Statutory Planning Committee

Minutes

Wednesday, 29 April, 2026

Members:	Commissioner Cole - Chairperson Commissioner Haeren - Deputy Chairperson Commissioner Adair Commissioner Brookes Member Franklin Member Harman Member Knight Commissioner Lakey Member Moore
Others Present	Lauren Aitken - Director, Office of Director General Justin Breeze - Planning Director, Metro South Tia Byrd - A/Assistant Director General, Land Use Planning Andrew Cook - A/Planning Director, Metropolitan North Michael Daymond - WAPC Strategic Advisor, Reform, Design and State Assessment Paola Di Perna - Planning Director, Significant Development Assessment Unit Tristan Emrich - Commission Support Team Leader Jye Fagan - Senior Planner, Metro South East Ben Hesketh - Planning Manager, Metro Central Mark Johnston - A/Executive Planning Director – Regional, Land Use Planning June Liaw - Senior Planning Officer, Planning Appeals Kim Masuku - Senior Planner, State Development Assessment Unit Jonathan Mesnard - A/Manager, Commission Support Business Rohan Miller - A/Executive Planning Director – Metro, Land Use Planning Laura O'Shea - Senior Planning Officer, Metro North East Amy Pires - Governance Officer, Western Australian Planning Commission Mia Ramsay - Commission Support Officer Phillida Rodic - A/Chief Planning Advisor, Reform, Design and State Assessment Ryan Shaw - Director Planning Appeals, Reform, Design and State Assessment Belinda Sleap - A/Senior Commission Support Officer Arran Sutherland - Principal Planner, Metro South Brendan Tippett - Planning Manager, Precincts and Projects Reece Woo - Senior Planner, Metro Central South

1. Meeting Opening and Commencement

The Chairperson declared the meeting open at 9:35 am.

1.1 Acknowledgement of Country

The Chairperson acknowledged the Whadjuk people of the Noongar Nation as the Traditional Owners and custodians of the land on which the meeting is taking place and welcomed members.

1.2 Apologies and leave of absence

Nil.

1.3 Disclosure of interests

Member Harman declared a Proximity Interest on Item 3.1 - Part 11b - 2 Application to amend approved service commercial development at Lot 805 Chapman Hill Road, Bovell by changing the land use of Tenancy 12c from Bulky Goods Showroom to Trade Supplies - Determination. Member Harman advised that he is employed by Satterley Property Group which is working on a project which is proximate to this site. Members agreed that Member Harman should not be present during the discussion and decision-making procedure on the item.

Commissioner Haeren declared an Actual Impartiality Interest on Item 3.1 - Part 11b - 2 Application to amend approved service commercial development at Lot 805 Chapman Hill Road, Bovell by changing the land use of Tenancy 12c from Bulky Goods Showroom to Trade Supplies - Determination. Commissioner Haeren advised that his former employer, Urbis, act for the applicant and he was employed by Urbis when the original application was lodged. Members agreed that Commissioner Haeren should not be present during the discussion and decision-making procedure on the item.

Member Harman declared a Perceived Impartiality Interest on Item 3.2 - Development Application - Social and Affordable Housing - Lot 29 The Parkway, Ellenbrook. Member Harman advised that he is employed by Satterley Property Group which owns a service commercial development at 125 The Promenade, Ellenbrook. Members agreed that Member Harman is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Member Harman's conduct in relation to the matter.

Commissioner Adair declared an Actual Impartiality Interest on Item 3.4 - Section 31 Reconsideration - Reconsideration of Subdivision Conditions – Lot 9501 and 9002 Toreopango Avenue, Yanchep. Commissioner Adair advised that she has a family relationship with a party acting for the

applicant creating an actual impartiality. Members agreed that Commissioner Adair should not be present during the discussion and decision-making procedure on the item.

The Chairperson declared that the Western Australian Planning Commission is both a landowner and a decision maker in relation to Item 3.2 -Development Application – Mixed Use Development, Lot 29 The Parkway, Ellenbrook - Determination. The Chairperson advised that this is an interest in common shared by members and is not considered to prejudice their ability to impartially determine the item.

1.4 Disclosures of representation

Commissioner Cole declared a Disclosure of Representation on Item 3.5 - Subdivision (47 lots) of Lot 110 Hampton Road, Pinjarra – Determination. Commissioner Cole advised that she met with the Shire of Murray recently on an unrelated matter, during which this matter was briefly raised. Commissioner Cole has not been provided with any additional information that is not available to other members of the Committee.

1.5 Declaration of due consideration

All members indicated that they had received and considered the agenda items prior to the Statutory Planning Committee meeting.

