



Statutory Planning Committee

Minutes

Meeting No. 7670
Tuesday, 23 November, 2021

Members: David Caddy - Chairman WAPC
Lynne Craigie - Nominee of the Regional Minister
Vaughan Davies – 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

Others present: Joseph Armanasco - Planning Officer, Schemes and Amendments
Ryan Carvell - Principal Planning Officer, Regional North
Garreth Chivell - Planning Manager, Schemes and Amendments
Sean Collingwood - Director, Regional North
Andrew Cook - Planning Manager, Metro North East
Mike Critch – Senior Planning Officer, Planning Appeals
Michael Daymond - Manager Special Projects
Sam Fagan - Manager Commission Business
Sally Grebe - Director Planning Appeals, Reform, Design and State Assessment
Brooke Hongell - Senior Planning Officer, Regional South
Poppy Justice - Commission Support Officer
Michelle King - Senior Commission Support Officer
Rohan Miller - Planning Director, Schemes, Amendments and Administration
Kat Neve - Planning Manager, Regional North East
Chloe Reinikka - Senior Planning Officer, Planning Appeals
Mat Selby - Director, Metro North
Ryan Shaw - Senior Planning Officer, Planning Appeals
Reyta Szabo - Planning Officer, Metro North East

1. Declaration of opening

The Chairman declared the meeting open at 9:33am, 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. The Chairman paid respect to elders past and present, and extended solidarity and hope for a just and dignified future for us all.

2. Apologies

Nil.

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

Nil.

4. Disclosure of interests

Mr Iacomella declared a Perceived Impartiality Interest on Item 8.1 – Parkerville Local Structure Plan No.79 (SPN/2273) and stated that the proponent of a development (Satterley Property Group) on a property that is neighbouring to this agenda item is a past client of his employer, KPA Architects. Mr Iacomella informed members that KPA Architects provided design services on a retail project in Austin Lakes Perth in 2016 for Satterley Property. Members agreed that Mr Iacomella is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Mr Iacomella’s conduct in relation to the matter.

Mr Caddy declared an Indirect Pecuniary Interest on Item 8.1 Parkerville Local Structure Plan No.79 and stated that he is an enrolled member of the Anglican Church which is directly affiliated with the applicant being Parkerville Children and Youth Care Inc. Members agreed that Mr Caddy should not be present during the discussion and/or decision-making procedure on the item.

Mr Kosova declared a Perceived Impartiality Interest on Item 8.1 - Parkerville Local Structure Plan No.79 (SPN/2273). Mr Kosova stated that his client, Satterley Property Group, whilst not associated with this proposal, has been referenced in several submissions received on the proposed structure plan. Members agreed that Mr Kosova is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Mr Kosova’s conduct in relation to the matter.

Mr Kosova declared an Impartiality Interest on Item 10.1 - Section 31 Reconsideration of Modifications to Swan View Local Structure Plan No.78. Mr Kosova stated that a client of his business, LK Advisory, has a farming operation within the Shire of Broome on Crown Land as a Pastoral Lease Holder. Members agreed that Mr Kosova is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Mr Kosova’s conduct in relation to the matter.

Mr Kosova declared an Impartiality Interest on Item 8.3 - City of Wanneroo District Planning Scheme No.2 – Amendment No.194 – Certification for advertising and Item 8.4 - City of Wanneroo District Planning Scheme No.2 – Amendment No.198 – Certification prior to advertising. Mr Kosova stated that a client of his business, LK Advisory, is completing a development application in East Wanneroo. Members agreed that Mr Kosova is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Mr Kosova’s conduct in relation to the matter. Due to the absence of the Chairman and in accordance with Clause 1.18 of the Standing Orders 2017, Mr Davies was chosen to preside over the meeting

during deputation Items 7.1, 7.2, 7.3, 7.4 and the discussion and decision-making of Item 8.1.

Moved by Ms Thompson

Seconded by Ms Davis

The motion was put and carried

5. Declaration of due consideration

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

6. Minutes

6.1 Proposed amendment to the minutes of Meeting No. 7669 on Tuesday, 9 November 2021

A motion was moved to amend the minutes of the Statutory Planning Committee Meeting No.7668 held on 9 November 2021 for Agenda Item 8.2 - City of Melville – Canning Bridge Activity Centre Plan – Proposed Amendment. Members agreed to include the word “complex” in paragraph 3 in describing the amendment which required advertisement as instructed by the Western Australian Planning Commission as follows:

“Members discussed the consultation process and were informed that the City of Melville initiated an unadvertised amendment to the Scheme and CBACP lodged with the Western Australian Planning Commission. It was noted that the WAPC instructed the City to advertise the proposed complex amendments.”

