



Western Australian Planning Commission

Minutes

Meeting No. 289
Wednesday, 6 May, 2020

- Members: David Caddy - Chairman WAPC
Jane Bennett - Professions Representative
Helen Brookes - Coastal Planning and Management Representative
Fred Chaney - Professions Representative
Emma Cole - Metropolitan Local Government Representative
Veronica Fleay - Local government representative – non-metropolitan
Gail McGowan - Director General, Department of Planning, Lands and Heritage
Belinda Moharich - Deputy Chairperson WAPC
Mike Rowe - Director General, Department of Water and Environmental Regulation
Clinton Wolf - Community Representative
Richard Sellers - Director General, Department of Jobs, Tourism, Science and Innovation
- Apologies: Ralph Addis - Director General, Department of Primary Industries and Regional Development (Associate member)
Michelle Andrews - Director General, Department of Communities
Paddi Creevey - Nominee of the Regional Minister
Peter Woronzow - Director General, Department of Transport
- Observer Justin McKirdy – Observer, Department of Transport
Richard Arrowsmith – Observer, Department of Communities
- Others present: Marion Dandridge – Planning Manager, Regional South West
Michael Daymond – Manager, Special Projects
Janine Egan - Principal Planning Officer, Strategy and Engagement
Sam Fagan – Manager, Commission Business
Jason Gordon – Principal Planning Officer, Strategy and Engagement
Tim Hillyard - Chief Property Officer
Georgina Lockhart – Commission Support Officer
Damien Martin – A/Assistant Director General – Strategy and Engagement
Cath Meaghan – Planning Director, Regional South
Brod Meredith – Principal Planning Officer, Regional South West
Anthony Muscara - Principal Planning Officer, Metropolitan Region Scheme Amendments
Lisa Powell – A/Planning Director – Infrastructure & Policy
Tim Richings – Senior Planning Officer, Regional South West
Michelle Sanfilippo – Team Leader, Commission Support

David Saunders – Assistant Director General, Land Use Planning
Michael Schramm – Planning Director, Regional South West
Jacquie Stone – Director, Policy
Loretta Van Gasselt – Planning Manager, Strategy and
Engagement

1. Declaration of opening

The Chairman declared the meeting open at 9:34 am, acknowledged the peoples 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 noted that all members were attending the meeting via Zoom video conference.

2. Apologies

Mr Ralph Addis - Director General - Department of Primary Industries and Regional Development

Ms Michelle Andrews - Director General, Department of Communities. Mr Richard Arrowsmith observing.

Ms Paddi Creevey - Regional Representative

Mr Peter Woronzow - Director General, Department of Transport. Mr McKirdy observing.

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

Nil.

4. Disclosure of interests

Ms Bennett declared an Impartiality Interest on Item 9.1 - Planning Control Area – Bullsbrook Intermodal Transit Facility, and Item 9.2 - Muchea Industrial Park Structure Plan - Consent to Advertise. Ms Bennett stated that her employer, CLE act for Harvis, a land owner impacted by both proposals. Members agreed Ms Bennett should not be present during the discussion/and or decision making on the items.

Ms Bennett declared an Impartiality Interest on Item 10.6 - MRS Amendments 1356/57 - MRA Normalisation, Central Perth & Subiaco and 1360/57 - MRA Normalisation Armadale. Ms Bennett stated that she is the Western Australian Planning Commission representative on the DevelopmentWA Board. Members agreed Ms Bennett is permitted to be present during the discussion/and or decision making procedure on the item as this is unlikely to influence Ms Bennett'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 Western Australian Planning Commission meeting.

6. Minutes

6.1 Confirmation of minutes - Meeting No. 288 on Thursday, 19 March 2020

Moved by Cr Fleay

Seconded by Ms Brookes

That the minutes of the Western Australian Planning Commission meeting held on 19 March 2020, be confirmed as a true and correct record of the proceedings.

The motion was put and carried

7. Deputations and presentations

7.1 Proposed MRS Amendments - Pt Lot 800 Canning Road, Carmel (Heidelberg Park) and Old Railway Reserve, Kalamunda and Surrounds (Item 10.5)

Presenter: Mitchell Brooks - City of Kalamunda

Mr Brooks presented to the Western Australian Planning Commission representing the City of Kalamunda.

