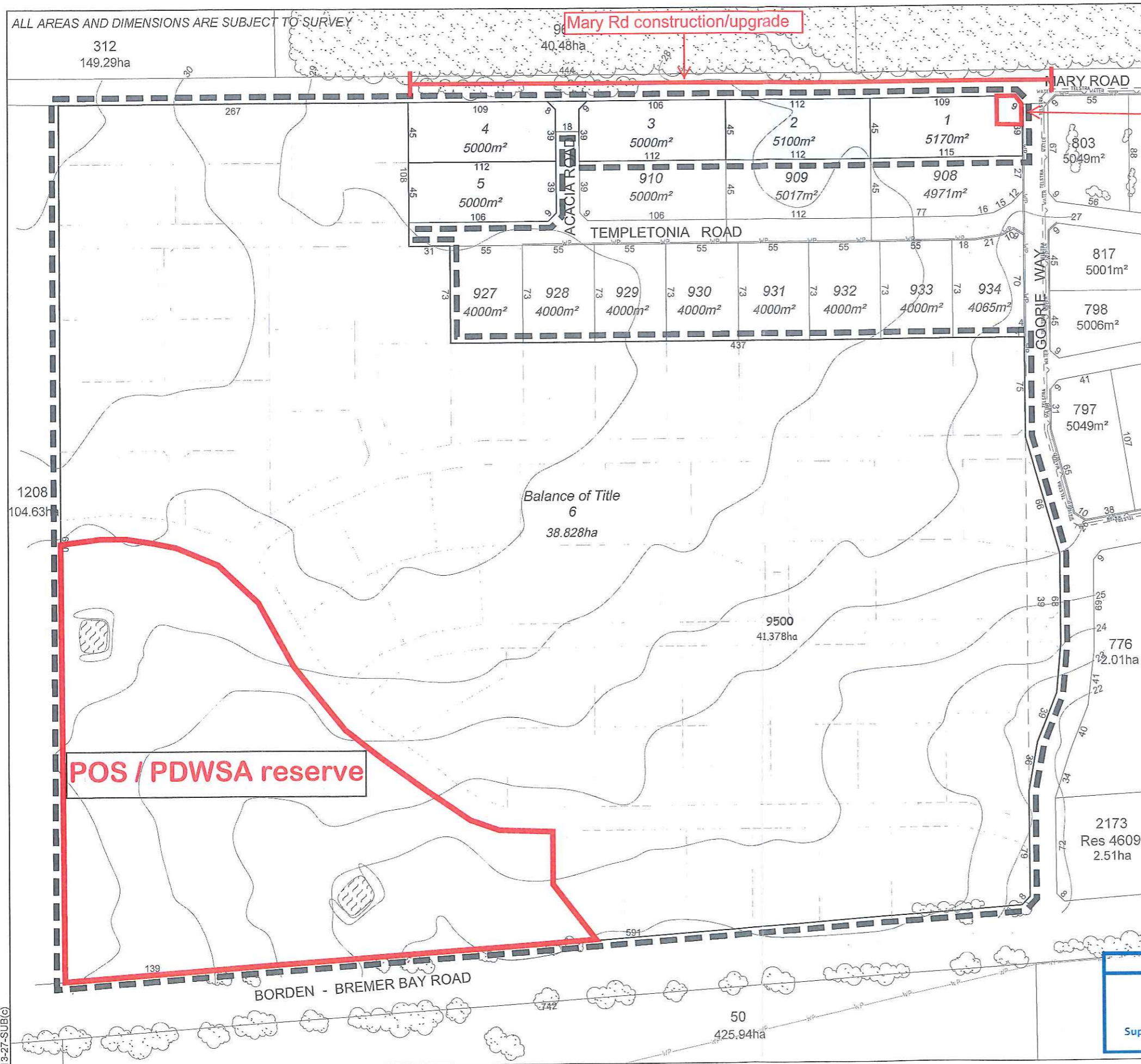


# AMENDED PLAN OF SUBDIVISION

Drainage reserve  
(25x25m)

Lot 9500  
ex Portion of Lots 109 & 9000  
Borden - Bremer Bay Road  
Bremer Bay, Shire of Jerramungup



POS / PDWSA reserve

**LEGEND**

- Subject Land
- Application Area
- Existing Lot Boundaries
- Proposed Lot Boundaries
- Existing Vegetation
- Existing Dams
- WaterCorp Reticulation
- Western Power Services
- Telstra Services

**SUMMARY**

Existing Lots	1
Proposed Lots	6
Comprising	
Lots 5000m <sup>2</sup> - 9999m <sup>2</sup>	5
Balance Lot Over 25ha	1

N  
ORIG A3  
SCALE 1:3000  
0 15 30 45 60 75

AMENDED PLAN  
Received  
27/07/2016  
Supersedes previous plan

**AYTON BAESJOU**  
PLANNING  
59 Peels Place  
Albany WA 6330  
Ph 9842 2304 Fax 9842 8494

10.3.2(a)



DATE: 10/8/16  
RECORD: ICR1616442  
FILE: A1602259

Your Ref : A1602259/OPA16751/P16-015  
Enquiries : Alison Vangel (Ph 9892 7309)

Chief Executive Officer  
Shire of Jerramungup  
P O Box 92  
JERRAMUNGUP WA 6337

### Approval Subject To Condition(s) Freehold (Green Title) Subdivision (Amended Plan)

**Application No : 152192**

#### ***Planning and Development Act 2005***

Applicant	: Ayton Baesjou Planning 59 Peels Place ALBANY WA 6330
Owner	: Dilate Pty Ltd C/- Harry Capararo P O Box 5504 ALBANY WA 6331 ; Tricoast Holdings Pty Ltd P O Box 1249 ALBANY WA 6330
Application Receipt	: 1 July 2015

Lot Number	: 9000, 109, 9500
Diagram / Plan	: 405156
Location	:
C/T Volume/Folio	: 2882/835
Street Address	: Lot 9500 Goorie Way, Bremer Bay
Local Government	: Shire of Jerramungup

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with the annotated amended plan date-stamped **27 July 2016** once the condition(s) set out have been fulfilled.