Moved by Mr Thornton

Seconded by Mr Kosova

That the Statutory Planning Committee resolves to amend the minutes for agenda Item 8.2 - City of Melville – Canning Bridge Activity Centre Plan – Proposed Amendment (SPN/0754M-7) at paragraph 3 as follows:

Members discussed the consultation process and were informed that the City of Melville initiated an unadvertised amendment to the Scheme and CBACP lodged with the Western Australian Planning Commission. It was noted that the WAPC instructed the City to advertise the proposed complex amendments.

The motion was put and carried

6.2 Confirmation of minutes - Meeting No. 7669 on Tuesday, 9 November 2021

Moved by Mr Kosova

Seconded by Mr Iacomella

That the minutes, as amended, of the Statutory Planning Committee meeting held on Tuesday, 23 November 2021, be confirmed as a true and correct record of the proceedings.

The motion was put and carried

7. Deputations and presentations

The Chairman declared an Indirect Pecuniary Interest on Item 8.1 and left the meeting at 9.40am.

The nominated Chairperson, Mr Davies, presided over the meeting in the absence of Mr Caddy.

7.1 Parkerville Local Structure Plan No.79 (SPN/2273) (Item 8.1)

Presenters: Peter Brazier and Debra Bishop - Save Perth Hills

Ms Bishop and Mr Brazier presented to the Statutory Planning Committee on Item 8.1 - Parkerville Local Structure Plan No.79 on behalf of the Save Perth Hills community group. Ms Bishop stated that the map contained within the Department of Planning, Lands and Heritage (DPLH) report was incorrect and informed members that the map had incorrectly labelled Riley Road as Great Eastern Highway and Cameron Road as Toodyay Road. Ms Bishop requested that the map be updated to ensure that members were provided with the correct information when considering the Parkerville Local Structure Plan (LSP) No.79.

Ms Bishop requested that the decision on the Parkerville Local Structure Plan be deferred on the basis that there is a strong community opposition to the LSP including, bushfire risks, waste water risks and 3,000 signatures on a subdivision moratorium in bushfire risk areas. Ms Bishop stated that determining the LSP would be pre-emptive given the current inquiries and reviews being undertaken on the Wooroloo Bushfires, Commonwealth Scientific and Industrial Research Organisation (CSIRO) map on Climate Change, State Planning Policy 3.7 and a review initiated by the Western Australian Planning Commission on Urban zoned land within the Perth Hills.

Mr Brazier stated that there are three reasons to defer the item and informed members that:

1. a precedent has been set by deferring the rezoning of North Stoneville;
2. the Department of Fire and Emergency Services (DFES) have confirmed that the LSP 79 area is an extreme bushfire area and have stated that the Precautionary Principle should be applied when there is a lack of certainty; and
3. the lack of certainty Precautionary Principle has been applied to the 2008, 2014 and 2021 bushfires as they were identified as landscape-scale bushfires.

Mr Brazier informed members that the buffer between the LSP development and North Stoneville is 350m rather than the standard between 1 and 4 kilometres which is vital for bushfire management.

Ms Bishop discussed the cumulative effects and stated it is putting additional pressure on bushfire resources and infrastructure and

informed members that the infrastructure does not exist to support another 56 houses.

Ms Bishop stated that the LSP has been rushed and requested that the decision is deferred to allow for the inquiry and reviews to be completed and considered when deciding on the proposed LSP.

Ms Bishop and Mr Brazier answered questions from members regarding Clutterbuck Creek.

