



Statutory Planning Committee

Minutes

Meeting No. 7617
Tuesday, 2 July, 2019

Members: David Caddy - Chairman WAPC
Megan Adair - WAPC Appointee
Sue Burrows - Nominee of the Director General, Department of Planning, Lands and Heritage
Kym Davis - Community Representative
Lino Iacomella - WAPC Appointee
Leonard Kosova - Local Government Representative
Nina Lyhne - WAPC Appointee
Marion Thompson - Professions Representative
Ross Thornton - WAPC Appointee

Apologies: Paddi Creevey - Nominee of the Regional Minister

Others present: Andrew Cook – Planning Manager, Metro North East
Katie Dowling – Commission Support Officer
Sam Fagan – Manager, Commission Business
Sally Grebe – Director, Planning Appeals
Caroline Hatherly – Senior Planning Officer, Metro North West
Mark Johnston – Senior Planning Officer, Regional South
Timothy Leishman – Senior Planning Officer, Regional South
Georgina Lockhart – Administration Officer, Commission Support
Jane McCredie – Senior Policy Officer, Strategy and Engagement
Cath Meaghan – Director, Regional South
David Sands – A/ Planning Manager, Metro North West
Samantha Stokes – Manager, Strategic Infrastructure
Jacquie Stone – Director Policy, Strategy and Engagement
Reyta Szabo – Senior Planning Officer, Metro North East

1. Declaration of opening

Due to the absence of the Chairman and in accordance with Clause 1.18 of the Standing Orders 2017 a member was chosen to preside over the meeting.

Ms Burrows nominated Mr Thornton.
Mr Thornton accepted the nomination.

The nominated Chairman declared the meeting open at 9.40am, 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.

Moved by Ms Burrows

Seconded by Ms Davis

That Mr Thornton preside over the meeting of the Statutory Planning Committee in the absence of the Chairman.

The motion was put and carried

2. Apologies

Nil.

3. Members on leave of absence and applications for leave of absence

Ms Paddi Creevey - Nominee of the Regional Minister

4. Disclosure of interests

Ms Adair declared an Impartiality Interest on Item 8.4 Amendment 20 to the East Wanneroo Cell 5 Local Structure Plan No. 7 due to a personal relationship with a representative of the applicant. Members agreed that Ms Adair should not be present during the discussion and/or decision-making procedure on the item.

Mr Kosova an Indirect Pecuniary Interest on Item 9.5 S31 SAT Act 2004 Reconsideration - Wungong South Road, Darling Downs due to the subdivision being in the Shire of Serpentine-Jarrahdale, which is a current client of LK Advisory. Members agreed that Mr Kosova should not be present during the discussion and/or decision-making procedure on the item.

5. Declaration of due consideration

5.1 Questions from members and responses from DPLH provided prior to the meeting

6. Minutes

Nil.

7. Deputations and presentations

7.1 Amendment No. 1 - Shire of Wongan-Ballidu Local Planning Scheme No. 5 – For Final Approval (Item 9.2)

Presenters: Anthony Ryan and Stuart McIntosh - McIntosh & Son

Mr Ryan and Mr McIntosh presented to the Statutory Planning Committee and gave a brief outline of the history of McIntosh & Sons in Wongan Hills, advising that the business was started there in 1955 and now employs 300 people. Mr Ryan stated how the site they originally operated from was in the middle of the town but has now moved due to the safety issues created by constant traffic through moving machinery.

My Ryan discussed how the vision of use for Lot 200 is to have sheds that would store machinery, as they are expensive and used seasonally they would like to keep them in sheds to prevent

weathering. He stated how they have worked closely with the Shire of Wongan-Ballidu and the WAPC to make compromises on what activities will occur on Lot 200 and now the stipulated direction for sheds is to open north with no access from the suburban road. He advised this is not ideal for their operations, but they are happy to accept the compromises and enable things to move forward.

Members queried how they intend to develop so they will not generate offsite impacts beyond the boundaries. Mr Ryan confirmed it will be road based type gravel and advised that the paddock has weeds and other vegetation which would not be cut up with the little traffic that would go through the site, potentially able to leave the area vegetated with a gravel road running through. Mr Ryan also confirmed that the site would be used for storage, therefore disruptions could be limited to once per week and would not occur at night. It was noted that a branch manager who lives in Wongan Hills would monitor activities and act as the responsible authority.