1.5.1 Additional Information for Members

Members noted receipt of additional information provided following publication of the agenda.

1.6 Confirmation of Previous minutes - Wednesday, 1 April 2026

Moved by Member Franklin
Seconded by Commissioner Brookes

That the minutes of the Statutory Planning Committee meeting held on Wednesday, 1 April 2026, be confirmed as a true and correct record of the proceedings.

The motion was put and carried

2. Deputations and presentations

2.1 Part 11b - 2 Application to amend approved service commercial development at Lot 805 Chapman Hill Road, Bovell by changing the land use of Tenancy 12c from Bulky Goods Showroom to Trade Supplies - Determination

Commissioner Haeren declared an Actual Impartiality Interest on Item and left the meeting at 9:39 am.

Member Harman declared a Proximity Interest on Item and left the meeting at 9:39 am.

Presenter: Emma Dunning - Urbis and Alex Drake Brockman - Arise Developments

Emma Dunning and Alex Drake Brockman made a deputation to the Statutory Planning Committee regarding Item 3.1 - Part 11b - 2 Application to amend approved service commercial development at Lot 805 Chapman Hill Road, Bovell by changing the land use of Tenancy 12c from Bulky Goods Showroom to Trade Supplies - Determination.

Commissioner Haeren and Member Harman returned to the meeting at 9:41 am.

2.2 Development Application - Social and Affordable Housing - Lot 29 The Parkway, Ellenbrook (Item 3.2)

Presenter: Cade Taylor – DevelopmentWA

Cade Taylor made a deputation to the Statutory Planning Committee regarding Item 3.2 - Development Application - Social and Affordable Housing - Lot 29 The Parkway, Ellenbrook.

2.3 City of Subiaco - Local Planning Policy 1.1 - Amendments to Residential Design Planning Code Vol. 1 (Item 3.3)

Presenters: Anthony Denholm and Emily Robertson - City of Subiaco

Anthony Denholm and Emily Robertson made a deputation to the Statutory Planning Committee regarding Item 3.3 - City of Subiaco - Local Planning Policy 1.1 - Amendments to Residential Design Planning Code Vol. 1.

2.4 Section 31 Reconsideration - Reconsideration of Subdivision Conditions - Lot 9501 and 9002 Toreopango Av, Yanchep (item 3.4)

Commissioner Adair declared an Actual Impartiality Interest on Item and left the meeting at 10:03 am.

Presenters: Alex Watson - CLE Town Planning + Design, Ryan Hunter and Matthew Johns - Parcel Property

Alex Watson, Ryan Hunter and Matthew Johns made a deputation to the Statutory Planning Committee regarding Item 3.4 - Section 31

Reconsideration - Reconsideration of Subdivision Conditions - Lot 9501 and 9002 Toreopango Av, Yanchep.

Commissioner Adair returned to the meeting at 10:09 am.

2.5 Subdivision (47 lots) of Lot 110 Hampton Road Pinjarra – Determination (Item 3.5)

Presenter: Rod Peake – Shire of Murray

Rod Peake made a deputation to the Statutory Planning Committee regarding Item 3.5 - Subdivision (47 lots) of Lot 110 Hampton Road Pinjarra – Determination.

2.6 Subdivision (47 lots) of Lot 110 Hampton Road Pinjarra – Determination (Item 3.5)

Presenters: Ashleigh Maple and David Maiorana - Rowe Group, Lisa Walton – Landowner and John Wroth – JW Property Group

Ashleigh Maple, David Maiorana and John Wroth made a deputation to the Statutory Planning Committee regarding Item 3.5 - Subdivision (47 lots) of Lot 110 Hampton Road Pinjarra – Determination.

3. Non-confidential items for discussion, decision or noting

3.1 Part 11b - 2 Application to amend approved service commercial development at Lot 805 Chapman Hill Road, Bovell by changing the land use of Tenancy 12c from Bulky Goods Showroom to Trade Supplies - Determination (SD-018-24-2.1)

Commissioner Haeren declared an Actual Impartiality Interest on Item and left the meeting at 11:07 am.

Member Harman declared a Proximity Interest on Item and left the meeting at 11:07 am.

REASONS FOR DECISION

Members discussed their reasons for supporting the proposal, noting that the proposal relates to a land use change which does not result in additional impact.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage for the reasons discussed and outlined in the Department's report.