The synopsis below was provided by Save Perth Hills at their request and the Presiding Member has approved the inclusion of their synopsis in these minutes:

“Save Perth Hills

Synopsis

SPC Meeting 23rd November 2021

Item 8.1. Parkerville Local Structure Plan No.79

*SPH would like to draw the commissions attention to the following correspondence from **Lorissa Kelly – Assistance Director General in a letter to SPH on April 9:***

*“As you are aware, the Department is currently progressing the Bushfire Framework Review, which commenced in late 2019 and includes the review of State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7), the associated Guidelines, and the development of a new Map of Bush Fire Prone Areas (the Map). The review includes consideration of recommendations 8 and 9 of the Hon Dr Tony Buti MLA’s report **Bushfire Planning and Policy Review: A Review into the Western Australian Framework for Planning and Development in Bushfire Prone Areas, to better articulate the primacy of human life, avoid development in extreme areas only; and to adopt a broader landscape risk assessment.***

The importance of this review has again been highlighted by the Wooroloo bushfires. The Map being developed in collaboration with the Commonwealth Scientific and Industrial Research Organisation (CSIRO) is anticipated to provide a level of detail that will inform the assessment of the broader landscape risk and enable more informed decisions regarding siting of development in high and extreme risk areas. The CSIRO are incorporating contemporary fire science, including climate change predictions, and aim to assign hazard classes that reflect the bushfire risk.”

SPH has provided evidence in our deputation to the SPC that this site (SP7()) is located in a:

- *Proven **extreme bushfire prone area;***
- *An area that has already been subject to significant **landscape scale bushfires –***

2008, 2014 and 2021 Wooroloo from SW and SE and Easterly directions;

- *An area serviced by an **inadequate local road infrastructure** not capable of safely evacuating 3000+ residents during a landscape scale bushfire event;*
- *Location where there will be an **inadequate bushfire buffer zone** between town centres - 350m with the proposed North Stoneville site (SP34);*

- *An area subject to increased frequency and severity of landscape scale bushfires due to **climate change***

SPH request that the commission defer the decision on SP79 until the site can be appropriately evaluated for bushfire risk taking into account the risk of landscape scale bushfires and climate change using the new SPP 3.7 policy and guidelines after Bushfire Framework Review is completed. We believe that this approach will allow the Commission to determine with more certainty, using the latest data, if sufficient bushfire mitigation can be achieved on this site.”

7.2 Parkerville Local Structure Plan No.79 (SPN/2273) (Item 8.1)

Presenter: Professor Grant Douglas – Private Citizen

Professor Douglas presented to the Statutory Planning Committee on Item 8.1 - Parkerville Local Structure Plan No.79 and provided members with a technical analysis of the soil and groundwater that is affected within the Local Structure Plan area.

Professor Douglas informed members of the potential environmental issues which could affect the soils and groundwater system through the use of Aerobic Treatment Units (ATU) for waste management and the effect of an insufficient setback from Clutterbuck Creek which will potentially cause contamination to Clutterbuck Creek and the Swan River in perpetuity.

Professor Douglas informed members that ATU's have been selected by the proponent to treat the sewerage and have routinely failed. Professor Douglas stated that the LSP No.79 site is far more complex than portrayed by the proponent and informed members that only three soil samples were measured for Phosphorus Retention Index (PRI) which does not provide an understanding of the contaminants generated by the proposed development.

Professor Douglas provided members an overview of the site hydrology and stated that digging too close to the creek will cause groundwater to pool which exacerbates contaminant transport to Clutterbuck Creek. Professor Douglas informed members that the surface water collection pods will fail as they will rapidly fill and empty without the treatment of nutrients or contaminants. Professor Douglas stated that slow infiltration over a wide area allows time for nutrient and contaminant uptake and informed members that 150m is the minimum setback of Clutterbuck Creek for adequate environmental protection.

Professor Douglas stated that commercial viability and profits from the LSP cannot override the scientific facts and requested that the setback for Clutterbuck Creek be modified from 100m to 150m to balance the development and ecosystem preservation.

Professor Douglas answered questions from members regarding ATU's.

7.3 Parkerville Local Structure Plan No.79 (SPN/2273) (Item 8.1)

Presenter: Greg Rankine – Volunteer Fire Fighter

Mr Rankine presented to the Statutory Planning Committee on Item 8.1 - Parkerville Local Structure Plan No.79 and informed members of his experiences as a volunteer firefighter during the 2008 Stoneville bushfire and 2021 Wooroloo bushfire.

Mr Rankine informed members that point 3 of the Bushfire Assessment stated that the slope of the forest, woodland and grassland areas was zero degrees, however, Mr Rankine stated that in the Strategy maps no. 3 and no. 4 show clear contour lines throughout the land. Mr Rankine stated that he estimates that the slope is between 7 and 10 degrees and informed members that a slope of 10 degrees will double the speed of a bushfire.

