



Statutory Planning Committee

Minutes

Meeting No. 7679
Tuesday, 17 May, 2022

- Members:** David Caddy - Chairman WAPC
Lynne Craigie - Nominee of the Regional Minister
Kym Davis - Community Representative
Lino Iacomella - WAPC Appointee
Nina Lyhne - WAPC Appointee
Ross Thornton - WAPC Appointee
- Apologies:** Vaughan Davies - Nominee of the Director General, Department of Planning, Lands and Heritage
Leonard Kosova - Local Government Representative
Marion Thompson - Professions Representative
- Others present:** Joseph Armanasco - Senior Planning Officer, Schemes and Amendments
Kathy Bonus - Chief Planning Adviser, Reform Design and State Assessment
David Brash - Principal Planning Officer, South West Regions
Matthew Burnett - Senior Planning Officer, Regional South West
Michael Daymond - Strategic Advisor, WAPC
Sam Fagan - Manager Commission Business
Michelle King - Senior Commission Support Officer
Nicole Lucas-Smith - Planning Director, Metro South and Peel
Cath Meaghan - Planning Director, Regional South
Rohan Miller - Planning Director, Schemes, Amendments and Administration
Irene Obales - Commission Support Officer
Diarmuid O'Connor - Planning Manager, Metro South West
David Saunders - Assistant Director General, Land Use Planning
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1. Declaration of opening

The Chairman declared the meeting open at 9:45 am, acknowledged the peoples of the Noongar nation as the traditional owners and custodians of the land on which the meeting is taking place, welcomed members and acknowledged all members attending the meeting via Zoom video conference. 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

Vaughan Davies - Nominee of the Director General, Department of Planning, Lands and Heritage

Len Kosova - Local Government Representative

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

Marion Thompson - Professions Representative

4. Disclosure of interests

In Mr Kosova's absence, the Chairman informed members that Mr Kosova declared a Perceived Impartiality Interest on Item 8.1 - The Village at Wellard - Proposed Local Development Plan for Stage 46 (PLH2022P0044). The Chairman stated that the proponent, Peet Limited, is a recent past client of Mr Kosova's consultancy, LK Advisory. Mr Kosova was an apology for the meeting and was not involved in the discussion and/or decision-making procedure on the item.

The Chairman informed members that he received a phone call from the consultant of Item 8.1 - The Village at Wellard - Proposed Local Development Plan for Stage 46 (PLH2022P0044), noting the recommendation for approval and requesting for the item to be deferred rather than refused.

In Mr Kosova's absence, the Chairman informed members that Mr Kosova declared an Actual Direct Pecuniary Interest on Item 8.3 - Shire of Gingin - Subdivision to create 2 lots for rural purposes at Lot 404 Brand Highway, Beermullah (161950). The Chairman stated that Mr Kosova is the applicant for the proposed subdivision, through his consultancy, LK Advisory. Mr Kosova was an apology for the meeting and was not involved in the discussion and/or decision-making procedure on the item.

In Mr Kosova's absence, the Chairman informed members that Mr Kosova declared an Actual Impartiality Interest on Item 9.2 - City of Bayswater - Local Planning Scheme No. 24, Amendment No. 95 - For Final Determination (TPS/2782). The Chairman stated that through Mr Kosova's consultancy, LK Advisory, Mr Kosova is collaborating with the applicant for this Scheme Amendment, Dynamic Planning and Development, on another matter elsewhere in the metropolitan region for a mutual client. Mr Kosova was an apology for the meeting and was not involved in the discussion and/or decision-making procedure on the item.

Mr Iacomella declared an Impartiality Interest on Item 9.2 - City of Bayswater - Local Planning Scheme No. 24, Amendment No. 95 - For Final Determination (TPS/2782). Mr Iacomella stated that ALDI Supermarkets is a current client of his employer, KPA Architects, on other locations in Perth. 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.

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 Confirmation of minutes - Meeting No. 7678 on Tuesday, 3 May 2022

Moved by Mr Iacomella
Seconded by Ms Craigie

That the minutes of the Statutory Planning Committee meeting held on Tuesday, 3 May 2022, be confirmed as a true and correct record of the proceedings.