Mr Brooks provided members with some background on the proposal, advising that the City of Kalamunda:

- adopted an Aged Accommodation Strategy in 2016;
- is not directly undertaking any retirement or aged care developments;
- is encouraging retirement living and aged care developments;
- has identified Heidelberg Park as an underutilised site and as an investigation area for aged accommodation purposes;
- undertook community engagement in 2019 in relation to the vision for Heidelberg Park, including a workshop and survey;
- noted that in both the workshop and the 393 surveys completed, the community indicated a strong desire for public open space and aged care facilities;
- predicts that between 2020 and 2036 there is likely to be a need for approximately 500-900 additional aged care beds in the city;
- notes that the Federal Government regulate the number of bed licenses in aged care facilities;
- has identified that the vast majority of environmental significance is on the western portion of the site and is to be retained as Parks and Recreation or is to fall within Local Open Space;
- notes that whilst the Department of Biodiversity, Conservation and Attractions has raised some issues with the urban zone boundary, these matters can be addressed through landscaping and site design;

- met with senior representatives of the Department of Planning, Lands and Heritage in 2019 and have been working together in the preparation of the concept plan and MRS documentation;
- notes the importance of a whole of government approach being taken on the proposal; and
- funded technical reports (environmental, bush-fire, geotechnical, waste water and infrastructure and servicing), the findings of which indicate that the north-eastern portion of the site would be most suitable for urban development.

Members queried how bush fire risk would be managed. Mr Brooks advised members that further investigation will be undertaken, however, a managed park land buffer would be in place with three access roads, and an evacuation plan will be developed.

7.2 MRS Amendments 1356/57 - MRA Normalisation, Central Perth & Subiaco and 1360/57 - MRA Normalisation, Armadale (Item 10.6)

Presenters: Sariska Neale - Development WA and David Jack - Development WA

Mr David Jack and Ms Sariska Neale presented to the Western Australian Planning Commission representing DevelopmentWA.

Mr Jack advised the members that:

- the MRA has been working closely with various local governments, such as the City of Perth, City of Armadale and City of Subiaco;
- the WAPC resolved to initiate the MRS amendment in July and August 2019;
- proposed zones and reservations are consistent with the existing land uses and DevelopmentWA's statutory planning framework
- Development WA, in consultation with the relevant local governments and the Department of Planning, Lands and Heritage will determine the most appropriate mechanism to support the transfer of local planning framework and ensure the local planning scheme reflects the MRS;
- modifications to Proposals 2 and 4 have been made as a result of consultation;
- Proposal 2 has been amended to reserve rail infrastructure north of Arena;
- Proposal 4 has been amended to reserve the entirety of TAFE site within the City of Armadale.
- the City of Perth raised concerns, in Proposal 3 in relation to the irregular MRS boundary and commercial development within the waterways reserve;

- in response to the City of Perth's concerns, the boundary follows a project area boundary, the future MRS application is to rationalise adjoining zones and reservations and development in waterways reserve is not precluded by this reservation;
- the Perth City-link did not include a rail reserve area for a sunken tunnel, which has now been introduced;
- the City of Perth raised concerns, in Proposal 4, that the car park (managed by the CoP) is used by the adjoining Parks and Recreation reserve;
- the Royal Street west area has been amended to add a component of land for special use education TAFE;
- Lot 500 is in PTA ownership and entirely associated with railways reservation;
- there are a number of commercial water based uses and activities in the waterways area, such as the ferry and the administration office for the ferry, which will be retained in the waterway reservation;
- the City of Perth queried why Lot 502 has not been included within the MRS application. Lot 502 is subject to change with subdivision yet to be finalised. Lot 502 is not part of current phase of normalisation. It will form part of the future MRS application;
- consultation resulted in modification to Proposal 4 being amended to reserve all of Lot 4853 Tonkin Highway as Parks and recreation;
- the City of Armadale requested Lot 9500 be reserved as Parks and Recreation. DevelopmentWA, through their planning framework has identified that the area has some development potential and under the planning framework the reservations will need to be identified before the land is sold, Development WA will work closely with the City of Armadale on this matter; and
- the South West corner, east of Tonkin Highway is identified as conservation category wetland, it is owned by the State and a conservation assessment identified that there is no development potential in that area.