Mr Rankine stated that the proposed LSP stated that there is no landscape scale or bushfire risk adjacent to the development area and Mr Rankine noted there is a large portion of grassland which can be a fast and dangerous fire as seen in the 2021 Wooroloo bushfires.

Mr Rankine expressed concern for Roland Road which has vegetation and trees abutting the road and requested for the decision to be deferred until the Wooroloo Bushfire Inquiry and Bushfire Management Framework review have been completed.

Mr Rankine answered questions from members.

7.4 Parkerville Local Structure Plan No.79 (SPN/2273) (Item 8.1)

Presenters: Doug Jeans – Councillor, Shire of Mundaring

Cr Jeans presented to the Statutory Planning Committee on Item 8.1 - Parkerville Local Structure Plan No.79 on behalf of the Shire of Mundaring.

Cr Jeans informed members that the proposed Local Structure Plan (LSP) No.79 received a total of 108 submissions, and of those submissions 103 were against the proposed LSP, and stated that the residents objected to the LSP due to their concerns about bushfire, safety and the environmental impact on Clutterbuck Creek. Cr Jeans informed members that the Shire of Mundaring's bushfire concerns are well documented and stated that the 2021 Wooroloo bushfire highlighted the impact bushfires have on people and property.

Cr Jeans stated the Shire of Mundaring and the residents are not against urban development, however, they are against urban development in high risk bushfire areas. Cr Jeans stated that many of the submissions received were from residents who had been directly affected by the 2014 Parkerville and Stoneville bushfires and informed members that 57 houses were lost during these bushfires. Cr Jeans informed members that 86 houses were lost during the recent 2021 Wooroloo bushfires and stated that 9 months after the bushfire, residents are still living in sea containers.

Cr Jeans informed members that the LSP No.79 is located in a high-risk zone and is within 200m of Mundaring Christian College and Silver Tree Steiner School. Cr Jeans stated that LSP No.79 would create a

logistical nightmare if the area required an evacuation and highlights the need for emergency evacuation modelling to be completed in the early stages of development planning for bushfire prone areas. Cr Jeans informed members that the current road network is not designed for a high volume of evacuation traffic as it is poorly designed with poor visibility and intersections and natural vegetation on the road verges.

Cr Jeans requested that the decision be deferred until the release of the Woorloo Bushfire Inquiry, WA Bushfire Framework, State Planning Policy 3.7, Commonwealth Scientific and Industrial Research Organisation Bushfire Mapping and Climate Change Outlook and the Department of Planning, Lands and Heritage's Strategic Review of Urban Zoned Lands in the Perth Hills initiated by the Western Australian Planning Commission at their meeting 30 June 2021.

7.5 Parkerville Local Structure Plan No.79 (SPN/2273) (Item 8.1)

Presenters: Ryan Darby – Hatch Roberts Day Phil Cuttone – Cuttone Property Group on behalf of Parkerville Children and Youth Care

Mr Darby and Mr Cuttone presented to the Statutory Planning Committee on Item 8.1 - Parkerville Local Structure Plan No.79 on behalf of Parkerville Children and Youth Care. Mr Darby informed members of the history of the proposed Local Structure Plan (LSP) and stated that the subject site was identified under the Sub-regional Framework, Local Planning Framework and Local Planning Scheme for urban development. Mr Darby stated that the Metropolitan Regional Scheme was gazetted in 2019 which rezoned the land from rural to urban.

Mr Darby stated that the LSP has been prepared over a number of years and includes supporting documentation including the District Water Management Strategy and Local Water Management Strategy (LWMS). Mr Darby informed members that they have worked with the Shire of Mundaring and the Department of Planning, Lands and Heritage (DPLH) to address the issues raised by the community and stakeholders during the advertising period which has informed the proposed LSP. Mr Darby noted that the Shire of Mundaring are recommending approval for the LSP with proposed modifications to Modification No. 3 and No.6.

Mr Darby requested that Modification No.3 be amended to reflect that "a cash-in-lieu payment will be required at the subdivision stage equivalent to the balance of Public Open Space not provided and this payment be utilised for the rehabilitation of the Clutterbuck Creek Foreshore Reserve." Mr Darby informed members that this request is consistent with the request to utilise the money for the rehabilitation of the Foreshore Reserve.