Moved by Commissioner Adair
Seconded by Commissioner Brookes

That the Statutory Planning Committee resolves:

A. *to note this application is not capable of being determined under the applicable planning instrument, being the City of Busselton Local Planning Scheme No. 21, and is seeking discretion under s.171R(1)(b) of the Planning and Development Act 2005 and it has been considered and determined accordingly; and*

B. *under s.171X(4) of the Planning and Development Act 2005 to approve development application reference SD-018-24-2.1 and accompanying plans (date-stamped 23 February 2026) to amend its approval for a service commercial development at Lot 805 Chapman Hill Road, Bovell (WAPC Reference SD-018-24) dated 24 September 2025, subject to amendment of Conditions 2 and 5, and with all other conditions and advice of the Western Australian Planning Commission's approval to remain applicable to the development, as follows:*

Amended Conditions

2. *The development is to be undertaken in accordance with the approved plans (date-stamped 3 September 2025 and 23 February 2026) attached to this approval, subject to modifications required by any condition of this approval, final details of which are to be submitted at each working drawings stage (condition clearance stage), to the satisfaction of the Western Australian Planning Commission, on advice from the City of Busselton.*

5. *This approval is for the following land uses as defined under the City of Busselton Local Planning Scheme No. 21:*

    a. *Bulky Goods Showroom for all tenancies;*
    b. *Tenancy 1 - Trade Supplies, Warehouse/Storage and/or Garden Centre*
    c. *Tenancy 12C - Trade Supplies; and*
    d. *Tenancy 23 - Restaurant/Café.*

Advice

All other conditions of the development approval dated 24 September 2025 remain applicable to this development.

The motion was put and carried

Commissioner Haeren returned to the meeting at 11:09 am.

Member Harman returned to the meeting at 11:10 am.

3.2 Development Application - Social and Affordable Housing - Lot 29 The Parkway, Ellenbrook (221-2-1)

REASONS FOR DECISION

Members discussed their reasons for supporting the proposal and outlined the following:

- The proposal provides additional supply of social and affordable housing with a mix of one- and two-bedroom units, aligning with current demographic demand.
- The development presents an integrated design with no visual distinction between social, affordable, and other dwellings.
- The design quality is satisfactory and has been subject to a thorough design review process.
- Matters raised in submissions regarding antisocial behaviour are addressed through the design and are not attributable to the nature of the accommodation.
- The site is appropriate and suitable for higher-density residential development given its location, proximity to a train station, and access to nearby retail, food and beverage amenities within the surrounding area.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage for the reasons discussed and outlined in the Department's report.

Moved by Commissioner Haeren
Seconded by Member Harman

That the Statutory Planning Committee resolves under Schedule 2, Part 9, Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 to APPROVE the application for Mixed Use development at Lot 29 The Parkway, Ellenbrook, subject to the following conditions and advice notes:

Conditions:

1. *The approved development is to be undertaken in accordance with the approved plans date stamped 27 March 2026 attached to this*

approval, subject to any modifications required by any condition of this approval, to the satisfaction of the Western Australian Planning Commission.

2. *This decision constitutes development approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within two years, the approval shall lapse and be of no further effect.*

3. *The approved land use of the tenancy marked as 'Commercial/Retail' on the ground floor plan is 'Restaurant/Café' as defined within the Ellenbrook Station Precinct Improvement Scheme No.1.*

4. *Prior to occupation of the development, the owner shall register on the Certificate of Title, a notification pursuant to Section 70a of the Transfer of Land Act 1892. The notification is to be included on the diagram or plan of survey (deposited plan) and state:*

   'The lot is situated in the vicinity of a transport corridor and is currently affected or may in future be affected by transport noise.'

   The notification is to be registered at the applicant/ owner's expense, to the satisfaction of the Western Australian Planning Commission.

5. *A Construction Management Plan shall be submitted for approval to the Western Australian Planning Commission on the advice of the City of Swan prior to the commencement of works. The Construction Management Plan shall address dust, noise, waste management, storage of materials, traffic management and site safety/ security. The Construction Management Plan is to be complied with for the duration of the construction of the development.*

6. *At least 20 per cent of the dwellings are to be constructed to the Silver Level requirements as defined in the Liveable Housing Design Guidelines. Prior to occupation of the development, certification completed by a Liveable Housing Australia assessor confirming the development meets these standards is to be submitted to the satisfaction of the Western Australian Planning Commission.*

7. *Prior to the commencement of works, the Acoustic Report (project No.P02013, revision 001, dated 07/04/2025, prepared by E-Lab Consulting) is to be amended to show which of the transport noise mitigation measures set out in Table 11 of the abovementioned acoustic report will be implemented for each dwelling, to the*

satisfaction of the Western Australian Planning Commission on the advice of the Public Transport Authority. The amended report is to thereafter be implemented in full at the cost of the applicant/ owner.