Members queried whether DevelopmentWA have had discussions with landowners of Lot 9500 in relation to future planning. Mr Jack advised that discussions had not been entered into for a number of years and the land owners were reluctant to prepare a local development plan at the time.

7.3 Potential MRS Amendment Pre-Lodgement Request - Lyon & Kinley Roads, Banjup (Item 12.1)

Presenter: Ian Brashaw - urbanplan

Mr Brashaw presented to the Western Australian Planning Commission representing the Lyon Kinley Owners Collaborative and Qube Property Group.

Mr Brashaw advised members that:

- although this land has not previously been identified in the Perth and Peel Planning Framework, that this is not a reason to dismiss the proposition;
- the subject land has been identified for development by the Planning Commission as Future Urban within the Urban Expansion Policy Statement (1990) and in the South Jandakot/Mandogalup District Planning Strategy (1992);
- the subject land is 60 hectares, substantially cleared, urban infill and rounds-off urban zone of Aubin Grove and Atwell;
- the Lyon and Kinley concept plan shows the entire district, including all manner of infrastructure, facilities, a community centre, Cockburn Central, parks, Jandakot bores and commercial areas;
- urban plan has been working on this proposal for the past six years;
- nine investigative Piezometres have led to the understanding of groundwater hydrological flow and management of storm water drainage;
- the average depth to groundwater is 3 metres;
- the proposal is consistent with State Planning Policy 2.8 - Green Link Corridor to accommodate remnant vegetation;
- the vegetation is the best quality;
- the City of Cockburn still stand by their resolution of 2015 in supporting inclusion as urban in the planning framework; and
- on behalf of the Lyon Kinley Owners Collaborative and Qube Property Group, it is requested that the WAPC advance this proposal, so that next steps in the planning process can be investigated.

Members queried whether discussions had been entered into with the Department of Water and Environmental Regulation (DWER).

Mr Brashaw advised that significant discussion had been had with DWER in relation to ground water assessment and extraction of bores. Mr Brashaw advised that DWER had advised him that this is a matter for the WAPC.

Members queried whether discussion had been entered into with Main Roads. Mr Brashaw advised that at this stage a traffic assessment has not been undertaken, however, he is aware that there are some limits to access and a widening of Rowley Road could be accommodated in the MRS process.

7.4 Greater Bunbury Region Scheme Amendment 0060/57 Waterloo Industrial Expansion Area (Item 10.1)

7.5 Greater Bunbury Region Scheme Amendment 0059/57 Wanju Urban Expansion Area (Item 10.2)

Presenters: Andre Schonfeldt - Shire of Dardanup

Mr Schonfeldt presented to the Western Australian Planning Commission representing the Shire of Dardanup.

Mr Schonfeldt advised the members that the Shire of Dardanup:

- considers the scheme amendment to be of strategic importance to the area;
- considers it important for the City of Bunbury to continue to be Western Australia's 2nd city;
- considers that the Greater Bunbury area offers lifestyle and transport connectivity;
- agrees with the recommendation of the Department of Planning Lands and Heritage;
- wish to implement the 2013 strategy and in particular the developer contributions plan;
- have been working on this project for the past five years and are looking at another five years to be shovel ready;
- does not consider the amendment to be substantial; and
- has undertaken significant studies and community engagement.

7.6 Eaton Fair Activity Centre Plan Amendment No.1 (Item 10.3)

Presenters: Andre Schonfeldt - Shire of Dardanup

Mr Schonfeldt presented to the Western Australian Planning Commission representing the Shire of Dardanup.

Mr Schonfeldt advised the members that the Shire of Dardanup:

- supports the recommendation of the Department of Planning, Lands and Heritage;
- called for an Expression of Interest for a 3-storey administration building to be used as a library, community facility and civic centre;
- will sell land to fund the administration building, which will cost approximately \$16 million;
- considers this administration building a significant investment;
- will create a number of local jobs in relation to this project;
- hope to start construction early next year;

- have a 21-year lease on their current library, which is within the Community College, and that lease expires in 2023;
- is pleased to advise that significant community consultation has been undertaken and the community support the project;
- is pleased that good and proper planning has been undertaken in relation to this project;
- do not wish to see this project delayed, or put at serious risk due to political will; and
- the local Minister, whom has always supported this project is retiring shortly, and it is hoped that the future government are also supportive.

