes.

Figure 1: Lot 4 Proposal including residential, conservation, public open space areas and land identified as “University purposes – future use and development” which is odour affected land requiring a Land Use Plan (Area 1).



Figure 1: Lot 4 Proposal including residential, conservation, public open space areas and land identified as “University purposes – future use and development” which is odour affected land requiring a Land Use Plan (Area 1).



LOTS REQUIRING A DETAILED AREA PLAN

DEPARTMENT OF PLANNING
DATE: 28 MAR 2014
FILE: 14 97 63

Single Residential: 163 Lots
Other Residential: 7 Lots
Non Residential: 6 Lots
Balance Lot: 2 Lots
Yield: 178 Lots
Average Lot Size: 344m²

- PLAN NOTES
- All cartage/delivery detail depicted on this subdivision plan including pavements, medians and parking embankments are for illustrative and information purposes only and subject to final engineering design and approvals.
 - Lots 1, 2 & 6 shall be retained and managed by the University of Western Australia for conservation purposes.
 - Those portion of Lots 3, 4 & 5 which are within the 500m Odour Line shall only be used for Non-Odour Sensitive Land Uses.
 - All dimensions and areas depicted on the subdivision plan are subject to pre-call and final survey and will vary from the figures shown.



PROPOSED SUBDIVISION
Lot 4 & 105 Underwood Avenue, Shenton Park
City of Nedlands

ANNEXURE 'A'

plan no: 778-334-02
scale: 1:1,000 @ A1, 1:2,000 @ A3
SPC ATTACHMENTS AGENDA Page 23

ANNEXURE 'A'



ITEM 9.'

**PROPOSED PLACE OF WORSHIP - LOT 627 HYEM ROAD
HERNE HILL**

GREAT NORTHERN HWY

332
DP59453

17000
131.93

63877

EXISTING SEPTIC SYSTEM

EXISTING APPROVED CAFE
(CLASS 3 FOOD PREMISE)
PROPOSED USE AS
MULTI FUNCTION HALL
FFL 20.20

EXISTING BRICK ART GALLERY
PROPOSED USE AS
MEDITATION HALL
& BUDDHA STAGE

EXISTING BITUMEN DRIVEWAY

EXISTING ROOF STORMWATER DISCHARGE A MIN.
10000M AWAY FROM BUILDING.

NATIVE TREES AND SHRUB

EXISTING HUT

EXISTING CARPORT
EXISTING RESIDENCE
FFL 20.73

EXISTING POOL AND PERGOLA

NATIVE TREES AND SHRUB

HYEM ROAD

DEPARTMENT OF PLANNING
23 JUN 2014
FILE 21-50431-1

SITE PLAN

SCALE 1:400



627

7086m²

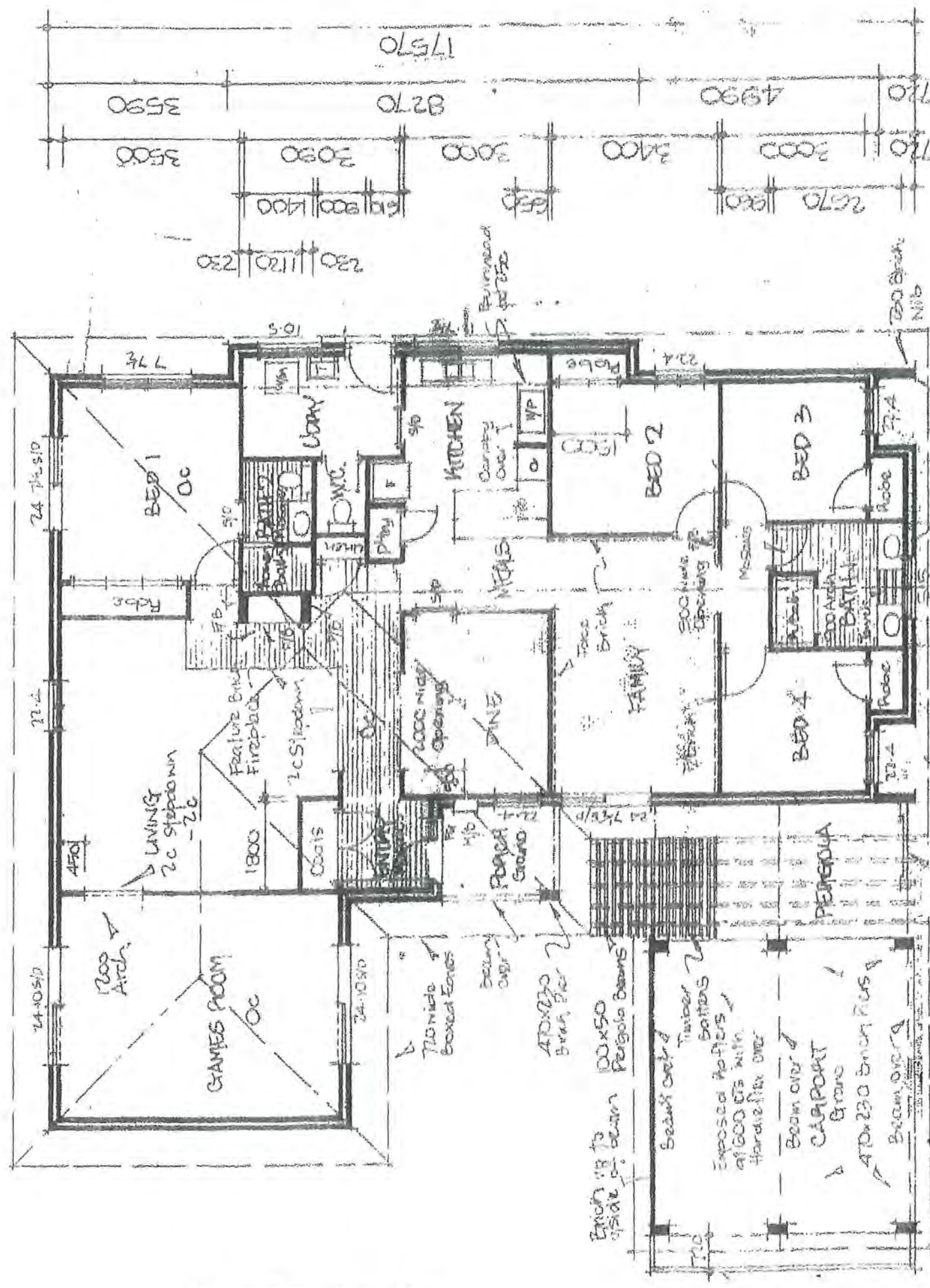
NATIVE TREES AND SHRUB

337

RD WDING

12.91

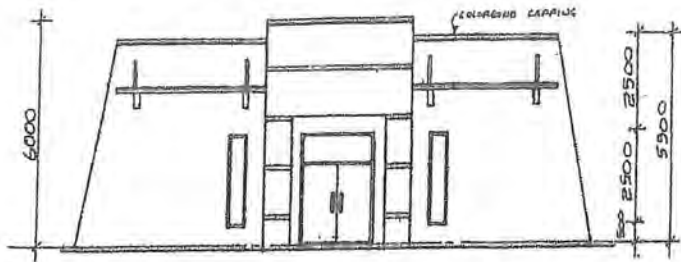
PROPOSED:			
BUDDHIST MEDITATION CENTRE			
AT: LOT 627 - No. 5			
HYEM RD. HERNE HILL - WA 6056			
FOR:			
17/11/13	SITE PLAN	DWG.No. MQP201	AMENDED
DRAWN: DP.	SC: 1/400	SHEET No: 1/1	7/



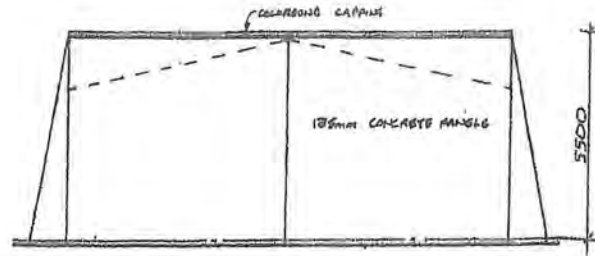
DEPARTMENT OF PLANNING
23 JUN 2014
FILE 21-52431-1