Mr Darby requested that Modification No.6 be amended to "request that the significant tree survey and retention or removal plan be required as a condition of subdivision". Mr Darby stated that the reason

for this amendment is due to the engineering plans, and resultant identification of vegetation to be retained/removed, and finalised in consultation with the Shire.

Mr Darby requested that the Foreshore Management Plan be required as a condition of subdivision rather than it being approved prior to the consideration of the subdivision application due to the length of time it takes to complete a Foreshore Management Plan.

Mr Darby answered questions from members about the rehabilitation of the Clutterbuck Creek Foreshore Reserve and the use of Aerobic Treatment Units.

Mr Caddy returned to the meeting at 10.23am and assumed the Chair.

7.6 Section 31 Reconsideration of Modifications to Swan View Local Structure Plan No.78 (SPN/2272) (Item 10.1)

Presenter: Simon O'Hara – Statewest Planning

Mr O'Hara presented to the Statutory Planning Committee on Item 10.1 - Section 31 Reconsideration of Modifications to Swan View Local Structure Plan No.78 in support of the recommendation of the Department of Planning, Lands and Heritage (DPLH).

Mr O'Hara stated that the original environmental report covered a broad area of the Local Structure Plan (LSP) and identified priority 3 flora. Mr O'Hara stated that the overall vegetation condition in the location was described as good or very good.

Mr O'Hara informed members that clearing Lots 5 and 6 of vegetation in the designated building envelopes will assist in achieving the Asset Protection Zone (APZ) requirements for future buildings and stated that the term vegetation modification clarifies that the APZ does not require the land to be cleared, however, the fire fuel levels need to be appropriately reduced and some vegetation could be retained.

Mr O'Hara informed members that the Department of Water and Environmental Regulation (DWER) were satisfied with the proposed Subdivision throughout the application submission and State Administrative Tribunal review.

Mr O'Hara concluded that the vegetation on Lots 5 and 6 had been significantly disturbed and did not contain any protected or listed species. Mr O'Hara stated that the subdivision application was consistent with State Planning Policy 3.7 and will reduce the fire risk to properties the west.

7.7 Section 31 Reconsideration of Refusal to Subdivide 2 Lots for Special Use 6 Purpose Lot 37 Ellenbrook Road, Bullsbrook (DR251/2020) (WAPC 158311) (Item 10.2)

Presenter: Stephen Dobson - Applicant

Mr Dobson presented to the Statutory Planning Committee on Item 10.2 - Section 31 Reconsideration of Refusal to Subdivide 2 Lots for Special Use 6 Purpose Lot 37 Ellenbrook Road, Bullsbrook and

informed members that the application is in accordance with the recommendation and they are accepting of the proposed conditions and advice outlined in the Department of Planning, Lands and Heritage's report.

The Chairman declared a break at 10:33am.

The meeting resumed at 10:44am with all members present.

ITEMS FOR DECISION

- 9.1 Final endorsement of draft Dark Sky and Astrotourism Position Statement (WAPC/18/0247)**

THIS ITEM IS CONFIDENTIAL

- 10.1 Section 31 Reconsideration of Modifications to Swan View Local Structure Plan No.78 (SPN/2272)**

**Moved by Ms Lyhne
Seconded by Ms Craigie**

Pursuant to section 31 of the State Administrative Tribunal Act 2004, the Statutory Planning Committee has reconsidered the structure plan application (WAPC SPN/2272) (DR 95 of 2021) and has resolved to modify the Schedule of Modifications (Attachment 2) to delete modification 1, dot point 2.

The motion was put and carried

- 10.2 Section 31 Reconsideration of Refusal to Subdivide 2 Lots for Special Use 6 Purpose Lot 37 Ellenbrook Road, Bullsbrook (DR251/2020) (WAPC 158311)**

**Moved by Ms Lyhne
Seconded by Ms Craigie**

Pursuant to section 31 of the State Administrative Tribunal Act 2004 the Statutory Planning Committee has reconsidered its refusal (WAPC 158311) (DR251/2020) dated 16 October 2020 and has resolved to set aside its decision and approve the subdivision application of Lot 37 Ellenbrook Road, Bullsbrook subject to the following conditions and advice:

CONDITIONS:

1. The land being filled, stabilised, drained and/or graded as required to ensure that:

- a. lots can accommodate their intended development; and*
- b. finished ground levels at the boundaries of the lots the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and*

c. stormwater is contained on-site, or appropriately treated and connected to the local drainage system. (Local Government)

2. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme, Building Act 2011, and National Construction Code Series/Building Code of Australia (as amended). (Local Government)

3. Prior to commencement of subdivisional works, a detailed plan identifying building envelopes on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission. (Local Government)

4. The battleaxe access leg is to be constructed and drained at the full cost of the landowner/applicant to the specifications of the local government. (Local Government)

5. Suitable arrangements being made with the local government for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision. (Local Government)

6. 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)

7. 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 lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

"The lot is situated in the vicinity of Ellenbrook Speedway and is currently affected, or may in the future be affected by motor vehicle noise." (Local Government)

8. A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificates of title of the proposed lots 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)

9. The submitted Bushfire Management Plan (Version 8.0 dated 30 June 2020) being updated to reflect the City of Swan's marked

changes (along with any further updates required by the City of Swan) and relevant bushfire protection measures therein implemented. This information should include a notice of 'Certification by Bushfire Consultant' from the bushfire management plan. (Local Government)

10. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificates of title of the proposed lots. 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 reticulated sewerage service is not available to the lot. Additional planning and building requirements may apply to development on this land." (Local Government)

11. 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 lots shown on the approved plan of subdivision. (Western Power)

12. Arrangements being made to the satisfaction of the WAPC and to the specification of Western Power for the removal, relocation and/or replacement of electricity supply infrastructure, including plant and/or equipment located on or near the lots shown on the approved plan of subdivision. (Western Power)

13. 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. In regard to Condition 11, Western Power provides only one underground point of electricity supply per freehold lot.

The motion was put and carried

The Chairman declared an Indirect Pecuniary Interest on Item 8.1 and left the meeting at 10.48am.

The nominated Chairperson, Mr Davies, presided over the meeting in the absence of Mr Caddy.

8.1 Parkerville Local Structure Plan No.79 (SPN/2273)

Members discussed the Western Australian Planning Commission's decision to undertake a review of the urban zoning in the Perth Hills area and were informed that a review was appropriate to consider a number of areas within the Metropolitan Regional Scheme (MRS) including Gidgegannup, Parkerville, North Stoneville and Pickering Brook. Members were informed that a timeframe has not been assigned to the completion of the review.

Members discussed the deputation requests for the deferral of the item and stated that the request for deferral was on the basis that the decision could be made until after the completion of the Wooroloo Bushfire Inquiry, review of the State Planning Policy (SPP) 3.7 and the Strategic Review of urban zoned land within the Perth Hills. Members

determined that deferring the decision until the completion of the Inquiry and multiple reviews may impact on the decision making of the Statutory Planning Committee (SPC).

Members noted that the proposed subject site was zoned as urban in 2020 by the WAPC and that the proposed Local Structure Plan (LSP) is in accordance with SPP 3.7. Members stated that the proposed development is significantly smaller than other developments proposed in the area and is located close to an existing Township. Members considered whether a deferral would be appropriate as it may create a precedent for all bushfire risk areas to wait for the outcome of any pending reports or inquiries.

Members discussed the SPC's ability to defer the Item based on the Planning and Development (Local Planning Schemes) Regulations 2015 Deemed Provisions which state that a decision can be approved, modified or refused.

Members discussed the information contained within the proposed LSP and stated that it was not satisfactory and required additional aerial images, information on proposed setbacks and contouring.

Members discussed whether requesting additional modifications in essence approves the LSP subject to the modifications. Members noted that Section 22 (b)(i)(ii) of the Deemed Provisions states that *"the Commission may require the Local Government or the person who prepared the structure plan to modify the plan in the manner specified by the Commission; and resubmit the modified plan to the Commission for approval."*

Members queried whether the final Concept Plan had been advertised for public comment and were informed that the final Concept Plan had not been advertised. Members discussed Section 22(2) of the Deemed Provisions states that *"Before making a decision under subclause (1), the Commission may, if the Commission considers that major modifications have been made to the structure plan since it was advertised, direct the local government to readvertise the structure plan in the manner specified by the Commission."* Members were informed that the recommended modifications were not considered to be major and would not trigger the requirement for the LSP and Concept Plan to be readvertised.