8. *Prior to occupation of the development, certification from a qualified acoustic consultant confirming the development as constructed has incorporated all recommendations of the Acoustic Report, being submitted to the satisfaction of the Western Australian Planning Commission on the advice of the Public Transport Authority.*

9. *Prior to the commencement of works, a Water Management Report, including details and calculations must be submitted to, and approved by, the Western Australian Planning Commission, on the advice from the City of Swan, demonstrating that all stormwater from the development will be retained on site.*

   The approved Water Management Report is to be implemented and adhered to by the owners and/ or managers of the development, to the satisfaction of the Western Australian Planning Commission.

10. *Prior to the commencement of works, a detailed landscaping and reticulation plan for the subject site and/ or road verge(s) must be submitted to, and approved by, the Western Australian Planning Commission, on the advice from the City of Swan, and must include the following:*

    a) *The location, number and type of proposed trees and shrubs including planter and/ or tree pit sizes and planting density;*
    b) *Any lawns to be established;*
    c) *Any existing vegetation and/ or landscaped areas to be retained;*
    d) *Any verge treatments;*
    e) *Evidence that the proposed landscaping will not, at maturity, negatively impact the development and adjoining properties.*

11. *The approved landscaping and reticulation plan must be implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the Western Australian Planning Commission and City of Swan. Any species that fails to establish within the first two planting seasons following implementation must be replaced in consultation with, and to the satisfaction of the Western Australian Planning Commission, on the advice from the City of Swan.*

12. *External lighting shall comply with the requirements of AS4282 – Control of Obtrusive Effects of Outdoor Lighting to the satisfaction of the Western Australian Planning Commission on the advice of the City of Swan.*

13. *Prior to occupation or use of the development, 110 resident, nine visitor and 12 motorcycle parking bays must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended) and accessible parking bays must comply with AS/NZ 2890.6 (as amended) to the satisfaction of the Western Australian Planning Commission on the advice of the City of Swan.*

14. *The design of the bicycle spaces must comply with AS 2890.3: 2015 (as amended) to the satisfaction of the Western Australian Planning Commission on the advice of the City of Swan.*

15. *Prior to the occupation of the development, a Parking Management Plan shall be submitted to, and approved by, the Western Australian Planning Commission on the advice of the City of Swan. The Parking Management Plan is to include detailed management measures for the operation of visitor and tenant parking.*

    The approved Parking Management Plan is to be implemented to the satisfaction of the Western Australian Planning Commission.

16. *Prior to occupation of the development, the visitor car parking spaces are to be marked and clearly signposted as dedicated for visitor use only, to the satisfaction of the Western Australian Planning Commission on the advice of the City of Swan.*

    The marking and signposting is to be maintained for the life of the development, to the satisfaction of the Western Australian Planning Commission.

17. *The landowner/applicant of the development entering into satisfactory arrangements within the City of Swan for provision of embayment parking within the verge as per the development plans, at the cost of the applicant.*

18. *All driveways, parking and manoeuvring areas shall be constructed, drained, and maintained prior to the occupation of the development to the satisfaction of the Western Australian Planning Commission on the advice of the City of Swan.*

19. *Prior to the commencement of works, the applicant is to submit a schedule of materials, colours and finishes of the exterior of the building(s), which are consistent with or enhance those detailed on*

the approved elevations, to the satisfaction of the Western Australian Planning Commission on the advice of the Department of Planning, Lands and Heritage.

The approved schedule of materials and finishes are to thereafter be implemented in their entirety to the satisfaction of the Western Australian Planning Commission.

20. *The approved Waste Management Plan prepared by Urbii (dated 15 December 2025, Version WM-APP-0001_B) is to be implemented and adhered to by the owners and/ or managers of the development, to the satisfaction of the Western Australian Planning Commission.*

21. *All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water units, air conditioners, shall not be visible from any adjacent street, and are designed to be integrated with the building and/ or screened, to the satisfaction of the Western Australian Planning Commission.*

Advice Notes:

1. *This is a development approval only. The landowner/ applicant is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/ or license/permit requirements that may relate to the development.*

2. *The Public Transport Authority (PTA) advised that the applicant is required to submit an application to undertake works within the PTA Protection Zone prior to any works commencing on the site. Information about the procedure and required information for assessment can be found in the PTA's 8810-450-003 – Procedure – Working In and around the PTA Rail Corridor, Assets and Infrastructure. Please email the application to PTAThirdPartyAccess@pta.wa.gov.au*
3. *The applicant is advised that no street verge trees are to be removed. Street verge trees are to be retained and protected from damage, including unauthorised pruning, unless otherwise approved by the local government. In this regard, the landowner/applicant is advised to liaise with the City of Swan prior to commencement of works.*

4. *The City of Swan advises that:*

    a. *All crossovers must be built and maintained in accordance with the City of Swan's specifications.*

b. Noise generated by activities on-site, including machinery motors or vehicles is not to exceed the levels as set out under the Environmental Protection (Noise) Regulations 1997.

c. Noisy Construction Work outside the period 7.00am to 7.00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless a Noise Management Plan for the construction site has been approved in writing by the City of Swan.