Members questioned why the development cannot occur to the north of the site, Mr Ryan stated that there is a water course running through the block and due to the machinery being large they require the space.

Members asked Mr Ryan if the development could project further employment and Mr Ryan responded that although they are unable to state a specific number, a restriction in development could mean they may have to move operations elsewhere.

Mr Caddy entered the meeting at 9.45am and presided over the meeting.

7.2 Amendment No. 1 - Shire of Wongan-Ballidu Local Planning Scheme No. 5 – For Final Approval (Item 9.2)

Mr and Mrs Ducker prepared a PowerPoint presentation which was presented by DPLH officers. A copy of the presentation has been placed on file.

The presentation stated how Lot 200 is 28-metres from their house and the development on Lot 178 has already had a negative effect with regards to dust and noise. Videos were shown that displayed the effects that dust and noise have had on their property. The presentation outlined that Lot 200 has been continually used despite zoning laws not allowing this and that with development the impact will worsen. The videos and photographs on the presentation displayed the types of machinery being used on Lot 200, stating this is not reflective of light industry.

Mr and Ms Ducker state that they believe the earth bund and vegetation will not be effective in containing emissions, as they understand how difficult it is to grow trees and shrubs in the harsh climate.

The presentation displayed a chart with all the times in which the noise has been heard, which highlights times before 7.00am. The presentation discussed the land valuation and how development on the lot will decrease the value of their lot by possibly \$25,000. Mr and Ms

Ducker explained how the northern end of Lot 178 is a sizeable area which is undeveloped and could be utilised.

7.3 Amendment 20 to the East Wanneroo Cell 5 Local Structure Plan No 7 (Item 8.4)

Ms Adair declared an Impartiality Interest and left the room at 10.05am.

Presenters: Tim Dawkins and Tim Connoley - Urbis and Frank Iannantuoni and Basil Arasi - VV Nominees Pty Ltd

Mr Dawkins, Mr Connoley, Mr Iannantuoni and Mr Arasi presented to the Statutory Planning Committee and thanked members for allowing them the opportunity to present again on this item. Mr Dawkins stated that they wanted to use this opportunity to provide comments on the process they have been through so far.

Mr Iannantuoni advised that when they started the process the City of Wanneroo requested all the necessary reports including Noise, Economy and Traffic studies be prepared and advised that they spent \$150,000 to obtain these reports. Mr Iannantuoni outlined it was at this point that council stated since it is not an Activity Centre they will not support the proposal.

Mr Dawkins addressed the information in the officer report, stating the three things to be addressed are need, location and how to implement the need. He advised that they did not look for a site that would suit a medical centre, they believed the site would be accommodating for this when trying to find a use. Mr Dawkins stated they are unsure why the City of Wanneroo have withdrawn their support when they seemed supportive at the beginning of the process.

Mr Connoley discussed the need for doctors and other health specialists that expands further north and he demonstrated this on a map prepared by the Department of Health that recognises the need. He advised that from a spatial perspective it seems there are several medical centres in the area, however, with the increase in population health requirements have increased dramatically including need for this outside of activity centres.

Mr Connoley addressed what they explored in terms of sustainability with the scale of the facility, with the residential population expected to grow 40% over the next decade and the likelihood of 20,000 workers within the nearby industrial area. He also advised that City of Wanneroo have a high unemployment rate, and discussed how the investment in jobs is needed and a medical centre would employ 12 people full time.

Mr Dawkins followed on from Mr Connoley, addressing there is a need and explained how the site backs onto Gnangara Road with acoustic walls, therefore no residents being impacted visually or acoustically. Mr Dawkins advised that the development application would address the size concerns, however, they want to amend the Structure Plan to include medical centre as a use. He expressed how they are happy to

cap the size of the pharmacy or restaurant which would reduce the overall development size.

Mr Dawkins concluded by saying they have had great interest from different medical professions for a centre, including doctors and medical centre managers who would like first access to the centre.

Ms Adair returned to the meeting at 10.29am.

ITEMS FOR DECISION

9.3 Draft Residential Aged Care Position Statement for Public Consultation

THIS ITEM IS CONFIDENTIAL

The meeting was adjourned at 10.00am.