The motion was put and carried

7. Deputations and presentations

7.1 Shire of Gingin - Subdivision to create 2 lots for rural purposes at Lot 404 Brand Highway, Beermullah (161950) (Item 8.3)

Presenters: Jim Trandos – Director, J.A.M. Holdings WA Pty Ltd (registered owner of the subject lot) and Managing Director of Transdos Farms and West Australian Corn Growers

Mr Trandos answered a question from members regarding leasing the subject land and expressed that they have no purpose to be conducted on the land and they required the equity for carbon farming.

7.2 Shire of Chittering - Local Planning Scheme No.6 - Amendment No. 67 (TPS/2547) (Item 9.1)

Presenters: Kris Nolan – Urbis; Tom Carmody – Tomahawk Property (Project Management); Phil Bayley – Bayley Environmental Services (Environmental Consultant); Kate Bainbridge – Urbis; Paul Mullins – Landowner representative and Jakes Jones – Landowner representative

Mr Nolan introduced his group members who attended in person and via Zoom video conference. Mr Nolan provided context and background on Shire of Chittering - Local Planning Scheme No. 6 - Amendment No. 67. Mr Nolan stated that the subject land is fragmented, uniquely located with frontage to the east and Brand Highway to the north and is close to Ellen Brook. Mr Nolan informed members that he started these investigations back in 2018 with six landowners. Mr Nolan stated that the Structure Plan and Scheme Amendment are travelling concurrently but there are a few issues that

they are working through with the Structure Plan. Mr Nolan informed members that the Scheme Amendment is seeking to establish land use permissibility and bespoke provisions to address the need for structure planning, subdivision, servicing and built form requirements. Mr Nolan emphasised that their application is consistent with local and state strategic vision for the area. Mr Nolan stated that the provision for a service road to the site is included in the proposed plan.

Mr Nolan discussed the concept plan for the subject land and explained how the land could be subdivided. Mr Nolan also discussed the issues mentioned in the report of the Department of Planning, Lands and Heritage including the issue of drainage and fill and he stated that there are large drainage corridors in some of the reserves. Mr Nolan expressed that the Shire of Chittering struggles with the proposed drainage and informed members that the landowners have agreed that they would revert to a traditional fill response. Mr Nolan mentioned that they are working with the Department of Health in regard to the issue of water quality and wastewater disposal. Mr Nolan addressed the issue of traffic and access and stated that the proposed loop road will allow access for RAV 10 vehicles. Mr Nolan discussed the issue of scheme provisions used to address outstanding concerns and stated that having provisions in the Scheme provides for a higher level of regard in subdivision and development assessment. Mr Nolan informed members that the landowners are committed to the Structure Plan process.

Mr Nolan answered a question from members on how they will resolve the issues related to the Structure Plan in the event that Commission approves the zoning but does not approve the Structure Plan. Mr Nolan stated that they are committed to resolving the issues to achieve what they need to achieve and that the matters in the Scheme will be resolved in the Structure Plan.

Mr Nolan and Mr Carmody addressed the issues of supply constraints, automation and innovation. Mr Carmody stated that precinct 1 is an active cell. He explained that the Tonkin extension opened the area and interest is strong from prospective dry industry tenants and expressed that there is demand in the area.

7.3 City of Bayswater - Local Planning Scheme No. 24, Amendment No. 95 - For Final Determination (Item 9.2)

Presenters: Aaron Lohman - element and Kim Drubbel - element

Mr Lohman and Ms Drubbel made a presentation to the Committee against the City of Bayswater - Local Planning Scheme No. 24, Amendment No. 95. Mr Lohman expressed that this scheme amendment will impact on the surrounding sites and stated that their clients are significantly concerned with what is being proposed in the scheme amendment. Mr Lohman expressed concerns that the

approval of the proposed scheme amendment will create a precedent and that it is inconsistent with State Planning Policy 4.2.

Ms Drubbel informed members that they have prepared an economic review to assess current potential economic impacts and stated that the benefits presented by an industrial land use outweighs the benefits generated by the proposed retail land use.

7.4 City of Bayswater - Local Planning Scheme No. 24, Amendment No. 95 - For Final Determination (Item 9.2)

Presenter: Reegan Cake – Dynamic Planning and Developments

Mr Cake informed members that they have not received any invitation from the Department of Planning, Lands and Heritage to discuss their concerns on the matter and given the report is confidential, he is not aware of the recommendation. Mr Cake requested that if the Committee is minded to refuse the amendment, that this be deferred to a future meeting of the Committee to allow for discussions and any matters of concern to be resolved.

The Chairman declared a break at 10:14 am.