7.7 Muchea Industrial Park Structure Plan - Consent to Advertise (Item 9.2)

Presenter: Matthew Giffellon - Shire of Chittering

Ms Bennett declared a Impartiality Interest on this item and left the meeting at 10:23 am

Mr Giffellon presented to the Western Australian Planning Commission representing the Shire of Chittering.

Mr Giffellon stated that the Shire of Chittering:

- supports the Muchea Industrial Park Structure Plan;
- is involved with the working group to consider the structure plan;
- remain an active participant in the planning process;
- is working closely with developers and will guide interested businesses through the planning process;
- hosted the Deputy Prime Minister and local member in touring and promoting the area; and
- is keen to work with other shires in the area to reach successful outcomes.

Ms Bennett returned to the meeting at 10:28 am

7.8 Public Open Space, Parks and Recreation, rezoning of land and compensation

THIS ITEM IS CONFIDENTIAL

The meeting was adjourned at 10:54 am.

The meeting was resumed at 11:03 am with all members present.

ITEMS FOR DECISION

- 9.1 Planning Control Area – Bullsbrook Intermodal Transit Facility (35/02/21/0020P)

THIS ITEM IS CONFIDENTIAL

- 9.3 WAPC Planning Policy Framework Review – April 2020 Update (PLH2018P0269)

THIS ITEM IS CONFIDENTIAL

- 9.4 Residential policy reform to support post-COVID-19 economic recovery (PLH2020P0264)

THIS ITEM IS CONFIDENTIAL

- 10.4 Lifting of Urban Deferment - North Sinagra Precinct (RLS/0840/1)

Moved by Mr Chaney

Seconded by Ms Brookes

That the Western Australian Planning Commission resolves to transfer the North Sinagra Precinct as shown on amending plan no. 4.1658, from the Urban Deferred zone to the Urban zone pursuant to Clause 27 of the Metropolitan Region Scheme.

The motion was put and carried

- 10.5 Proposed MRS Amendments - Pt Lot 800 Canning Road, Carmel (Heidelberg Park) and Old Railway Reserve, Kalamunda and Surrounds (RLS0858/1, RLS/0860/1)

Moved by Mr Chaney

Seconded by Ms Brookes

That the Western Australian Planning Commission resolves to:

1. *prepare two amendments under section 35 of the Planning and Development Act 2005 to the MRS to rezone the following:*
 - i. *Pt Lot 800 Canning Road, Carmel (Heidelberg Park) from the Parks and Recreation reservation to the Urban zone; and*
 - ii. *Old Railway Reserve, Kalamunda and Surrounds from the Urban zone to the Parks and Recreation reservation, as shown in the attached draft Amendment Reports;*
2. *form the opinion under Section 57 of the Planning and Development Act 2005 that the two amendments do not constitute substantial amendments to the MRS having regard for the matters set out in the Planning Officer's report.*

The motion was put and carried

10.6 MRS Amendments 1356/57 - MRA Normalisation, Central Perth & Subiaco and 1360/57 - MRA Normalisation, Armadale (RLS/0795/1, RLS/0806/1)

THIS ITEM IS CONFIDENTIAL

8.1 Appointment of a Western Australian Planning Commission member to the Executive, Finance and Property Committee

THIS ITEM IS CONFIDENTIAL

9.2 Muchea Industrial Park Structure Plan - Consent to Advertise (WAPC/18/0064/1)

THIS ITEM IS CONFIDENTIAL

10.1 Greater Bunbury Region Scheme Amendment 0060/57 Waterloo Industrial Expansion Area (RLS/0866)

Members expressed concerns that the Greater Bunbury Region Scheme Amendment 0060/57 Waterloo Industrial Expansion Area being considered as a minor amendment.