1/12/02	FLOOR PLAN	DWG. NO. VTO1A1	AMENDED
DRAWN: DP.	SC: 1000	SHEET NO. 1	7

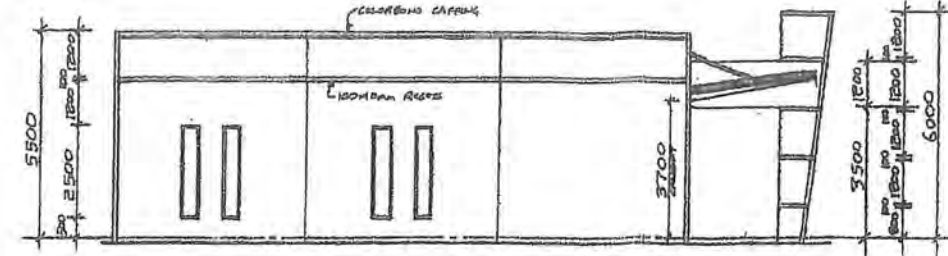
GALLERY PLAN



EAST ELEVATION



WEST ELEVATION

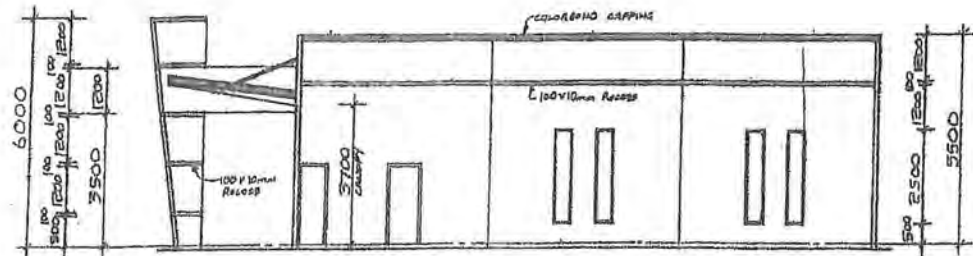


SOUTH ELEVATION

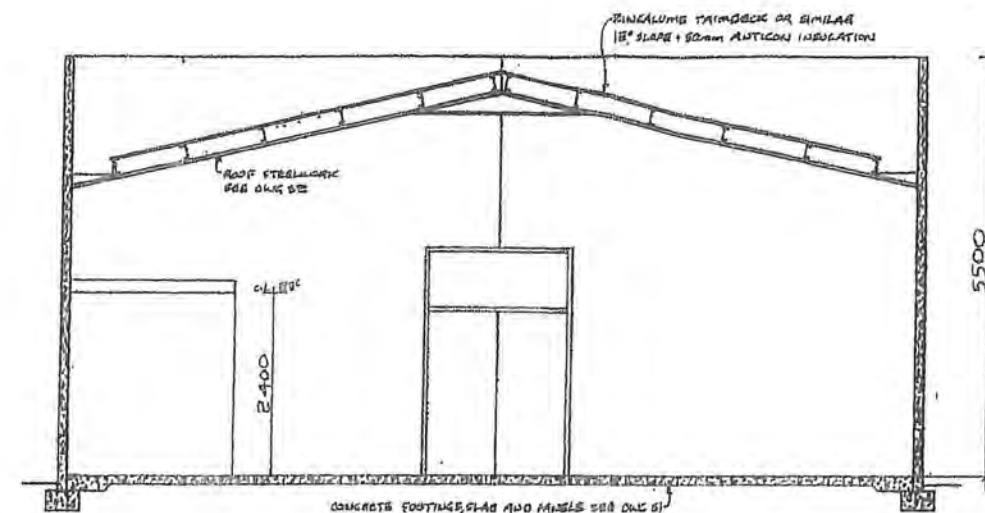
DEPARTMENT OF PLANNING

23 JUN 2014

FILE 21-50431-1

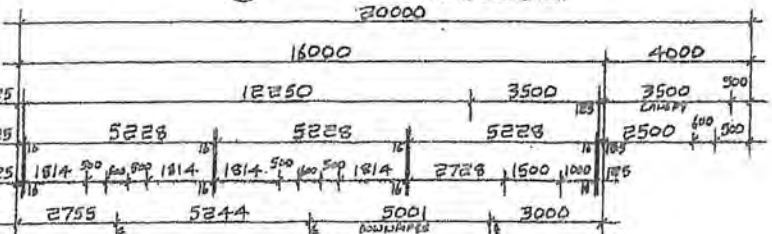
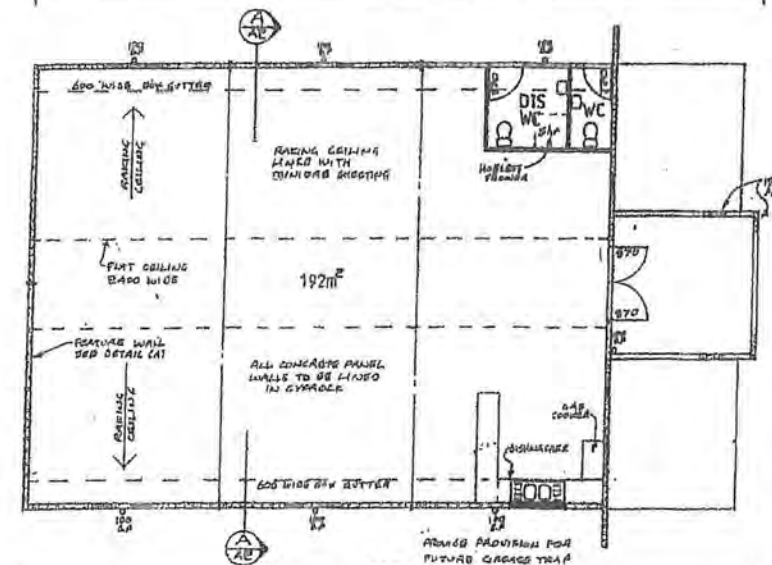
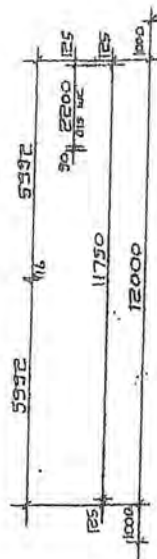
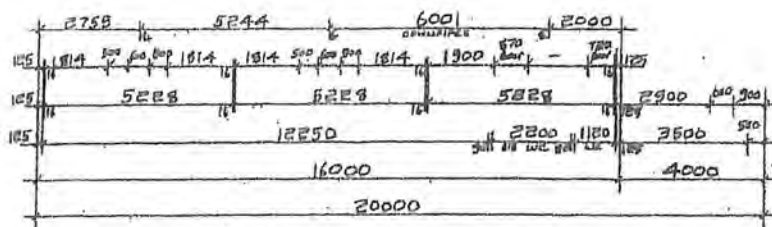


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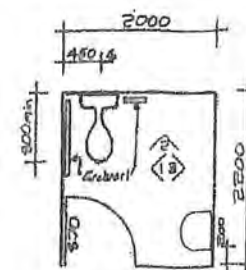
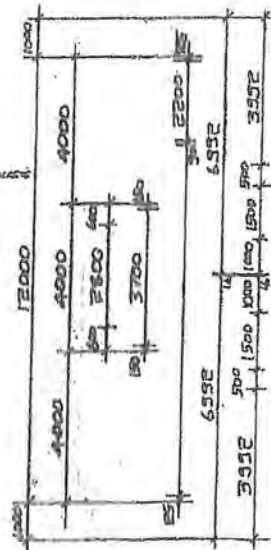


SECTION A-A
SCALE 1:50

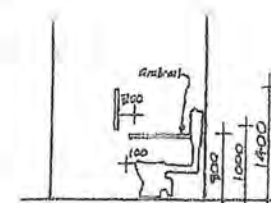
EXISTING GALLERY CAFE
TO REMAIN FOR MULTI FUNCTION ROOM.



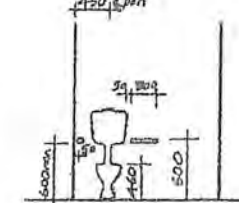
MULTI FUNCTION ROOM
FLOOR PLAN



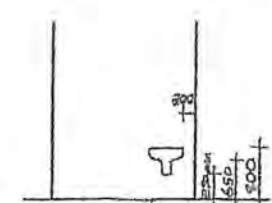
FLOOR PLAN
DISABLED TOILET



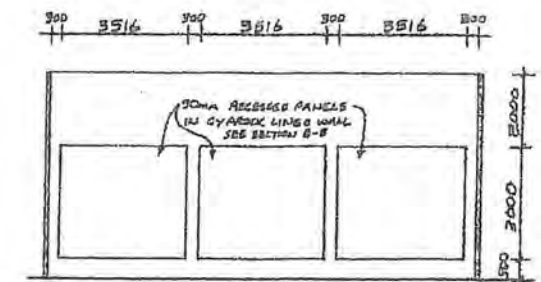
ELEVATION 1



ELEVATION 2



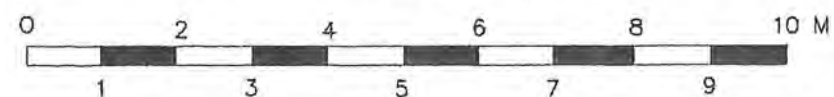
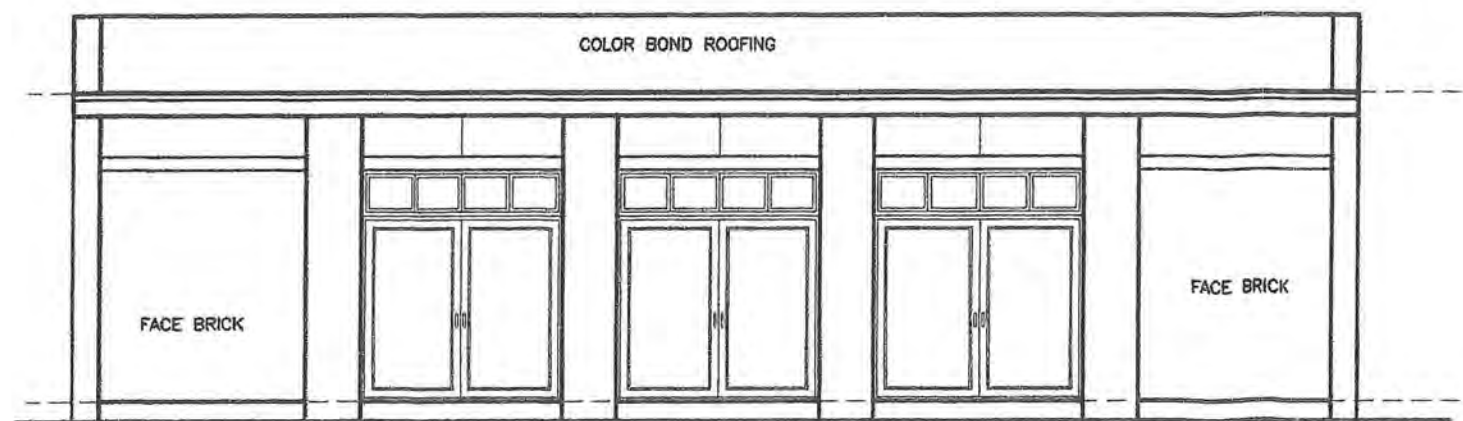
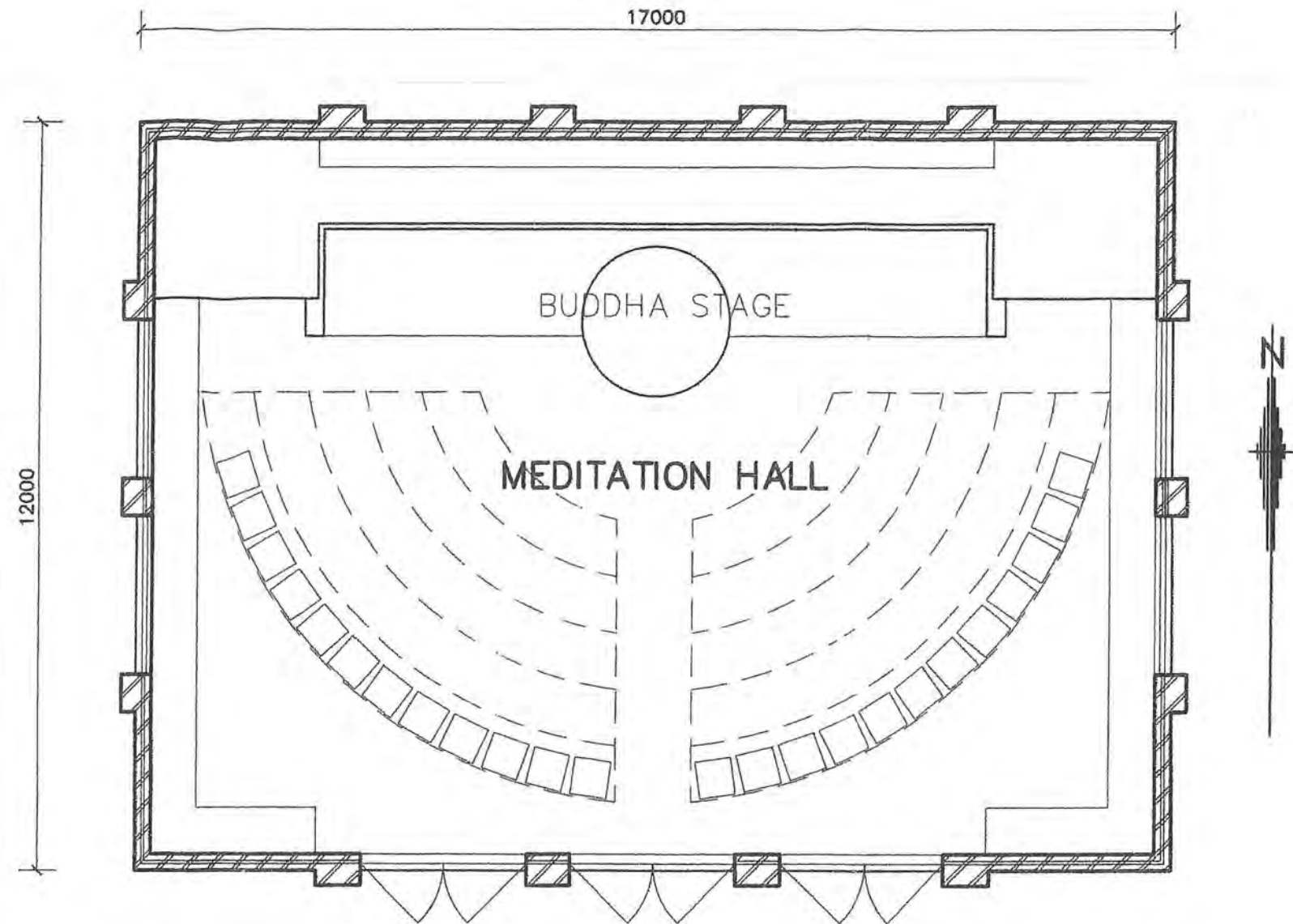
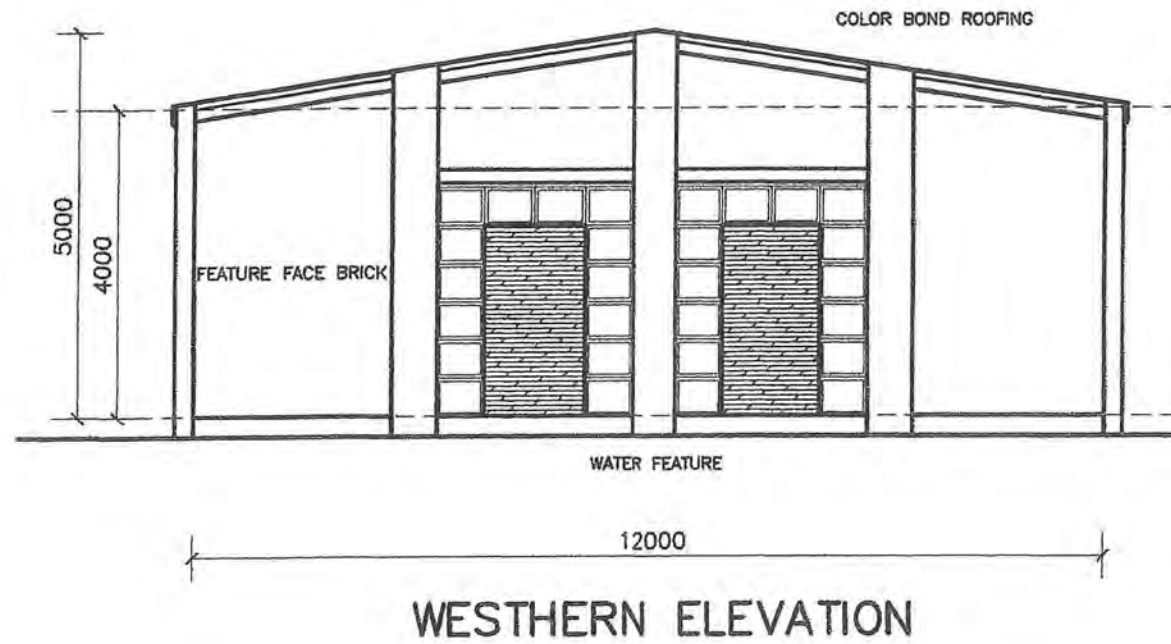
ELEVATION 3



