



**Approval Subject To Condition(s)  
Freehold (Green Title) Subdivision**

**Application No : 160156**

***Planning and Development Act 2005***

Applicant	: Mr Kevin Vizzutti 442 Murray Street Level 2 PERTH WA 6000
Owner	: Gold Fusion Pty Ltd C/O Golden Group 236 Adelaide Terrace PERTH WA 6000
Application Receipt	: 18 November 2020

  

Lot Number	: 24 & 9008
Diagram / Plan	: 226115, 413762
Location	:
C/T Volume/Folio	: 1168/861, 2949/297
Street Address	: Lots 24 & 9008 South Western Highway, Whitby
Local Government	: Shire of Serpentine Jarrahdale

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with the plan date-stamped **18 November 2020** 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 **09 April 2025** 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

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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.

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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 accompanying advice, are:

#### CONDITION(S):

##### **Administrative**

1. Arrangements being made with the Shire of Serpentine Jarrahdale to the satisfaction of the Western Australian Planning Commission, for the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure as established through Amendments 207 and 209 (when gazetted) to the Shire of Serpentine Jarrahdale Local Planning Scheme No.2. (Local Government)

##### **Road & Movement Network**

2. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)

3. 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:

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- 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;
  - c) temporary turning areas are provided to those subdivisional roads that are subject to future extension; and/or
  - d) embayment parking is provided within the/abutting the proposed public open space reserve. (Local Government)
4. 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)
  5. All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's Liveable Neighbourhoods policy. (Local Government)
  6. The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government)

#### **Drainage & Site Works**

7. 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. (Local Government)
8. Prior to the commencement of subdivisional works, an Urban Water Management Plan is to be prepared and approved, in consultation with the Department of Water and Environmental Regulation, consistent with the approved *Whitby Various Lots Local Water Management Strategy (Cardno, 2011)*. (Local Government)
9. 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

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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)

10. Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and

In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report. (Local Government).

### **Reserves**

11. The proposed reserve(s) shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as Reserve(s) for Recreation and 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)
12. 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 development and maintenance of the proposed public open space in accordance with the requirements of Liveable Neighbourhoods and to the specifications of the local government. (Local Government)
13. Uniform fencing being constructed along the boundaries of lots abutting the proposed public open space. (Local Government)

### **Environmental**

14. 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. (Local Government)

### **Fire & Emergency Infrastructure**

15. Information is to be provided to demonstrate that the measures contained in Section 4; Table 6 of the Bushfire Management Plan (Emerge Associates/Version 1 December 2020) have been implemented during subdivisional works. This information should include a completed 'Certification by Bushfire Consultant' from the Bushfire Management Plan. (Local Government)

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16. 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)*

### **Lot Design**

17. Local Development Plan(s) being prepared and approved for lots abutting the proposed public open space that address (but not limited to) the following:

- a) dwelling orientation;
- b) public open space interface;
- c) vehicle access;
- d) garage locations; and
- e) setback variations

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

18. 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. (Local Government)

### **School Sites**

19. Arrangements being made for the transfer of land free of cost to the Department of Education for the provision of a primary school site(s) to serve the area, as identified within the Whitby Precinct A Local Structure Plan. (Department of Education)

### **Servicing**

20. 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)
21. 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)



22. 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)
23. 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)
24. 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. Condition 1 is in acknowledgement of proposed Amendments 207 and 209 that are viewed by the Western Australian Planning Commission to be seriously entertained planning proposals, which will provide for developer contributions for community and/or common infrastructure.
2. In regard to Conditions 2 - 4 (inclusive), the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.
3. Conditions 8 and 9 have 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" (Published by the then Department of Water 2008).
4. With regard to Condition 12, the development is to include full earthworks, reticulation, grassing of key areas, and pathways that form part of the overall pedestrian and/or cycle network.
5. In regard to Conditions 20 and 21, 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.
6. In regard to Condition 23, Western Power provides only one underground point of electricity supply per freehold lot.
7. 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 Department of Infrastructure, Transport, Regional Development and Communications website at: [www.infrastructure.gov.au](http://www.infrastructure.gov.au).

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8. The Density Code Plan provided with the application is deemed acceptable and the approved densities for the proposed lots will supersede the density ranges depicted on the Whitby Precinct A Local Structure Plan at such time as the Deposited Plan for those lots is endorsed. The local government is required to maintain a schedule of all endorsed density code plans relevant to the Local Structure Plan area.

A handwritten signature in black ink, appearing to read "S Fagan".

Ms Sam Fagan  
Secretary  
Western Australian Planning Commission  
9 April 2021

Enquiries : David Carter (Ph 6551 9280)