This decision is valid for **four years** from the date of this advice, which includes the lodgement of the deposited plan within this period.

The deposited plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by **3 August 2020** or this approval no longer will remain valid.

### **Reconsideration - 28 days**

Under section 151(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to reconsider any condition(s) imposed in its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.planning.wa.gov.au>

### **Right to apply for a review - 28 days**

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 section 251 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, Level 6, State Administrative Tribunal Building, 565 Hay Street, PERTH, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

### **Deposited plan**

The deposited plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the deposited plan. A copy of the deposited plan with confirmation of submission to Landgate is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or local government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.planning.wa.gov.au>

### **Condition(s)**

The WAPC is prepared to endorse a deposited plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.

The condition(s) must be fulfilled before submission of a copy of the deposited plan for endorsement.

The agency/authority or local government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or local government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or local government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the deposited plan.

If there is no agency/authority or local government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the deposited plan for endorsement.

Prior to the commencement of any subdivision works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated agency/authority or local government on the requirement(s) it considers necessary to fulfil the condition(s).

The applicant/owner is to make reasonable enquiry to the nominated agency/authority or local government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or local government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.

In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or local government.

The condition(s) of this approval, with the accompanying advice, are:

## **CONDITIONS**

1. 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)
2. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specifications of Western Power for the provision of necessary electricity easement(s) to the lot(s) shown on the approved plan of subdivision. (Western Power)
3. The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)
4. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government)
5. Suitable arrangements being made for connection of the land to the comprehensive district drainage system at the landowner/applicant's cost. (Local Government)

6. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*. (Local Government)
7. The landowner/applicant is to prepare, have approved by the Local Government and implement a detailed plan demonstrating the location and capacity of fire emergency infrastructure to the satisfaction of the Western Australian Planning Commission. (Local Government)
8. A bushfire fire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's *Guidelines for Planning in Bushfire Prone Areas*, (December 2015) to the specifications of the local government (Local Government)
9. A Notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:  
*'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land'* (Western Australian Planning Commission)
10. A plan is to be provided to identify areas of the proposed lot(s) that have been assessed as BAL-40 or BAL-Flame Zone. 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 within areas that have been assessed as BAL-40 or BAL-Flame Zone. 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:  
*'Development is only to take place outside of areas identified as BAL-40 or BAL-Flame Zone.'* (Local Government)
11. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, for the provision of shared paths through and connecting to the application area to the satisfaction of the Western Australian Planning Commission. The approved shared paths are to be constructed by the landowner/applicant. (Local Government)
12. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost. (Local Government)

13. Satisfactory arrangements being made with the local government for the full cost of upgrading and construction of Mary Road in the locations as annotated on the approved plan. (Local Government)
14. Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
  - a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider;
  - b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly; and
  - c) temporary turning areas are provided to those subdivisional roads that are subject to future extension;  
to the satisfaction of the Western Australian Planning Commission. (Local Government)
15. All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's *DC 2.6 Residential Road Planning*. (Local Government)
16. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
  - a) *'A mains potable water supply is not available to the lot/s.'*
  - b) *'A reticulated sewerage service is not available to the lot/s.'*
  - c) *'An alternative effluent disposal system is like to be required to service any development on the lot due to site conditions and/or potential groundwater in the locality.'*
  - d) *'The Shire does not have a role in and is not responsible for the provision of a scheme water service.'* (Local Government)
17. Prior to the commencement of subdivision works a dust management plan is to be prepared and approved to ensure that all areas of soil disturbance are stabilised against dust nuisance to adjoining and nearby properties prior to, during and after commencement of site works, with satisfactory arrangements being made for the implementation of the approved plan. (Local Government)
18. The proposed reserve(s) annotated on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserve(s) for recreation and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)
19. Arrangements being made for the proposed public open space to be developed by the landowner/applicant to a minimum standard and maintained for two summers through the implementation of an approved landscape plan providing for the revegetation and maintenance of the proposed public open space to the specifications of the local government, in consultation with the Department of Water. (Local Government)

20. The proposed reserve(s) annotated on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserve(s) for drainage and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)

## ADVICE

1. In regard to Condition 1, Western Power provides only one underground point of electricity supply per freehold lot.
2. Condition 4 has been imposed in accordance with *Better Urban Water Management Guidelines (WAPC 2008)*. Further guidance on the contents of urban water management plans is provided in *'Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions' (Department of Water 2008)*.
3. In regard to Condition 11, the Shire of Jerramungup advise that they would be prepared to accept a per lot contribution to the construction of the shared path system.
4. The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.
5. In regard to Conditions 12, 13 and 14, the Shire of Jerramungup advise that Mary Road will need to provide frontage to all proposed lots and tie into the existing northern extension of Mary Road through Reserve 25216.
6. In regard to Condition 17, the landowner/applicant is advised that the Department of Environment and Regulation has prepared dust control guidelines for development sites, which, outline the procedures for the preparation of dust management plans. The dust management plans are generally approved, and their implementation overseen, by Local Government. Further information on the guidelines can be obtained from the Department of Environment and Regulation's website: [www.der.wa.gov.au](http://www.der.wa.gov.au) under air quality publications.
7. The WAPC considers that a structure plan for the area is required to be prepared and approved for the purposes of orderly and proper planning prior to any further subdivision on the site.



Kerrine Blenkinsop  
Secretary  
Western Australian Planning Commission

3 August 2016