Members raised the following argument to constitute this matter as a substantial amendment to the scheme:

- the proposed amendment area is large, the total area for the 2 amendments being approximately 24,000 hectares or 24 square metres;
- the amendment area is approximately 5% of the local government area;
- the *Planning and Development Act 2005* clearly states that a substantial alteration of a scheme is required to be considered as a major amendment;
- in a 1992 decision of the Supreme Court it was decided that if the area is substantial, it is by default a major amendment;
- the complexities of the site;
- the scale of development; and
- the associated environmental issues.

Members were advised that the Department of Planning, Lands and Heritage (DPLH) officers have assessed the proposed amendment in accordance with DC 1.9, and this analysis demonstrates that the previous studies and planning work have progressively worked through and addressed the regional planning issues so that they are no longer substantial. Members were assured by DPLH officers that substantial community engagement has been undertaken.

Members were advised that one of the reasons that the DPLH recommended the amendment be considered as minor is that a lot of the district issues related to road network land use, intensity and general service and transport have been agreed to and addressed.

Members agreed that it is up to the Commission to exercise their discretion in considering whether the amendment should be minor or major.

Members agreed that the Greater Bunbury Region Scheme Amendment 0060/57 Waterloo Industrial Expansion Area should be considered as a substantial amendment to the Greater Bunbury Region Scheme.

Members agreed to amend recommendation number 2, to delete the word "not".

Moved by Ms Brookes

Seconded by Cr Fleay

That the Western Australian Planning Commission resolves to:

1. *Prepare an Amendment under Section 35 of the Planning and Development Act 2005 to the Greater Bunbury Region Scheme to rezone the Waterloo District Structure Plan area, that is:*
 - *Lots 100, 101, 102, 60 Blawearly Close, Waterloo;*
 - *Lots 63, 1, 58, 4, 5, 608, 4, 5 Martin-Pelusey Road, Waterloo/Paradise;*
 - *Lots 50, 530, 531, 273 Coppelstone Road, Paradise;*
 - *Lots 221, 3 (D 232800), 9, 2, 1 (D 42562), 66, 5, 6, 3 (D38550), 10, 11, 12, 13, 8, 4, 1 (D83598), 99 Harris Road, Paradise;*
 - *Lots 1, 35, 7 Bell Road, Waterloo;*
 - *Lots 311, 310, 480 Wireless Road, Waterloo;*
 - *Lots 19, 20, 21, 22 St Helena Road, Waterloo;*
 - *Reserve R35707; and*
 - *Road Reserves for Bell Road, Coppelstone Road, Harris Road, Blawearly Close, Wireless Road, St Helena Road and Damiani-Italiano Road;*
 - *as shown on Plan No. 3.2755 from Rural to an Industrial Deferred Zoning; and*
2. *form an opinion under Section 41 of the Planning and Development Act 2005 that the Amendment does constitute a substantial amendment to the Greater Bunbury Region Scheme having regard for the matters set out in the Planning Officer's report.*

The motion was put and carried

10.2 Greater Bunbury Region Scheme Amendment 0059/57 Wanju Urban Expansion Area (RLS/0865)

Members discussed the Greater Bunbury Region Scheme Amendment 0059/57 Wanju Urban Expansion Area in the same context as the Greater Bunbury Region Scheme Amendment 0060/57 Waterloo

Industrial Expansion Area and agreed to amend recommendation number 2, to delete the word "not".

Moved by Ms Brookes

Seconded by Cr Fleay

That the Western Australian Planning resolves to:

1. *Prepare an Amendment under Section 35 of the Planning and Development Act 2005 to the Greater Bunbury Region Scheme to rezone the Wanju District Structure Plan area, that is:*

- *Lots 15, 50, 536, 3251, 1251, 644, 166, 424 (part), 706, 707, 167 (part), 11, 8, 101 and 21 Clifton Road Waterloo;*
- *Lots 9 (part), 10 (DP 28073) (part), 10 (DP 40650) (part), 12 (part), 70 (part), 1 (part) and 2 (part) South Western Highway, Waterloo; and*
- *Lots 8, 100 and 4086 Hynes Road, Waterloo,*
- *Road Reserves for Clifton Road and Barbetti Road and the southern part of Hynes Road*

as shown on Legal Plan No. 3.2754 from Rural to an Urban Deferred Zoning; and

2. *form an opinion under Section 41 of the Planning and Development Act 2005 that the Amendment does constitute a substantial amendment to the Greater Bunbury Region Scheme having regard for the matters set out in the Planning Officer's report.*