DETAIL A

SECTION B-B

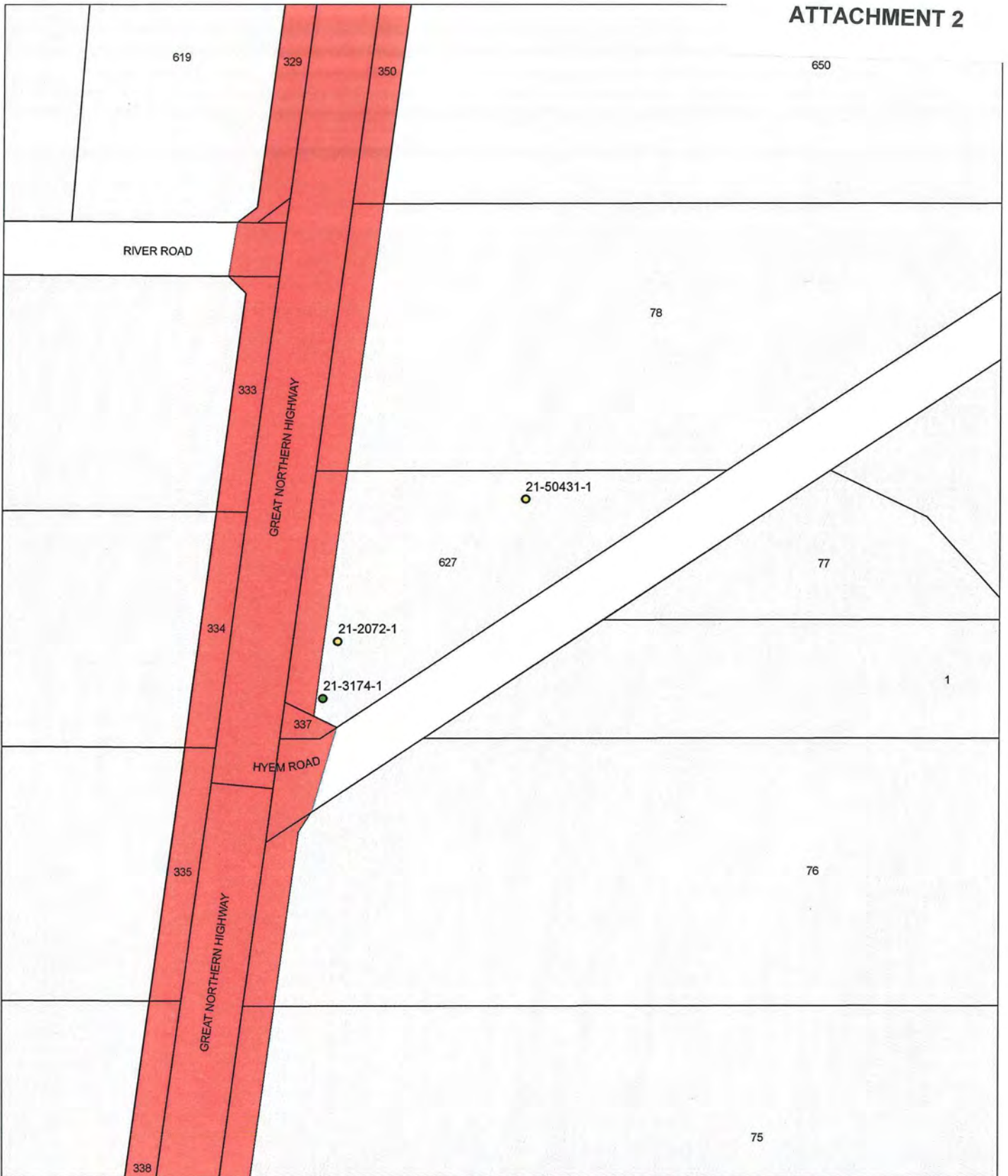
CONDIPODERO & ASSOCIATES
STRUCTURAL ENGINEERS & DESIGNERS
2 VALE STREET MALAGA 4000
Ph (08) 9249 3855 Fax (08) 9249 3866
THE COMPANY'S RESPONSIBILITY IS TO ACT IN THE BEST INTERESTS OF THE CLIENT AND TO PROVIDE A PROFESSIONAL SERVICE.
PROPOSED GALLERY
LOT 303 (No 5) HYEM ROAD HERNE HILL
FOR - R. GALLAGHER



DEPARTMENT OF PLANNING
23 JUN 2014
FILE 21-50431-1

MAKE GOOD EXISTING FULL BRICK PREMISE
FOR USE AS MEDITATION HALL.
PROVIDE UPGRADE TO BCA CLASS 9B
CONSTRUCTION WHERE REQUIRED.