Members discussed the DPLH report and stated that the report does not include contextual information about the review of the urban zoned land within the Perth Hills as instructed by the WAPC and the map at attachment 3 was incorrect.

Members discussed including the Concept Plan and Contour Map from Attachment 6 – Revised LSP – Parkerville Local Structure Plan No.79 of the SPC agenda in the LSP to guide both the Shire of Mundaring and DPLH staff through future subdivision applications.

Members discussed the contradictory information provided by the deputations and Local Government and requested advice from the Department of Water and Environmental Regulation (DWER) and the

Local Water Management Strategy (LWMS) be included in the DPLH report as attachments.

Members agreed to defer the item for consideration at the meeting of the SPC on Tuesday, 7 December 2021 and requested that the report provided by the DPLH to be updated to include the strategic context for the review of urban zoned land within the Perth Hills, the advice from the DWER and the LWMS be attached to the report with a modification which provides for the LSP to be resubmitted with the updated Concept Plan including Figure 6 and Contour Maps.

Moved by Mr Thornton
Seconded by Ms Lyhne

That the Statutory Planning Committee resolves to defer the item relating to Parkerville Local Structure Plan No.79 (SPN/2273), as detailed in the report dated 23 November 2021 to allow for supplementary information to be included within the report of the Department of Planning, Lands and Heritage on the strategic context of the review of urban zoned land within the Perth Hills and advice from DWER and the LWMS be attached to the report with a modification which provides for the LSP to be resubmitted with the updated Concept Plan including Figure 6 and Contour Maps.

The motion was put and carried

Mr Caddy returned to the meeting at 11.30am and assumed the role of Chair

8.2 Shire of Broome Draft Local Planning Strategy - WAPC Certification to Advertise (TPS/2783)

Members were informed that the Shire of Broome Draft Local Planning Strategy (LPS) is consistent with the LPS Guidelines and the Shire of Broome has undertaken a pre-engagement process which involved their stakeholders, State Government and Native Title Holders and have engaged with the Department of Planning, Lands and Heritage's (DPLH) Reform Team.

Members were informed that the Draft LPS has been updated to include population projections based on WA Today statistics and provides more clarification on the relocation of the Broome Airport in the long term. Members were informed that the Draft LPS identifies several areas that require Precinct Plans.

Members queried the requirement for additional tourism in the Shire of Broome as a result of the COVID-19 Pandemic. Members were informed that the pre-engagement with stakeholders was undertaken between July and September 2021 and accurately reflects the current climate. Members were informed that the Shire of Broome has been addressing the need for additional tourism in the current LPS through Precinct Planning in the Cable Beach and China Town areas.

Members queried the size of the Bidyadanga community and how the planning system aligns with the community. Members were informed

that the Bidyadanga community is one of the largest remote settlements and there is work being undertaken on tenure reform and gazettal of the town site. Members were informed that the LPS identifies that background studies are required to inform stakeholders of flooding and service infrastructure.

Members queried the impact of sealing the Broome Cape Leveque Road on local communities and were informed that the LPS will manage minor and major tourism nodes by utilising settlement zoning and special control areas.

Members discussed Planning Investigation Area's within the Shire of Broome and queried the proposed intensification to the area and were informed that the intensification was identified in the Shire of Broome's 2014 LPS. Members were informed that the recommendation of the DPLH includes modifications which clarifies that the PIA needs to be approved or rejected and all future investigation areas are required to be consistent with State Planning Policy 2.5.

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

Moved by Ms Davis

Seconded by Ms Thompson

That the Statutory Planning Committee resolves to:

1. *require modification of the Shire of Broome draft Local Planning Strategy, in accordance with the attached schedule of modifications (attachment 3), in order for it to be suitable for advertising.*
2. *subject to the above modifications being satisfactorily undertaken, certify that the draft Local Planning Strategy is consistent with Regulations 11(2) of the Planning and Development (Local Planning Schemes) Regulations 2015;*
3. *authorise Department of Planning, Lands and Heritage officers to review the modifications to ensure they have been satisfactorily undertaken and execute the documents accordingly, prior to the advertising of the draft Local Planning Strategy;*
4. *require the draft Local Planning Strategy, upon completion of the modifications and review of the modifications by the Department of Planning, Lands and Heritage, to be advertised in accordance with regulation 13 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

The motion was put and carried

8.3 City of Wanneroo District Planning Scheme No.2 – Amendment No.194 – Certification for advertising (TPS/2792)

Members were informed that the Local Planning Strategy (LPS) documentation requires a minor mapping modification and it was requested that the recommendation of the Department of Planning, Lands and Heritage be amended to reflect the rectification of the map.