The motion was put and carried

10.3 Eaton Fair Activity Centre Plan Amendment No.1 (SPN/2019M-1)

Members discussed the proposal for bulky goods and were advised that the WAPC resolved in 2018, when it determined Amendment No.194 (TPS/1981), that Bulky Goods Showroom and allied uses are not supported within the District Centre zone. Some of the reasons the WAPC did not give their support included the size, parking requirements, employment densities and need for freight vehicle access.

Members suggested that bulky goods showrooms are not considered to be suitable in the core precinct and should be restricted to only the frame precinct (shown in pink on the land use plan from the advertised Activity Centre Plan Amendment no.1, Attachment 3).

Members discussed bulky goods in the mixed business precinct and again agreed that bulky goods should be restricted to the frame precinct only, future showroom C.

Members expressed the need to provide guidance around bulky goods in the Activity Centre Plan.

Members discussed amending the Schedule of Modifications in relation to bulky goods restrictions.

Mr Sellers left the meeting at 11:57 am and did not return

Members agreed to amend the Schedule of Modifications to insert text to the effect that bulky goods showroom uses are restricted to only the frame precinct (depicted as future showroom C on Plan dated 29 January 2020) and circulate the amended Schedule of Modifications to members for information.

Moved by Ms Bennett

Seconded by Mr Chaney

That the Western Australian Planning Commission resolves to:

1. *Require the applicant to modify the Eaton Fair Activity Centre Plan - Amendment No.1 in accordance with the attached schedule of modifications, as amended to ensure that Bulky Goods Showroom uses are restricted to the Frame area (shown in Pink on the land use plan from the advertised activity centre plan amendment no.1 (reference Attachment 3 of the report) and referred to as Future Showroom C in the attached Eaton Activity Centre Masterplan (29 January 2020 – Revision G , appended as Attachment 5 and be resubmitted to the Western Australian Planning Commission for approval;*
2. *Subject to the above modifications being satisfactorily undertaken, approve the Eaton Fair Activity Centre Plan - Amendment No.1 under clause 38(1)(a) of Schedule 2, Part 5 of the Planning and Development (Local Planning Schemes) Regulations 2015; and*
3. *Progress the Scheme amendment through the Chairman of the Western Australian Planning Commission in accordance with this Western Australian Planning Commission resolution.*

The motion was put and carried

11.1 Economic and Employment Land Monitor 2019 (PLH2018P0543)

THIS ITEM IS CONFIDENTIAL

12.1 Potential MRS Amendment Pre-Lodgement Request - Lyon & Kinley Roads, Banjup (RLS/053/1)

THIS ITEM IS CONFIDENTIAL

12.2 Potential MRS Amendment Pre-Lodgement Request - McDowell Lane and Thomas Road, The Spectacles (RLS/0856/1)

THIS ITEM IS CONFIDENTIAL

13. Reports for noting

Nil.

14. Stakeholder engagement and site visits

Nil.

15. Urgent or other business

Nil.

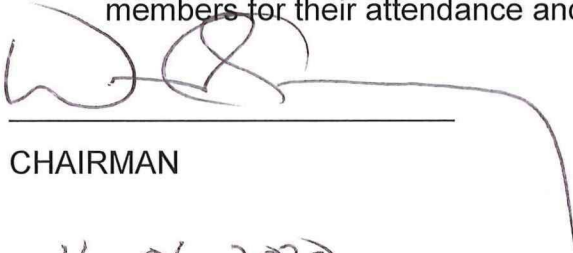
16. Items for consideration at a future meeting

Nil.

17. Meeting closure

The next ordinary meeting is scheduled for 9:30 am on Wednesday 27 May 2020.

There being no further business before the Board, the Chairman thanked members for their attendance and declared the meeting closed at 12:17 pm.

A handwritten signature in dark ink, consisting of a series of loops and a long horizontal stroke extending to the right.

CHAIRMAN

16.06.2020

DATE