17/11/13	1st. FLOOR PLAN	DWG.No. MQP201	AMENDED
DRAWN: DP.	SC: 1/100	SHEET No. 274	1/

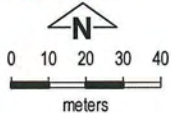


LOCATION PLAN

Development Application 21-50431-1

Decision: **OUTSTANDING**

Printed: 24/06/2014



Department of
Planning



Western
Australian
Planning
Commission

This data is to be used only for the processing of Development Application

Legend

Development Applications

- Approved
- Outstanding

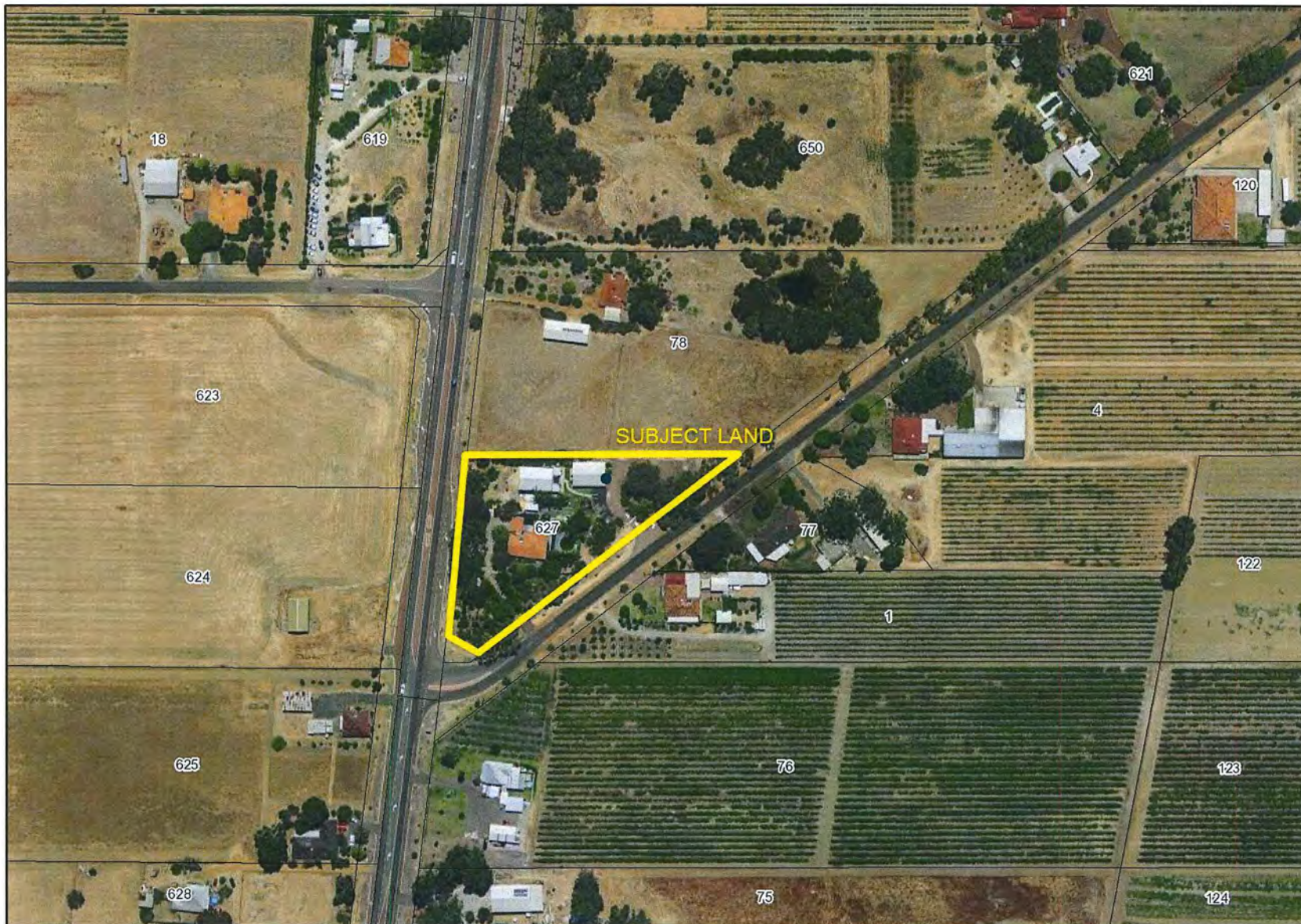
Cadastre with Lot number

Existing Region Scheme Reserves

Primary Regional Roads

Existing LPS Zone Category

Rural



Government of Western Australia
Department of Planning

Legend

- Local Government Area
- Cadastre (view 1)
- Cadastre (view 2)
- Cadastre (view 3)
- Cadastre (view 4)
- W.A. Coastline
- Landgate Imagery

Notes:

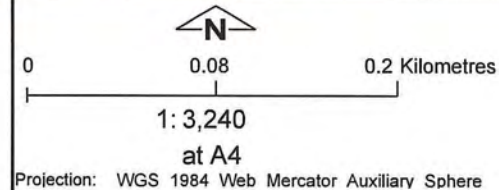
The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to licensing agreements. This information is stored in the relevant layers metadata. For the reasons the map should not be distributed outside of the Department.

Map was produced using DoP's PlanViewWA.

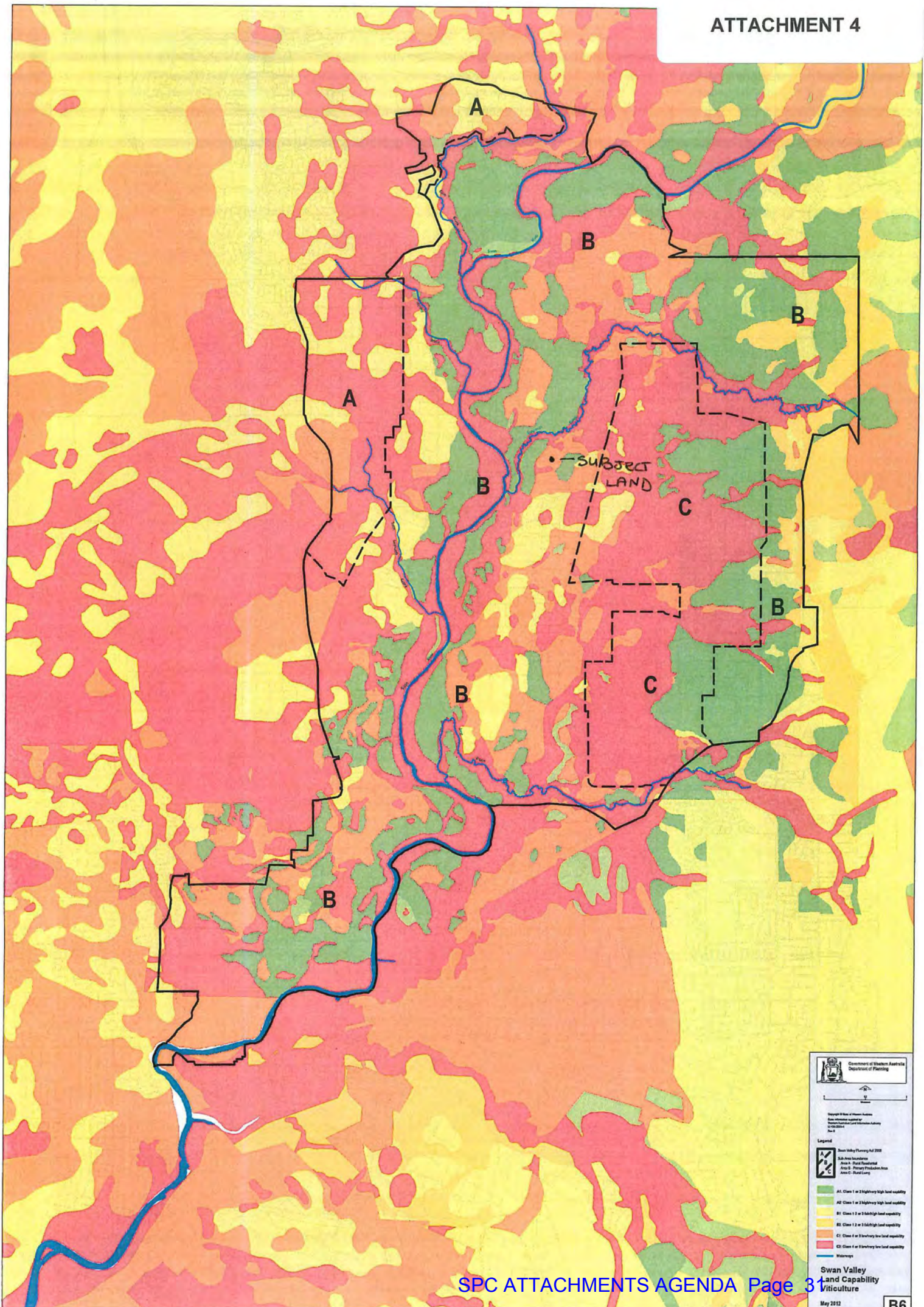
Aerial Photograph

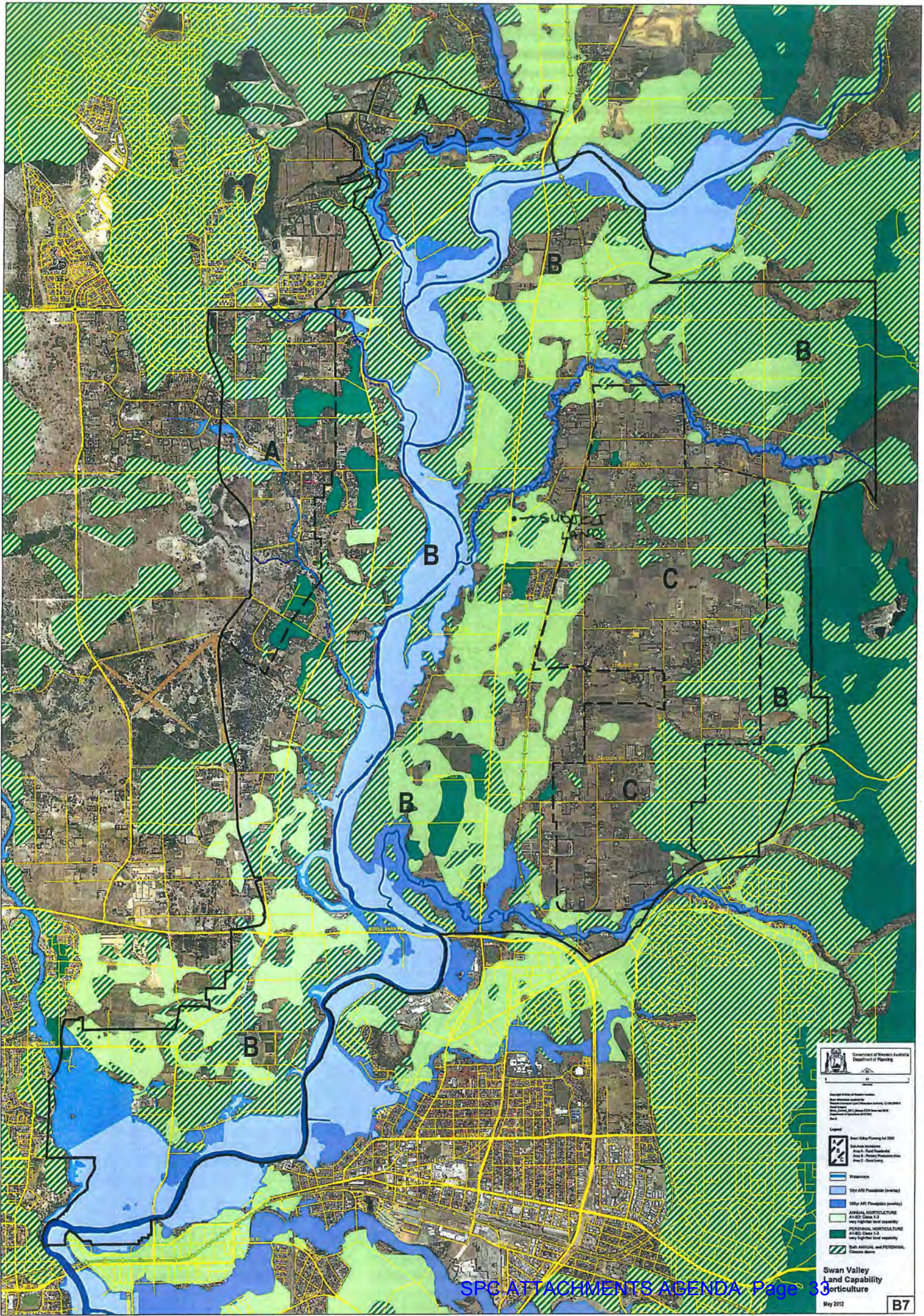
INTERNAL USE ONLY

PlanViewWA
[Link to viewer](#)