The motion was put and carried

3.3 City of Subiaco - Local Planning Policy 1.1 - Amendments to Residential Design Planning Code Vol. 1 (TPS/0398)

REASONS FOR DECISION

Members discussed their reasons for supporting the proposal and outlined the following:

- Relationship of the setbacks to the building typology (multiple dwelling, grouped dwelling or single dwelling).

- The City of Subiaco's intent to protect local amenity and addresses issues arising from the existing scheme and built-form interface.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage for the reasons discussed and outlined in the Department's report.

Moved by Commissioner Haeren
Seconded by Commissioner Adair

That the Statutory Planning Committee, in relation to the City of Subiaco draft Local Planning Policy 1.1 - Residential Development (Low and Medium Density), resolves under clause 3.2.3b of Volume 1 of the Residential Design Codes (R-Codes) to:

1. *Approve the amendments to the deemed-to-comply provisions of Clause 3.4 (Lot Boundary Setbacks) of Part C of the R-Codes, subject to the modifications set out in Attachment 6.*

The motion was put and carried

3.4 Section 31 Reconsideration - Reconsideration of Subdivision Conditions – Lot 9501 and 9002 Toreopango Avenue, Yanchep (DR179/2025)

Commissioner Adair declared an Actual Impartiality Interest on Item and left the meeting at 11:27 am.

REASONS FOR DECISION

Members discussed their reasons for supporting the proposal and outlined the following:

- There has been thorough consideration to the site constraints and the unique circumstances presented by the development.
- While broader strategic implications have been identified, these fall outside the scope of the current subdivision and can be considered separately in the future.
- It is recognised that the extension and ultimate form of the road network is not determinatively resolved through this subdivision.
- The traffic contribution attributable to the proposal is proportionate to the negotiated outcomes for road works.
- The recommended resolution secures the relevant transport corridor without imposing an unreasonable burden on the applicant or unduly sterilising the land.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage for the reasons discussed and outlined in the Department's report.

Moved by Member Franklin
Seconded by Member Harman

That the Statutory Planning Committee resolves under section 31 of the State Administrative Tribunal Act 2004 to VARY its decision dated 28 October 2025 (200665; DR179/2025) to APPROVE the proposed subdivision of Lots 9501 and 9002 Toreopango Avenue, Yanchep, subject to the following amended conditions:

1. *Modify Condition 1 to read:*

   The plan of subdivision is to be modified in accordance with the attached plan (Attachment A) dated 10 April 2026.

2. *Modify Condition 15 to read:*

   Engineering drawings and specifications are to be submitted and approved, and satisfactory arrangements being made for subdivisional works to be undertaken in accordance with the

approved plan of subdivision and engineering drawings and specifications, for the construction of full earthworks required for the portion of Marmion Avenue within the application area. (City of Wanneroo)

3. *Modify Condition 16 to read:*

   The land required for the Marmion Avenue road reservation as shown on the plan dated 10 April 2026 (attached) is to be vested in the Crown under Section 152 of the Planning and Development Act 2005 and such land is to be ceded free of cost and without compensation by the Crown. (Western Australian Planning Commission)

4. *Delete Condition 22.*

5. *Insert a new condition to read:*

   35. A minimum 6m-wide emergency access way in accordance with the approved plan of subdivision date stamped 10 April 2026 is to be provided. (City of Wanneroo)

6. *Modify conditions 9, 19 and 25 to replace reference to 'plan dated 11 June 2025' to 'plan dated 10 April 2026'.*

The motion was put and carried

Commissioner Adair returned to the meeting at 11:34 am.

PROCEDURAL MOTION

Moved by Member Moore
Seconded by Commissioner Brookes

The Statutory Planning Committee move to facilitate full circulation and review of pertinent information received late on the previous evening, and resolves, pursuant to Regulation 27 of the Planning and Development (Western Australian Planning Commission) Regulations 2024, that the meeting be closed to members of the public.

The motion was put and carried

PROCEDURAL MOTION

Moved by Commissioner Adair
Seconded by Member Franklin

The Statutory Planning Committee move to resume non-confidential items for discussion, decision or noting and resolves, pursuant to Regulation 26 of the Planning and Development (Western Australian Planning Commission) Regulations 2024, that the meeting be re-opened to members of the public.