The meeting resumed at 10.41am with all members present.

8.1 Development Application - Shed - Lot 1 (No. 594) Great Northern Highway, Herne Hill

Members discussed the application and how the shed will enhance the property while still maintaining the rural amenity, despite its size. Members noted that several applications have come through the Statutory Planning Committee where the Swan Valley Planning Committee have recommended refusal of applications based on the current legislation.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage.

Moved by Mr Kosova

Seconded by Ms Thompson

That the Statutory Planning Committee resolves to approve the application subject to the following condition:

- 1. This approval relates to the construction of a shed in accordance with the attached plans date stamped 6 May 2019 by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission.*

The motion was put and carried

8.2 Lot 9328 Proclaim Avenue, Ellenbrook - Request for Reconsideration of Conditions

Members discussed that the re-wording of Condition 16 was not part of the request for reconsideration and it was confirmed that the condition has not changed the intent of the decision, but it has updated the current situation and facilitates what is in line with the endorsed position statement. It was confirmed the applicant, when reviewing the updated conditions, did not raise any issues with the alternative wording.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage.

Moved by Mr Thornton
Seconded by Ms Davis

That the Statutory Planning Committee resolves to amend Conditions 15 and 16 of the subdivision approval for Lot 9328 Proclaim Avenue, Ellenbrook (WAPC Ref: 156814) as follows:

15. Local Development Plan(s) being prepared and approved for all lots that address the following:

- a. Building orientation;*
- b. Ensuring adequate surveillance to all streets and public access ways;*
- c. Noise conflicts from potential non-residential uses;*
- d. Provisions for bin storage;*
- e. Garage/carport locations along laneways;*
- f. Minimum 1.5 metre northern side setback for the proposed 184m² lot; and*
- g. development control provisions to facilitate the development of two-storey terraced housing product*
to the satisfaction of the Western Australian Planning Commission. (Local Government)

16. Local Development Plan(s) being prepared and approved for all lots under 100m² in area that address the following:

- a. Implement the development provisions from the Western Australian Planning Commission's Position Statement: Housing on lots less than 100m² (June 2019); plus provisions to address the relevant design principles outlined in State Planning Policy 7.0;*
- b. Minimum two storey (Category B) and maximum three storey (Category C) building height in accordance with Table 3 of the Residential Design Codes;*
- c. Shared vehicle crossover for the proposed 96m² lot and proposed 80m² lot; and*
- d. Nil front setback for balconies provided stormwater does not spill into the adjoining road reserve.*
to the satisfaction of the Western Australian Planning Commission. (Local Government)

The motion was put and carried

8.3 Amendment 19 to the East Wanneroo Cell 5 Local Structure Plan No. 7

Members discussed the recommendation and how it related to amenity, traffic and the scale that will impact on the surrounding area. Members agreed that the use of restaurant should not be included in the resolution as this proposal does not propose this additional use. They noted the applicant has chosen to not make a deputation.

Members also agreed that point 2 of the recommendation should be removed.

Ms Adair left the meeting at 11.06am

Members agreed to endorse a modified recommendation of the Department of Planning, Lands and Heritage.

Moved by Mr Kosova

Seconded by Ms Lyhne

That the Statutory Planning Committee resolves to:

1. *refuse Amendment 19 to the East Wanneroo Cell 5 Local Structure Plan No. 7 for the following reasons:*

- 1.1. SPP 4.2 identifies that uses related to health, welfare and entertainment should generally be in, or adjacent to, activity centres or in commercial, mixed use or business areas, and does not support out of centre development in the manner proposed;*
- 1.2. the Additional Uses are inconsistent with the designation of the land as Residential in the structure plan and would create conflict with Table 1 of DPS 2 when the structure plan is normalised under Regulation 34(g) of the Planning and Development (Local Planning Schemes) Regulations 2015;*
- 1.3. the locality is predominantly residential and a medical centre and pharmacy development of this size and scale will impact on the surrounding residential amenity and is not consistent with orderly and proper planning for the locality; and*
- 1.4. if this amendment is approved, it will create a precedent for the introduction of land uses which are not consistent with the land use permissibility of Residential identified by the structure plan.*

The motion was put and carried

8.4 Amendment 20 to the East Wanneroo Cell 5 Local Structure Plan No 7

Ms Adair declared an Impartiality Interest and remained out of the meeting.