Produced by: FUNCTIONALITY TO COMPLY
Date produced: 29-Jul-2020






 Department of Western Australia
 Department of Planning

Swan Valley Planning Act 2008
 Swan Valley Planning Act 2008
 Swan Valley Planning Act 2008
 Swan Valley Planning Act 2008
 Swan Valley Planning Act 2008

Legend
 Swan Valley Planning Act 2008
 Swan Valley Planning Act 2008
 Swan Valley Planning Act 2008
 Swan Valley Planning Act 2008
 Swan Valley Planning Act 2008

Swan Valley Planning Act 2008
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 Swan Valley Planning Act 2008

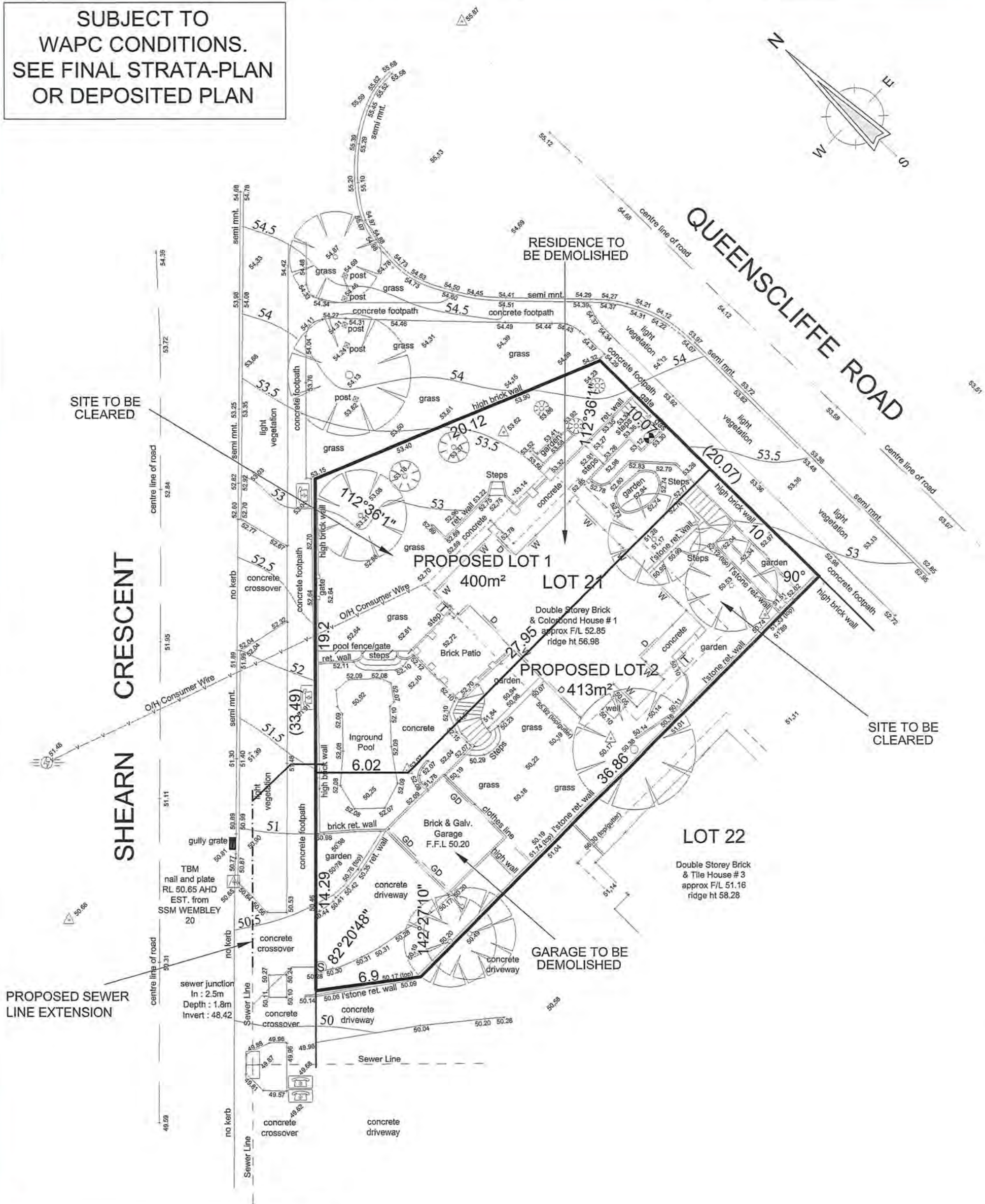
Swan Valley Planning Act 2008
 Swan Valley Planning Act 2008
 Swan Valley Planning Act 2008
 Swan Valley Planning Act 2008
 Swan Valley Planning Act 2008



ITEM 9.(

**PROPOSED SUBDIVISION - LOT 21 QUEENSCLIFFE ROAD,
DOUBLEVIEW**

SUBJECT TO
WAPC CONDITIONS.
SEE FINAL STRATA-PLAN
OR DEPOSITED PLAN



I, the client/s of Vision Surveys recognise this plan as the proposal to be submitted to the department of planning and infrastructure for a ... Lot ... by Strata / Built Strata / Green Title subdivision and agree to the ... and conditions of this plan's use.

Client Signature/s _____ Date _____

TOTAL AREA: 813m²

ATTACHMENT 1

VISION SURVEYS
Licensed & Engineering
Surveyors
Land Development
Consultants
Project Managers

Title: Proposal to the WAPC for the creation of
TWO (2) GREEN TITLE LOTS AT
LOT 21 (1) QUEENSCLIFFE ROAD
DOUBLEVUE
TEL (08) 6144 0000 FAX (08) 6144 0099
59 SCARBOROUGH BEACH RD,
SCARBOROUGH WA 6019
Email: info@visionsurveys.com.au

Level Datum: AHD (Approx.)
Scale: 1:300
Date: 03/08/2014
Dwg Ref: Queenscliffe Rd 1 Doubleview P
Surveyor: Stuart Colam
Drafter:
Job # 4006
Sheet 1 of 1 A3

- BOUNDARY POSITION CANNOT BE VERIFIED DUE TO LACK OF SURVEY MARKS/PEGS. ALL BUILDING DIMENSIONS & FEATURES ARE APPROX. ONLY BOUNDARY POSITIONS HAVE BEEN TAKEN FROM BUILDINGS, FENCING, RETAINING WALLS AND OTHER TYPICAL FEATURES LOCATED ON THE BOUNDARY WHICH MAY NOT BE ON THE CORRECT ALIGNMENT AND ARE TO BE VERIFIED WHEN REPEGGED.
- BEFORE ANY WORK IS STARTED ON SITE OR PLANS ARE PRODUCED BY DESIGNERS/ARCHITECTS, THE BOUNDARIES MUST BE REPEGGED AND EXACT OFFSETS MEASURED TO EXISTING STRUCTURES AND FENCING.
- VISIONS SURVEYS ACCEPTS NO RESPONSIBILITY FOR ANY CHANGES TO THE PARCEL OR PORTION OF THE PARCEL OF LAND SHOWN ON THIS SURVEY INCLUDING BUT NOT LIMITED TO ANY ADJOINING NEIGHBOURS LEVELS AND FEATURES THAT HAVE OCCURRED AFTER THE DATE ON THIS SURVEY.
- SEWER / DRAINAGE MAY VARY FROM SCHEMATIC PRESENTATION / CHECK WITH APPROPRIATE AUTHORITY BEFORE ADOPTION OF POSITION.
- THIS SURVEY DOES NOT GUARANTEE THE LOCATION OF BOUNDARY PEGS OR FENCES.
- CHECK TITLE FOR EASEMENTS / COVENANTS ETC.
- PROPOSED BOUNDARIES AND LOTS MAY BE SUBJECT TO WAPC CONDITIONS WHICH MAY VARY AND/OR ENCUMBER THE PROPOSAL.
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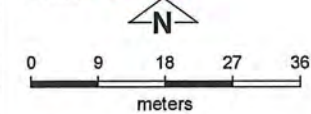


LOCATION PLAN

Subdivision Application 150330

Decision: OUTSTANDING

Printed: 8/07/2014



Produced by GeoSpatial Planning Support, Department of Planning, Perth WA
Base Information supplied by Western Australian Land Information Authority LI 430-2009-6

This data is to be used only for the processing of Subdivision Application

Legend

Subdivision Applications

- Conditional Approval
- Outstanding
- Cancelled

Existing LPS Zone Category

- Residential
- R Code Boundaries

ATTACHMENT 2



ITEM 9.)