The motion was put and carried

3.5 Subdivision (47 lots) of Lot 110 Hampton Road, Pinjarra – Determination (202479)

The recommendation of the Department of Planning, Lands and Heritage was moved for the purpose of discussion on the item.

REPORT RECOMMENDATION

Moved by Commissioner Haeren
Seconded by Member Harman

That the Statutory Planning Committee resolves to:

a. *Exercise discretion under the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 4, Clause 27(2) in considering the application to subdivide the land in the absence of an approved structure plan.*

b. *Note that, in the absence of an appropriate statutory instrument, the provisions of the Shire of Murray Local Planning Scheme No. 4 apply a default R10 residential density code in the Residential Development zone and a single house is a discretionary land use.*

c. *Exercise discretion pursuant to the Planning and Development Act 2005, Part 10, Division 2, Sections 138 and 143, approve the application to subdivide Lot 110 (No. 30) Hampton Road, Pinjarra, as shown on the modified subdivision plan date stamped 3 February 2026 (Attachment 3), and subject to the following conditions:*

CONDITIONS:

1. *The plan of subdivision is to be modified in accordance with the attached plan date stamped 3 February 2026 (Attachment 3). (Western Australian Planning Commission)*

2. *Unless otherwise demonstrated through detailed engineering drawings and specifications, the proposed southern access road being widened to 15 metres to accommodate street trees and ensure all battering are contained within the subject site without any potential adverse impact on the adjoining Lot 296 and the adjacent drain. (Shire of Murray)*

3. *Proposed Lots 19 and 20 as shown on the approved plan dated 3 February 2026 (Attachment 3) are excluded from the approved plan of subdivision until such time as any temporary drainage basins have been removed from the relevant lots and the lots remediated to the satisfaction of the Western Australian Planning Commission.*

   In the event a permanent drainage basin is required in this location, the proposed lots shall be depicted on a 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.
   (Shire of Murray)

4. *Proposed Lots 14, 15, 16, 17, 18, 19, 20 and 43 as shown on the approved plan dated 3 February 2026 (Attachment 3), which are significantly affected by a bushfire attack level rating exceeding 29, are excluded from this approval until such time as the bushfire risk has been reduced so that each of the proposed lots is not unduly affected and a dwelling can be constructed in an area subject to a suitably low bushfire attack level.*

   To demonstrate that bushfire risk levels have been satisfactorily reduced, a bushfire attack level assessment or contour mapping, certified by a suitably qualified bushfire consultant, will need to be prepared. (Western Australian Planning Commission)

5. *The landowner/applicant making a pro-rata contribution, in monetary form, to the Department of Education towards the provision of land for a public primary school site(s) and/or expansion of existing public primary school site(s) to serve the broader locality in accordance with the contribution methodology outlined in Western Australian Planning Commission Operational Policy 2.4: Planning for school sites. (Department of Education)*

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

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. (Shire of Murray)*

7. *Prior to the commencement of subdivisional works, a water management report is to be prepared and approved, in consultation with the Department of Water and Environmental Regulation, consistent with any approved water management report/drainage and water management report. (Shire of Murray)*

8. *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 water management report for the site, or where no water management report exists, to the satisfaction of the Western Australian Planning Commission. (Shire of Murray)*

9. *Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development. In the event that remediation works are required, the landowner/applicant is to provide a post-works geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report. (Shire of Murray)*

10. *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. (Shire of Murray)*

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, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.*

    As an alternative, and subject to the agreement of the local government the Western Australian Planning Commission is

prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the Western Australian Planning Commission confirming that the works will be completed within a reasonable period as agreed by the Western Australian Planning Commission. (Shire of Murray)

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

    a) *street lighting in accordance with dark sky principles is installed on all new subdivisional roads to the standards of the relevant licensed service provider and*
    b) *road 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) *suitable street trees are provided within road reserves. (Shire of Murray)*

13. *All local streets within the subdivision being truncated in accordance with Western Australian Planning Commission policy Liveable Neighbourhoods. (Shire of Murray)*

14. *Local development plan(s) being prepared and approved for Lots 1, 14 to 15, 21, 31, 32, 42, and 43 to 47 (inclusive) to address, where required, the following matters:*

    a) *building orientation, design, setbacks and open space;*
    b) *fencing treatments fronting Hampton Road;*
    c) *vehicle access and crossover locations;*
    d) *car parking and garage locations; and*
    e) *bin pad locations.*

    (Shire of Murray)

15. *The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject of a local development plan are advised in writing that local development plan provisions apply. (Shire of Murray)*