Members discussed how the recommendation provides more clarity on the removal of the Additional Uses following conversations with the City of Wanneroo. They noted how the proposal does not align with State Planning Policy 4.2 due to the lot not being within an existing activity

centre. Members discussed Wangara being a major employment hub. Members deliberated on how many people do not generally use a GP in the same way they would a shopping precinct, and it is usually not something visited due to it being convenient. Members discussed how the need for doctors within the area could still be addressed through consulting rooms.

Members discussed the awkward shape of the land and how it is difficult to lend a use to it and they noted the approval the applicant received for 28 grouped dwellings.

Members agreed to endorse a modified recommendation of the Department of Planning, Lands and Heritage, amending a topographical error and removing point 4.

Moved by Mr Kosova

Seconded by Ms Lyhne

That the Statutory Planning Committee resolves to:

1. *approve amendment of the structure plan map to replace the designated road east of the Public Open Space with 'Residential R40' on Lot 201 (Part Lot 1) (No.42) Pollino Gardens, Landsdale;*
2. *require a modification to remove the Additional Uses of Pharmacy, Medical Centre and Restaurant from part Lot 2, on the structure plan map and the proposed text in the amendment table of the East Wanneroo Cell 5 Local Structure Plan No. 7 for the following reasons:*
 - 2.1. *SPP 4.2 identifies that uses related to health, welfare and entertainment should generally be in, or adjacent to, activity centres or in commercial, mixed use or business areas, and does not support out of centre development in the manner proposed;*
 - 2.2. *the Additional Uses are inconsistent with the designation of the land as Residential in the structure plan and would create conflict with Table 1 of DPS 2 when the structure plan is normalised under Regulation 34(g) of the Planning and Development (Local Planning Schemes) Regulations 2015;*
 - 2.3. *the locality is predominantly residential and a medical centre, pharmacy and restaurant development of this size and scale will impact on the surrounding residential amenity and is not consistent with orderly and proper planning for the locality; and*
 - 2.4. *if this amendment is approved, it will create a precedent for the introduction of land uses which are not consistent with the land use permissibility of Residential identified by the structure plan.*
3. *require the City of Wanneroo to resubmit a modified version of Amendment 20 to the Western Australian Planning Commission for approval; and*

The motion was put and carried

Ms Adair returned to the meeting at 11.16am.

9.1 Shire of Chittering Local Planning Strategy – For Final Approval

THIS ITEM IS CONFIDENTIAL

9.2 Amendment No. 1 - Shire of Wongan-Ballidu Local Planning Scheme No. 5 – For Final Approval

THIS ITEM IS CONFIDENTIAL

9.4 Government Sewerage Policy Explanatory Notes, Form 1A changes, Planning Bulletin and Fact Sheets

THIS ITEM IS CONFIDENTIAL

9.5 S31 SAT Act 2004 Reconsideration - Wungong South Road, Darling Downs

THIS ITEM IS CONFIDENTIAL

10. Reports for noting

Nil.

11. Stakeholder engagement and site visits

Nil.

12. Urgent or other business

Nil.

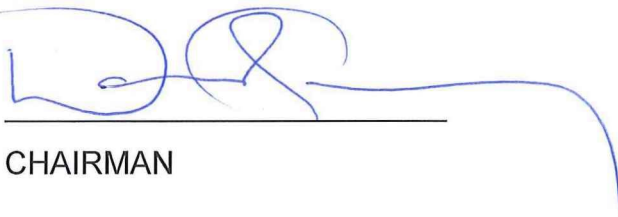
13. Items for consideration at a future meeting

Members discussed how Items 8.3 Amendment 19 to the East Wanneroo Cell 5 Local Structure Plan, Item 8.4 Amendment 20 to the East Wanneroo Cell 5 Local Structure Plan and Item 9.3 Draft Residential Aged Care Position Statement for Public Consultation have all been endorsed at today's meeting.

14. Meeting closure

The next ordinary meeting is scheduled for 9.30am on Tuesday, 23 July 2019.

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 11.56am.



CHAIRMAN

24.07.19

DATE