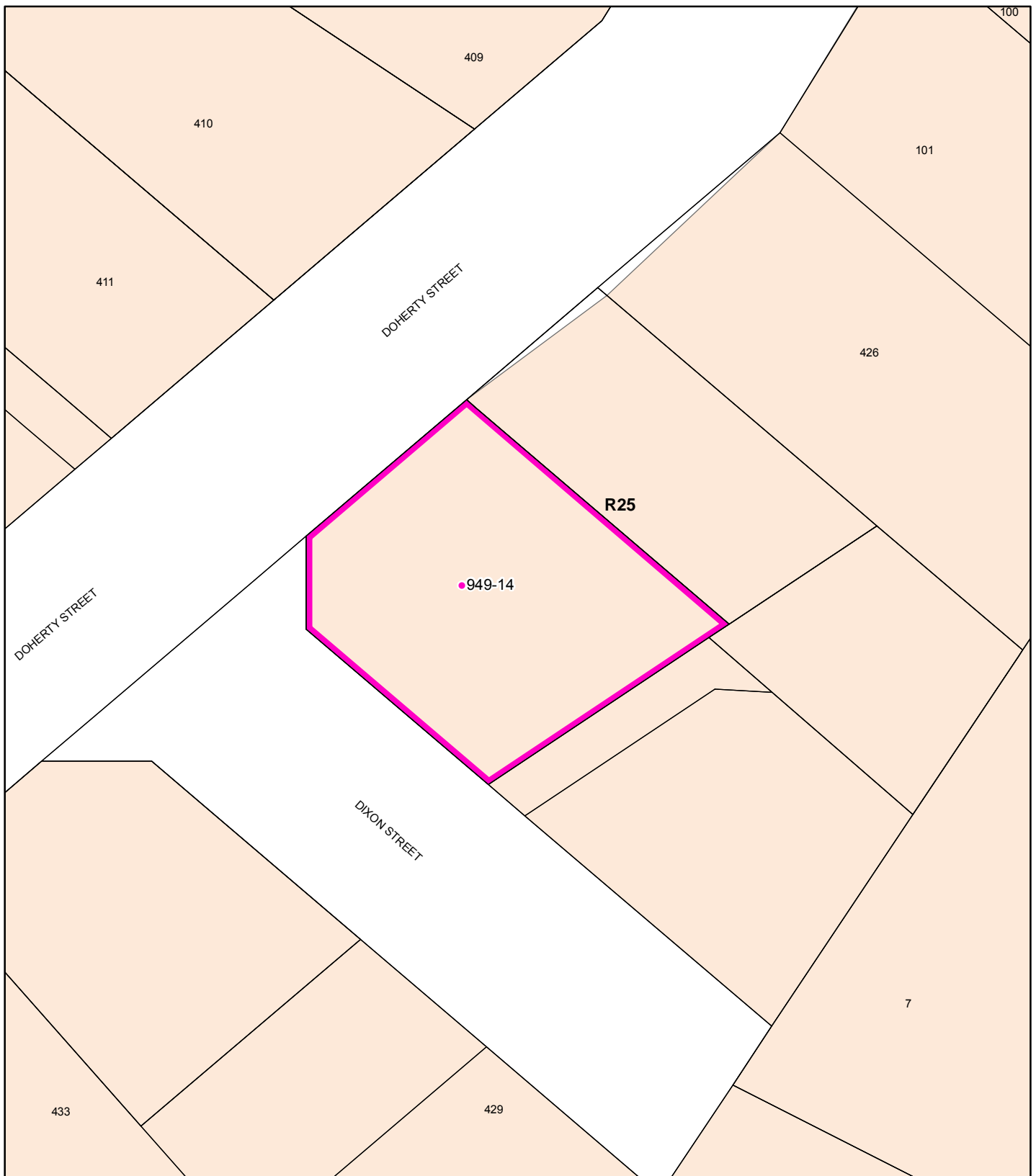
**PROPOSED SUBDIVISION – LOT 1 DIXON STREET,
EMBLETON**

All buildings and structures over Proposed Lots 3 & 4 to be REMOVED

[illegible]

NOTE:
NO INTERNAL SEWER INFORMATION WAS AVAILABLE AT TIME OF SURVEY. IF FURTHER INFORMATION IS REQUIRED PLEASE ENQUIRE WITH THE WATER CORPORATION.

SPC ATTACHMENTS AGENDA Page 38

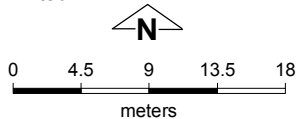


LOCATION PLAN

Survey Strata Application 949-14

Decision: **OUTSTANDING**

Printed: **8/08/2014**



Department of
Planning



Western
Australian
Planning
Commission

This data is to be used only for the processing of Strata Application

Legend

Strata Applications

Outstanding

Existing LPS Zone Category

Residential

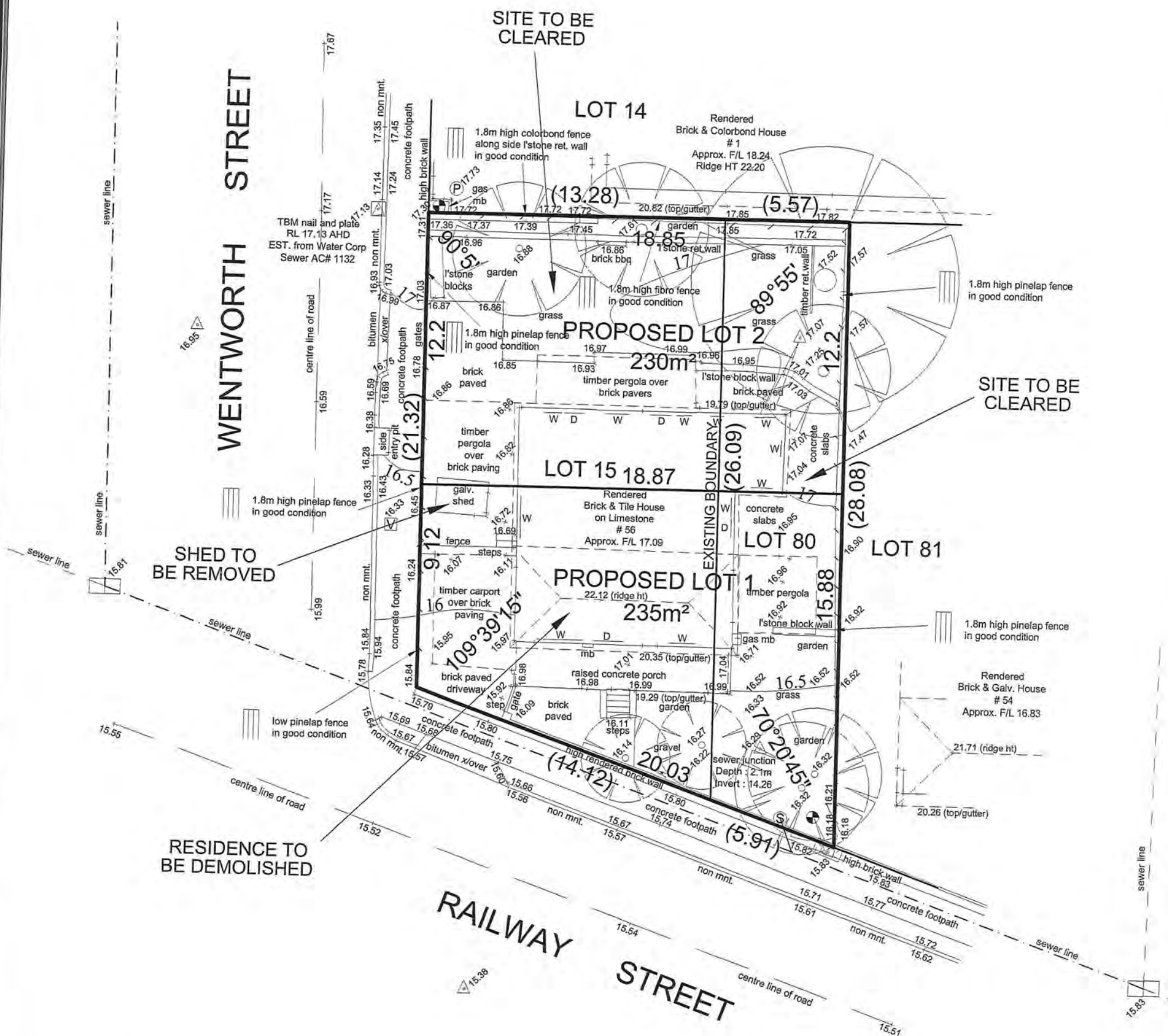
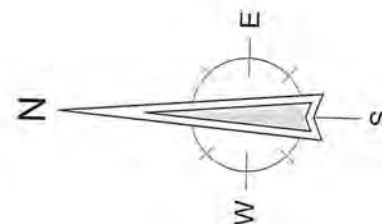
R Code Boundaries



ITEM 9.*

**SUBDIVISION TO CREATE TWO SURVEY STRATA LOTS
FOR RESIDENTIAL PURPOSE AT LOTS 15 AND 80 (NO.56)
RAILWAY STREET, COTTESLOE**

SUBJECT TO
WAPC CONDITIONS.
SEE FINAL STRATA-PLAN
OR DEPOSITED PLAN



DEPARTMENT OF PLANNING

DATE FILE

26 MAY 2014

614-14

I, the client/s of Vision Surveys recognise this plan as the proposal to be submitted to the department of planning and infrastructure for a . . . Lot Survey Strata / Built Strata / Green Title subdivision and agree to the terms and conditions of this plan's use.

Client Signature/s

Date

VISION SURVEYS
Licensed & Engineering
Surveyors
Land Development
Consultants
Project Managers

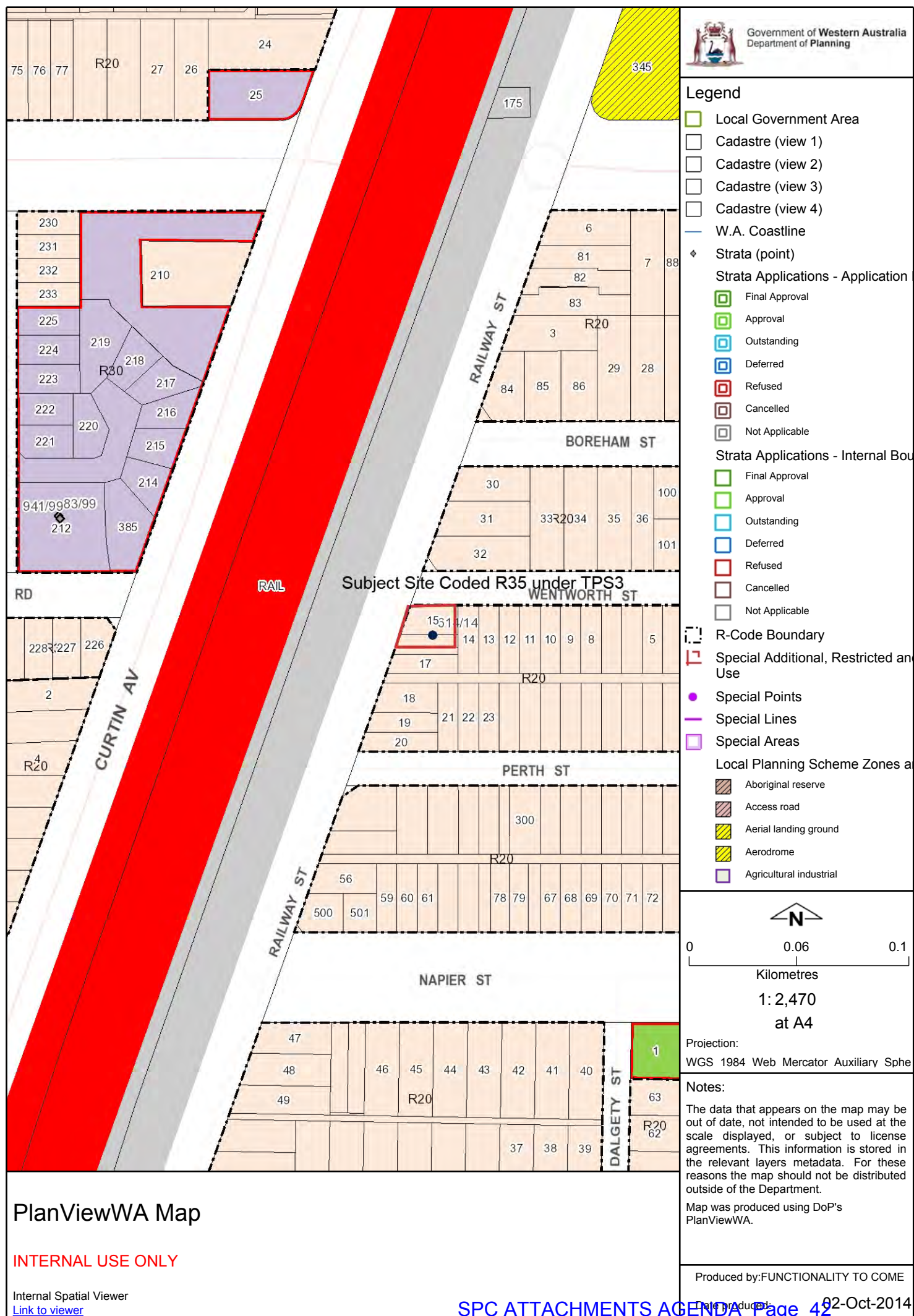
Title Proposal to the WAPC for the creation of
TWO (2) SURVEY STRATA LOTS AT
LOT 15 & 80 (56) RAILWAY STREET
COTTESLOE