16. *Information is to be provided to demonstrate that measures contained in Section 6 of the bushfire management plan dated 7 October 2025 and related to the following requirements:*

    a) *the creation of suitable asset protection zones wholly within the subdivision site; or*

b) *the agreement of abutting landowners and the finalisation of a suitable legally binding mechanism, for the creation and ongoing maintenance of asset protection zones on the abutting land, have been implemented during subdivisional works.*

This information should include a completed 'Certification by Bushfire Consultant' from the bushfire management plan. (Shire of Murray)

17. *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)

18. *Prior to the commencement of subdivisional works, measures being undertaken to identify any vegetation on the site worthy of retention, including any potential habitat or foraging trees for threatened fauna species, and protection measures implemented to ensure such vegetation is not impacted by subdivisional works. (Shire of Murray)*

19. *The landowner/applicant shall make payment to the local government for the sum equivalent to the value of 10 per cent of the land, being that portion of the land that would otherwise be provided as open space, in accordance with Section 153 and 155 of the Planning and Development Act 2005. (Shire of Murray)*

20. *Rural style fencing being constructed along the public road interface between the parent Lot 110 and adjoining Lot 296. (Shire of Murray)*

21. *Arrangements being made with a licensed water provider for the provision of a suitable water supply service to each lot shown on the approved plan of subdivision. (Water Corporation)*

22. *Arrangements being made with the Water Corporation for the provision of a sewerage service to each lot shown on the approved plan of subdivision. (Water Corporation)*

23. *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)*

24. *Arrangements being made with a licensed electricity network operator for the provision of an underground electricity distribution system that can supply electricity to each lot shown on the approved plan of subdivision. (Western Power)*

25. *The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)*

ADVICE:

1. *Prior to the commencement of subdivisional works, the landowner/applicant is advised to investigate whether or not approval is required pursuant to the Aboriginal Heritage Act 1972. The landowner/applicant should conduct a search of the Register of Aboriginal Sites to determine if any aboriginal sites have been recorded in the vicinity of their application, and this heritage information should be submitted to the Department of Planning Lands and Heritage (Indigenous Affairs) with a request for advice.*

2. *With regard to Condition 4, the WAPC does not consider the exclusion of proposed Lots 14, 15, 16, 17, 18, 19, 20 and 43 to extend to subdivisional works on or, more broadly, in close proximity to these lots. Such works may include the clearing of vegetation and works to grade, stabilise and drain the land and provide standard service infrastructure.*

   Further, the landowner/applicant is advised that once bushfire risk levels have been reduced to the extent necessary, the Western Australian Planning Commission will agree to the creation (under this approval) of proposed Lots 14, 15, 16, 17, 18, 19, 20 and 43 as shown on the attached plan of subdivision date stamped 3 February 2026 (Attachment 3), subject to all other terms and conditions of this approval being complied with.

3. *With regard to Condition 5, the landowner/applicant is responsible for undertaking a per hectare valuation for the land subject of the subdivision application within the six (6) months prior to seeking clearance of the condition from the Department of Education.*

   The per hectare value will be used by the Department of Education to inform the pro-rata contribution (1/1500th per applicable lot

created) payable to the Department of Education in accordance with Western Australian Planning Commission Operational Policy 2.4: Planning for school sites.

Alternatively, the landowner/applicant may elect to pay the maximum contribution amount in accordance with Western Australian Planning Commission Operational Policy 2.4: Planning for school sites, per lot created.

4. *The applicant/landowner is advised to liaise with the Shire of Murray in regard to the provision of adequate street trees and the protection of existing trees within road reserves.*

5. *With regard to Condition 19, provisions of section 153 of the Planning and Development Act 2005 provide that arrangements can be made, subject to further approval of the Western Australian Planning Commission, for a cash-in-lieu contribution by the landowner/applicant to the local government.*

6. *With regard to Condition 20, rural style fencing is to be provided along the public road interface only. All boundary fencing between Lots 20 and 43 and the land to the south (Lots 296 and 500) is to comply with the Shire of Murray's Fencing Local Laws.*

7. *With regard to Conditions 21, 22 and 23, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 83 of the Water Services Act 2012 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.*

8. *With regard to Condition 24, Western Power provides only one underground point of electricity supply per freehold lot.*

9. *The applicant/landowner is advised that pursuant to the Commonwealth Telecommunications Act 1997 there will generally be a requirement for the installation of fibre-ready telecommunications infrastructure. Exemptions can be sought for certain types of development. Further information is available from the Australian Government website at Department of Infrastructure, Transport, Regional Development, Communications and the Arts www.infrastructure.gov.au*

AMENDING MOTION

Members moved a motion to defer the item for a period of 60 days to allow the proponent to address outstanding detail and process matters, including the submission of a Council-supported Local Development Plan framework or an outline of an appropriate Local Development Plan process and supporting information, to clarify the preferred planning pathway prior to further consideration of the subdivision.