Members queried whether the City of Wanneroo is meeting the expected timeframe for the completion of the of LPS in comparison to other Local Governments and were informed that the LPS is taking longer than expected given the clear guidance that is provided, however, the early consultation with residents is a sign of progression.

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

That the Statutory Planning Committee resolves to:

- a) *Consider that modification of the amendment is required in order for it to be suitable for advertising, mainly to achieve conformance with the Regulations, in accordance with the attached schedule of modifications.*

Upon completion of these modifications, the scheme amendment is to be advertised in accordance with regulation 38 of the Planning and Development (Local Planning Schemes) Regulations 2015;

- b) *Advise Council that:*
 - i. *the amendment presents various inconsistencies with State Planning Policy 2.5 – Rural Planning (SPP 2.5). These inconsistencies, primarily that a proposed Car Park land use in Rural zones is inconsistent with the policy objectives of SPP 2.5, will be considered following advertising; and*
 - ii. *the amendment is proposed in the absence of a suitability endorsed local planning strategy. In this regard, it is strongly recommended that the City prioritise the completion of its local planning strategy to ensure future amendments are not dealt with on a case by case basis, but rather through a contemporary planning framework that focuses on the wider locality.*

The motion was put and carried

8.4 City of Wanneroo District Planning Scheme No.2 – Amendment No.198 – Certification prior to advertising (TPS/2791)

Members discussed the use of the word 'suitable' in the Department of Planning, Lands and Heritage's recommendation and queried whether the message that it sends is appropriate. Members acknowledged that the use of the word 'suitable' is set out by the Planning and Development (Local Planning Schemes) Regulations 2015.

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

Moved by Ms Davis

Seconded by Mr Thornton

That the Statutory Planning Committee resolves to:

- a. *Consider that modification of the amendment is required in order for it to be suitable for advertising, mainly to achieve conformance with the*

Regulations, in accordance with the attached schedule of modifications.

Upon completion of these modifications, the scheme amendment is to be advertised in accordance with regulation 38 of the Planning and Development (Local Planning Schemes) Regulations 2015;

b. Advise Council that:

- 1. the amendment presents various inconsistencies with State Planning Policy 2.5 – Rural Planning (SPP 2.5) and State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7). These inconsistencies, primarily that a proposed Car Park land use in Rural zones is inconsistent with the policy objectives of SPP 2.5, will be considered following advertising; and*
- 2. The amendment is proposed in the absence of a suitability endorsed local planning strategy. In this regard, it is strongly recommended that the City prioritise the completion of its local planning strategy to ensure future amendments are not dealt with on a case by case basis, but rather through a contemporary planning framework that focuses on the wider locality.*

The motion was put and carried

10. Section 31 Items

10.3 Section 31 Reconsideration of Condition of Subdivision Approval – Lots 272 – 274 Eighth Avenue, Inglewood (283-21)

Members were provided with an overview of Item 10.3 - Section 31 Reconsideration of Condition of Subdivision Approval – Lots 272 – 274 Eighth Avenue, Inglewood (283-21) and queried how 8.5% Public Open Space was determined.

Members agreed that the Public Open Space Strategy required updating to address Public Open Space for infill and strata developments.

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

Moved by Mr Iacomella
Seconded by Mr Thornton

Pursuant to section 31 of the State Administrative Tribunal Act 2004, the Statutory Planning Committee has reconsidered its decision dated 21 June 2021 to approve the survey strata subdivision (WAPC 283-21) (DR149 of 2021) and has resolved to modify Condition 4 as set out below.

CONDITION

4. The landowner/applicant shall make payment to the local government for the sum equivalent to the value of 8.5% 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. (Local Government)

The motion was put and carried

11. Reports for noting

Nil.

12. Stakeholder engagement and site visits

Nil.

13. Urgent or other business

Nil.

14. Items for consideration at a future meeting

Nil.

15. Meeting closure

The next ordinary meeting is scheduled for 9:30am on Tuesday, 7 December 2021.

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 12:01pm.



CHAIRMAN

11 January 2022

DATE