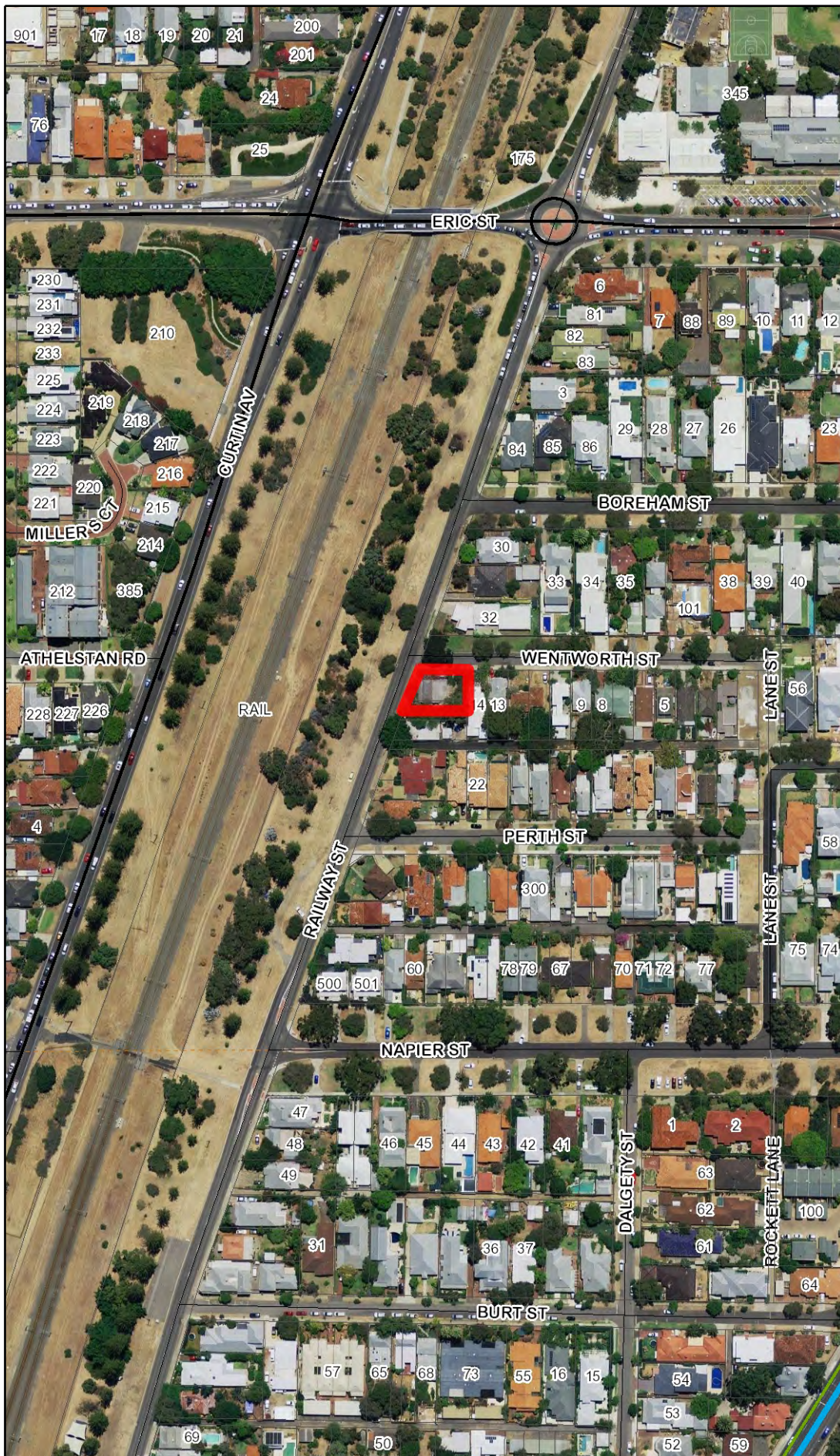
TEL (08) 6144 0000 FAX (08) 6144 0099
59 SCARBOROUGH BEACH RD,
SCARBOROUGH WA 6019
Email: info@visionsurveys.com.au

Level Datum AHD(Approx.)
Scale 1:200
Date 14/04/2014
Dwg Ref Railway St 56 Cottlesloe P
Surveyor Stuart Colm
Drafter
Job # 3865
Sheet 1 of 1 A3

BOUNDARY POSITION CANNOT BE VERIFIED DUE TO LACK OF SURVEY MARKS/PEGS. ALL BUILDING DIMENSIONS & FEATURES ARE APPROX. ONLY BOUNDARY POSITIONS HAVE BEEN TAKEN FROM BUILDINGS, FENCING, RETAINING WALLS AND OTHER TYPICAL FEATURES LOCATED ON THE BOUNDARY WHICH MAY NOT BE ON THE CORRECT ALIGNMENT AND ARE TO BE VERIFIED WHEN REPEGGED.
BEFORE ANY WORK IS STARTED ON SITE OR PLANS ARE PRODUCED BY DESIGNERS/ARCHITECTS, THE BOUNDARIES MUST BE REPEGGED AND EXACT OFFSETS MEASURED TO EXISTING STRUCTURES AND FENCING.
VISION SURVEYS ACCEPTS NO RESPONSIBILITY FOR ANY CHANGES TO THE PARCEL OR PORTION OF THE PARCEL OF LAND SHOWN ON THIS SURVEY INCLUDING BUT NOT LIMITED TO ANY ADJOINING NEIGHBOURS LEVELS AND FEATURES THAT HAVE OCCURRED AFTER THE DATE ON THIS SURVEY.
SEWER / DRAINAGE MAY VARY FROM SCHEMATIC PRESENTATION / CHECK WITH APPROPRIATE AUTHORITY BEFORE ADOPTION OF POSITION.
THIS SURVEY DOES NOT GUARANTEE THE LOCATION OF BOUNDARY PEGS OR FENCES.
CHECK TITLE FOR EASEMENTS / COVENANTS ETC.
PROPOSED BOUNDARIES AND LOTS MAY BE SUBJECT TO WAPC CONDITIONS WHICH MAY VARY AND/OR ENCUMBER THE PROPOSAL.
PROPOSED BOUNDARIES AND LOTS MAY BE SUBJECT TO FUTURE EASEMENTS, RESTRICTIVE COVENANTS ETC WHICH MAY VARY AND/OR ENCUMBER THE PROPOSAL.

TOTAL AREA: 465m²





Legend

- Local Government Area
- Cadastre (view 1)
- Cadastre (view 2)
- Cadastre (view 3)
- Cadastre (view 4)
- W.A. Coastline
- Road Names**
- Road Centrelines**
- National Highway
- State Highway
- Freeway
- Main
- Minor
- Mall
- Laneway
- Track
- Not Applicable
- Landgate Imagery**



0 0.07 0.1

Kilometres

1: 3,022

at A4

Projection:

WGS 1984 Web Mercator Auxiliary Sphe

Notes:

The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. This information is stored in the relevant layers metadata. For these reasons the map should not be distributed outside of the Department.

Map was produced using DoP's PlanViewWA.

Produced by:FUNCTIONALITY TO COME

Date produced: 31-Oct-2014

PlanViewWA Map

INTERNAL USE ONLY

Internal Spatial Viewer
[Link to viewer](#)



ITEM 10.1

REFORM OF THE STRATA TITLES ACT 1985

ATTACHMENT 1

WAPC HEADS OF POWER – STRATA TITLE SUBDIVISION

1. Current Heads of Power

Planning and Development Act 2005 ('PD Act')

The PD Act sets out general functions and powers of the Western Australian Planning Commission ('WAPC'). S 135 of the PD Act prohibits subdivision (including amalgamation) without the WAPC's approval and the PD Act sets out specific provisions relating to subdivision of land. The *Planning and Development Regulations 2009* at r 21 provide some elaboration as to matters the WAPC will have regard to when considering a subdivision application.

Strata Titles Act 1985 ('STA')

S 25 of the STA requires that every strata plan lodged for registration shall be accompanied by a certificate of approval given by the WAPC. A number of exemptions for WAPC approval are provided by r 15 of the *Strata Titles General Regulations 1996* and only LG certification is required for these types (classes) of strata applications.

S 25A of the STA requires that if a strata plan or a plan of re subdivision or consolidation for a strata scheme submitted to the WAPC under s 25 contains any vacant lot, the WAPC shall comply with provisions of the PD Act relating to its processing of subdivision applications as if the plan were a plan of subdivision which required the approval under the PD Act.

The WAPC when considering a green title subdivision '...is to have due regard to the provisions of any local planning scheme that applies to the land under consideration ...' (PD Act s 138(2)), and the operation of STA s 25B (1) makes it clear that this provision is applicable also to survey-strata subdivision.

2. Proposed additional Heads of Power

The Tenure Discussion Paper (v4.0 - 30 June 2014) published by Landgate sets out a range of proposed heads of power generally and in relation to specific tenure reforms.

Community Title Schemes (Section 3)

- Community plans defining lots by survey will require WAPC subdivision approval (p 21).
- The corresponding Community Development Statement will also require WAPC approval (p 21).
- Possible consequential amendments to strengthen land tenure and planning interface include (p 22):
 - Giving WAPC the discretion to allow a longer period in which the subdivision approval of a community plan will be valid.
 - Recognising the power of the Commission to impose conditions on the subdivision approval.
 - Permitting the Commission to:
 - impose a condition requiring specific provisions, standards, additional detail or clarity to be inserted into the Community Development Statement;

- require the developer, in the Community Development Statement, to set out or follow a particular sequence in which various stages of the development will be implemented.
- require the developer to specify in the Development Statement when infrastructure, shared facilities and services will be constructed or landscaping completed as part of the sequencing of the development;
- require the subdivision and development to be undertaken in accordance with the Community Development Statement;
- to take into account the need for public access to or across some or all parts of the community property;
- Assess an appropriate allocation for or contribution to public open space or other facilities or amenities ordinarily required, consistent with established planning policies and practices, and the development of that land to an appropriate standard, in addition to whatever private open space or amenities may be proposed.