Moved by Commissioner Haeren
Seconded by Member Harman

That the Statutory Planning Committee resolves to defer the item relating to Subdivision (47 lots) of Lot 110 Hampton Road, Pinjarra – Determination as detailed in the report dated 29 April 2026 to allow for the following information:

1. *Defer determination of the application for a period of up to 60 days (unless otherwise agreed by the Commission) to allow:*

    a) *Initiation of a Local Development Plan to establish an appropriate residential density or built-form outcomes for the proposed lots and provide exemptions for obtaining development approval for single dwellings on the proposed lots.*
    b) *Further technical information to be provided to address a transition to the adjacent rural land and drainage matters.*

The Chairperson put the Deferral Motion to a vote.

The votes were recorded as follows:

For: Commissioner Cole, Commissioner Haeren, Member Harman and Commissioner Lakey
Against: Commissioner Adair, Commissioner Brookes, Member Franklin, Member Knight and Member Moore

The motion to defer was put and lost

REASONS FOR DECISION

The Commission resolved to endorse an alternative motion to refuse the proposal for the following reasons:

- The application is being progressed in the absence of a Local Structure Plan or equivalent strategic planning framework. Key matters ordinarily addressed through structure planning, including

drainage, land use interfaces and coordinated development outcomes, remain unresolved.

- The proposal relies on a future Local Development Plan and subdivision conditions to address substantive planning and technical matters. The Committee was not satisfied that these matters can be appropriately deferred or resolved through subdivision approval alone.

- Key water management matters remain unresolved, including reliance on a temporary basin without a confirmed long-term outcome.

- The site is subject to a unique and outdated local planning scheme framework, in particular a default R10 density coding, which increases uncertainty in the absence of a contemporary structure planning instrument to guide orderly development.

- Endorsement of the local government has not been provided to progress a local development plan or local planning scheme amendment to address these issues.

- Subdivision represents the final stage of the land development process and should be supported by complete technical investigations. In this instance, sufficient information has not been provided prior to lodgement.

- Landscaping, safety and interface outcomes, including drainage reserve treatment, fencing and interface works with adjoining land, have not been adequately demonstrated.

Members endorsed the alternative motion for the reasons discussed and outlined.

ALTERNATIVE MOTION

Moved by Commissioner Adair
Seconded by Commissioner Brookes

That the Statutory Planning Committee resolves pursuant to Part 10, Division 2, Sections 143(1)(b) of the Planning and Development Act 2005, to REFUSE the application for subdivision approval of Lot 110 Hampton Road, Pinjarra as shown on the modified subdivision plan date stamped 3 February 2026 for the following reasons:

Reasons for Refusal

1. *The proposed subdivision is inconsistent with Schedule 2, Part 4, Clause 27(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 as it has not been demonstrated that*

   a) *the subdivision is consistent with the principles of orderly and proper planning; or*
   b) *demonstrated that the development potential of the site has not been prejudiced;*

2. *The proposed subdivision is not consistent with the Shire of Murray's Local Planning Scheme No.4 as the application is seeking approval for lots inconsistent with the base R10 density code;*

3. *The proposed subdivision is inconsistent with the minimum and average lot size requirement of Table D of the R-Codes for an R10 density code;*

4. *The proposed subdivision has not demonstrated consistency with the objectives and principles of State Planning Policy 2.9 – Water in regards to drainage and water management;*

5. *The proposed subdivision creates an adverse precedent for the subdivision of land zoned Residential Development in the Shire of Murray Local Planning Scheme No.4 in the absence of an approved structure plan.*

The Chairperson put the alternative motion of the Department to a vote.

The votes were recorded as follows:

For: Commissioner Adair, Commissioner Brookes, Member Franklin, Member Knight and Member Moore
Against: Commissioner Cole, Commissioner Haeren, Member Harman and Commissioner Lakey

The motion was put and carried

4. Confidential items for discussion, decision or noting

Nil.

5. Urgent or other business

The Chairperson advised that this was Member Moore's final meeting of the Statutory Planning Committee and thanked her for her contribution to the

Committee, noting that her expertise as a former State Administrative Tribunal member and former Government Architect had been invaluable. The Chairperson also acknowledged her ongoing role with the Heritage Council and her continued contribution in that capacity.

6. Meeting conclusion and closure

The next ordinary meeting is scheduled for 10:00 am on Wednesday, 13 May 2026.
There being no further business before the Committee, the Chairperson thanked members for their attendance and declared the meeting closed at 12:40 pm.

CHAIRPERSON

15 June 2026

DATE