The meeting resumed at 10:21 am with all members present.

ITEMS FOR DECISION

8.1 The Village at Wellard - Proposed Local Development Plan for Stage 46 (PLH2022P0044)

Moved by Ms Davis

Seconded by Mr Iacomella

That the Statutory Planning Committee resolves, pursuant to Clause 7.3.2 of State Planning Policy 7.3: Residential Design Codes (Volume 1), to:

- 1. Approve the amended deemed-to-comply open space and outdoor living area requirements proposed by The Village at Wellard Stage 46 Local Development Plan, subject to the notes attached to section 1 being modified to read as follows:*

"In all instances, a minimum dimension of 4m is required, with two-thirds of this area uncovered and located behind the street setback area."

- 2. Advise the City of Kwinana of its decision.*

The motion was put and carried

9.2 City of Bayswater - Local Planning Scheme No. 24, Amendment No. 95 - For Final Determination (TPS/2782)

THIS ITEM IS CONFIDENTIAL

8.2 Lot 1 Capel Drive, Capel Structure Plan (SPN/2286)

Members queried the timeline for MainRoads WA to identify the land requirements for the upgrade of Bussell Highway and Capel Drive intersection and were informed that MainRoads WA confirmed that they have funding available for 2022-2023 to finalise the design of the intersection.

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

Moved by Mr Thornton

Seconded by Ms Lyhne

That the Statutory Planning Committee resolves to:

- 1. Determine the submissions in accordance with the Schedule of Submissions set out at Attachment 5; and*
- 2. Refuse the Lot 1 Capel Drive, Capel Structure Plan for the following reasons:*
 - a. Approval of the structure plan will prejudice and inhibit future planning for a grade separated intersection at Bussell Highway and Capel Drive.*
 - b. Approval of the structure plan would lead to significant traffic and safety issues at the intersection of Bussell Highway and Capel Drive in the short to medium term.*
 - c. The structure plan is not considered to lead to an orderly and proper planning outcome or suitably address the planning and transport issues arising from the proposed development of the land.*
- 3. Requests Main Roads WA, in consultation with the Shire of Capel, to identify the land requirements for the envisaged upgrade of the Bussell Highway and Capel Drive intersection so that this information can be used to inform future planning for the locality.*

The motion was put and carried

8.3 Shire of Gingin - Subdivision to create 2 lots for rural purposes at Lot 404 Brand Highway, Beermullah (161950)

Members queried whether the 2011 subdivision, which fragmented rural land and created Lot 404, was a condition of the subdivision. Members were advised that it was part of the report and rationale for approving the subdivision at that time and that the approval would achieve environmental outcomes. Members were informed that there was no advice note and that the approval led to a conservation lot that is a wetland held by a large company that does not use it as it is a wetland.

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

Moved by Ms Lyhne

Seconded by Ms Davis

That the Statutory Planning Committee resolves to refuse the application for subdivision of Lot 404 Brand Highway, Beermullah as shown on the plan date-stamped 04 February 2022 for the following reasons:

- 1. The proposal is contrary to State Planning Policy 2.5 – Rural Planning or Development Control Policy 3.4 – Subdivision of Rural Land, because:*
 - a. it will create new and smaller rural lots in a manner inconsistent with the exceptional circumstance set out in Development Control Policy 3.4 – subdivision of rural land;*
 - b. it seeks to establish new or smaller rural lots in an ad-hoc manner; and*
 - c. it will create smaller lots for more intensive primary production purposes in an area not identified by a local planning scheme or strategy;*
- 2. The creation of a new or smaller rural lot in this location in the manner proposed is not provided for in the Shire of Gingin's Local Planning Strategy or Scheme;*
- 3. If approved, the proposal could introduce additional sensitive land uses, which could limit or prevent ongoing use and expansion of land for primary production in the locality which is inconsistent with the objectives of the General Rural zone and State Planning Policy 2.5 – Rural Planning; and*
- 4. Approval of the subdivision is inconsistent with the principles of orderly and proper planning, and would also create an undesirable precedent.*

The motion was put and carried

9.1 Shire of Chittering - Local Planning Scheme No.6 - Amendment No. 67 (TPS/2547)

THIS ITEM IS CONFIDENTIAL

10. Section 31 Items

Nil.

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 9:30 am on Tuesday, 31 May 2022.

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 10:48 am.



CHAIRMAN

01.06.22

DATE