Some potential restrictions are as follows (p 23):

- A community title scheme should not be proposed where conventional or other land tenure arrangements would be preferable or necessary in order to achieve planning and development outcomes.
- Community title schemes should only be approved where the intention is to create multiple management levels where a single strata scheme with one management level is ineffective.
- A community lot will not be used for the construction of a single dwelling.
- It is expected that the final tier of development of community lots will be a number of strata schemes and/ or survey-strata schemes, which will provide for lots for separate use and disposition.
- Community title schemes may not include green title lots, although they may cede land for public purposes, road or reserves etc.

Changes to an established Community Title Scheme (p 35)

- WAPC approves the merger and the revised tenure arrangements, as reflected in the various plans reflecting the new status of lots. (p 36)
- the appropriation of the whole or part of a community parcel must be provided for in the legislation. Similarly land in a subsidiary scheme may be taken for a road widening or other public purpose. (p 37)

Conversion of Existing Registered Schemes to Community Schemes (p37)

- WAPC consent to new tenure arrangements is required to be endorsed on the community plan. (p 38)
- Streamlining Conversion of Tenure of Two Lot Schemes/ Small Strata Schemes: it is not proposed that the tenure reforms should wait for consensus to be reached on this issue. (p39)

Community Title Scheme within a Building (Section 5)

Some potential restrictions are as follows (p 46):

- The land over which the community plan for a layered building is registered must be:
 - a whole green title lot – in this case, the plan creating the layered building is a community plan; or
 - a community lot or community development lot in a registered community plan – in this instance the plan creating the layered building will be a secondary community plan and the secondary community corporation that is created to manage the layered building will be a member of the community corporation for the total development.
- Community plans for a layered building may not be used to create airspace lots.
- A community title scheme in a building will not be used to provide for the staged construction of a building.
- The scheme cannot include green title lots within the building.

Leasehold Strata Schemes (Section 6)

- It is expected that the replacement leases to accompany the strata plan, being leases of parts of the building, may be exempt from WAPC approval. (p56)
- If a leasehold survey-strata plan is to be registered, approval is expected to remain with WAPC. (p 56)

Staged Strata Schemes (Section 7)

- A Development Statement (p 62) will accompany the strata plan/ survey-strata plan when lodged with the WAPC for subdivision approval.
- The plan and Development Statement will require approval by the WAPC.

ATTACHMENT 2

LANDGATE'S PROPOSED INTERFACE OF THE PLANNING AND DEVELOPMENT ACT ('PD ACT') AND STRATA TITLES ACT ('STA') FOR COMMUNITY TITLE SCHEMES

Proposed statutory content required to provide for preparation, consideration, status and effect of a Development Statement.

Note: the table below has been primarily framed with reference to community title schemes. Modifications as appropriate would be required in respect of staged strata schemes and community title schemes within buildings.

	Provision	Comment	Statutory Reference
1.	Define: 'development statement'.	Separate from 'management statement'.	STA s 5C, Schedule 2A;
2.	A development statement is required for: <ul style="list-style-type: none"> community title schemes including schemes creating community lots [vacant land] by survey and community lots in a building [lots defined by reference to a floorplan]. staged strata schemes that are not within community schemes. [Here the 'built' strata plan also creates vacant lots for future development]. 	Forms part of community title and staged strata schemes scheme.	New
3.	A development statement will set out the subdivision, land use, development, transport, infrastructure, amenities and facilities for a community title scheme, including the general number, or range or yield as appropriate, arrangement and size of lots for each 'development lot' and such other details as the decision-maker may require to be set out in detail, including in respect of staging, timing and sequencing of subdivision, development, provision of infrastructure and so on.	Substantive scope. This provision may be complemented by relevant policy or guidelines.	New schedule or cross ref to STA sch 2A (as amended)
4.	A development statement may be in the form of text, maps, plans, tables, diagrams, sketches, specifications, schedules, cadastre, levels, and so on, and <ul style="list-style-type: none"> (i) shall be in such format as is prescribed; (ii) shall include information as prescribed; and (iii) may include by reference provisions of a gazetted State Planning Policy or Australian Standard. 	Form and content. This provision may be complemented by relevant policy or guidelines.	New
5.	A development statement may set out procedures and processes for consideration by the bodies corporate established by the scheme of proposed development of lots within a community title scheme.	Procedural scope.	New
6.	A proposed development statement, or amendment of a development statement may be prepared by the landowner/s of the land subject to the proposed community title scheme, or authorised parties acting on their behalf.	Who may prepare.	Could be dealt with in relevant subsidiary legislation.
7.	Lodgement of a proposed development statement, or amendment of a development statement, is to the WAPC.	Lodgement (this is implied in any case by following steps).	New

	Provision	Comment	Statutory Reference
8.	A development statement may be prepared and considered prior to or concurrently with plan/s of subdivision for community title scheme, but a plan/s of subdivision for a community title scheme shall not be considered without a proposed development statement.	Timing. This provision may be complemented by relevant policy or guidelines directed at identifying circumstances in which the development statement should precede the proposed subdivision.	New
9.	The approval of the WAPC is required before a development statement, or amendment of a development statement, may be registered by the Registrar of Titles.	Relationship to registration. (WAPC retains power to delegate.)	Analogous to fetter on powers of Registrar for Titles in PD Act s 146,
10.	Irrespective of whether a development statement is prepared and considered prior to plan/s of subdivision for community title scheme, within 7 days of receipt of a proposed development statement, the decision-maker is to refer it to the responsible local government and any other relevant agency or utility for their advice in respect of the proposed statement, to be provided within 28 days of their receipt of the proposed statement, or such longer period as is agreed.	Referrals – who & how long?	Modelled on similar provisions re Development Applications.
11.	Nothing prevents advertising or other notification of a proposed development statement by the decision-maker or local government or other relevant agency of a proposed development statement, for the purposes of public consultation prior to the formulation of advice to the decision-maker or exercise of the decision-maker's powers.	Advertising – public consultation.	New
12.	The decision-maker must have regard to relevant provisions of an operative planning scheme, advice of a referral authority and any relevant planning policy or consideration and may approve, conditionally approve, or refuse to approve a proposed development statement.	Powers of decision-maker.	New
13.	Conditions of approval of a proposed development statement may include insertion, amendment or deletion of provisions of a proposed development statement.	Scope of conditions of approval.	New
14.	When a decision-maker does not determine a proposed development statement within a period of 60 days of it being lodged with decision-maker, or such longer period as is agreed in writing between the parties, it may be deemed refused.	Deemed refusal.	Modelled on similar provisions used re proposed Local Structure Plans.
15.	Where the decision-maker exercises a discretionary power in making its decision concerning a proposed development statement, or it is deemed refused, a right of review of the decision by the State Administrative Tribunal arises.	Right of review – SAT.	PD Act s 236 & Pt 14 generally.

	Provision	Comment	Statutory Reference
16.	If reviewing the decision-maker's decision in relation to a proposed development statement, or amendment of a development statement, SAT must have regard to relevant provisions of an operative planning scheme, advice of a referral authority and any relevant planning policy or consideration and may approve, conditionally approve, or refuse to approve a proposed development statement	SAT powers.	New. (partly modelled on PD Act s 241)
17.	A person to whom approval of a development statement has been given may, within the period specified by the approval of no longer than 4 years after the approval is given, submit the development statement to the Registrar of Titles in the prescribed manner and form.	Maximum duration approval before registration.	New. (modelled on PD Act s 145)
18.	If at the expiry of the period specified by the approval of the development statement it has not been submitted for registration, the approval ceases to have effect and cannot be submitted for registration.	Lapsing of approval to a development statement.	New. (modelled on PD Act s 145)
19.	A development statement when approved obviates the need for a Local Structure Plan and/or Local Development Plan that might otherwise arise under the provisions of an operative Local Planning Scheme or gazetted State Planning Policy.	Relationship to Local Structure Plan and/or Local Development Plans.	Draft Model Scheme Text.
20.	When approved and registered, to the extent of any inconsistency, the content of a development statement prevails over the content of an adopted Local Structure Plan or Local Development Plan planning instrument, but a development statement cannot modify the content of an operative Local Planning Scheme.	Prior planning instrument.	New
21.	Where a development statement has been approved but not yet registered before plan/s of subdivision for a community title scheme, the decision-maker may, in exercising its powers in respect of an application for approval to subdivide, impose a condition requiring amendment or substitution of the development statement for the scheme.	Relationship to decision-making, where development statement has been prepared and considered before plan/s of subdivision for community title scheme.	New
22.	Where a development statement for a community title scheme has been registered, the decision-maker must, in exercising its powers in respect of an application for approval to subdivide land or undertake a development on a lot or proposed lot within the scheme, not make a decision inconsistent with the provisions of the development statement.	Binding effect of registered development statement – decision makers.	New (see also PD Act s 138).
23.	Where a development statement for a community title scheme has been registered, a landowner may not make an application for approval to subdivide land or undertake a development on a lot or proposed lot within the scheme, contrary to the provisions of the development statement.	Effect of registration of development statement – owners/ developers.	New
24.	Where a development statement for a community title scheme has been registered, a body corporate shall support an application for approval to subdivide land or undertake a development on a lot or proposed lot within the scheme, where consistent with the provisions of the development statement.	Effect of registration of development statement – bodies corporate.	New

	Provision	Comment	Statutory Reference
25.	Subject to the steps required for application and consideration, modified as appropriate, being undertaken, a development statement for a community title scheme may be amended or rescinded and replaced by a new development statement, subject to the approval of the decision-maker.	Amendment of development statement inc. rescission and replacement by a new development statement. (separate provisions will deal with adding land to or removing land from a community title scheme).	New
26.	Where a development statement for a community title scheme includes, modifies or omits content as a condition of approval by the decision-maker, amendment of the relevant provisions of the development statement shall not be initiated without the approval of the decision-maker.	Limitation on scope of proposed amendment of development statement.	New
27.	When it has been proposed that a development statement for a community title scheme may be amended or rescinded and replaced by a new development statement, the decision-maker has the same duties and powers as if it were a proposed development statement.	Amendment of development statement - decision-maker's duties and power.	New
28.	Any reasonable costs incurred by the decision-maker in considering, processing, registering or otherwise dealing with a proposed development statement, or amendment, are at the applicant's expense.	Costs/ fees and charges.	Consequential amendments of subsidiary legislation setting out fees and charges required.
29.	A development statement ceases to have effect upon termination of a community title scheme.	Termination. NB: separate provisions required, including consent of the WAPC, re termination of community title schemes.	Termination of strata schemes currently dealt with by ss 29C – 31 STA.