



Western Australian Planning Commission

Minutes

Meeting No. 302

Wednesday, 31 March, 2021

- 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
Justin McKirdy - Urban and Regional Planning Representative
Barry McGuire - Professions Representative
Lynne Craigie – Nominee of the Minister for Regional Development
David Saunders - Acting Director General, Department of Planning, Lands and Heritage
- Apologies:** Ralph Addis - Director General, Department of Primary Industries and Regional Development (Associate member)
Michelle Andrews - Director General, Department of Communities
Gail McGowan - Director General, Department of Planning, Lands and Heritage
Mike Rowe - Director General, Department of Water and Environmental Regulation
Richard Sellers - Director General, Department of Jobs, Tourism, Science and Innovation
Peter Woronzow - Director General, Department of Transport
- Observers:** Nygarie Goyal - Observer, Department of Water and Environmental Regulation
Nigel Hindmarsh - Observer, Department of Communities
- Others present:** Michael Daymond – Manager, Special Projects
Jeremy D'Souza - Project Manager, Strategic Planning Projects
Nicholas Dufty - Principal Planning Officer, Metro South and Peel
Phil Elliott - Planning Manager, Strategy and Engagement
Martin Erlacher - Senior Planning Officer, Metro Central South
Sam Fagan – Manager, Commission Business
Glen Finn - Director, METRONET Taskforce
Jason Gordon - Planning Manager, Strategy and Engagement
Scott Haine - Principal Planning Officer, Strategy and Engagement
Damien Martin - Director Geospatial Research and Infrastructure Strategy

Anthony Muscara - Principal Planning Officer, Schemes and Amendments
Delia Neglie - Planning Manager, Metro Central South
Irene Obales – Commission Support Officer
Dale Sanderson - Director, Metro Central
Michelle Sanfilippo – Team Leader, Commission Support

1. Declaration of opening

The Chairman declared the meeting open at 9:31 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 paid respect to elders past and present, and extended solidarity and hope for a just and dignified future for us all.

2. Apologies

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

Michelle Andrews - Director General, Department of Communities. Nigel Hindmarsh observing.

Gail McGowan - Director General, Department of Planning, Lands and Heritage. David Saunders - Acting Director General, Department of Planning, Lands and Heritage attending.

Mike Rowe - Director General, Department of Water and Environmental Regulation. Nygarie Goyal observing.

Richard Sellers - Director General - Department of Jobs, Tourism, Science and Innovation.

Peter Woronzow - Director General, Department of Transport.

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

Mayor Cole advised that she requires a leave of absence for the period Thursday, 8 to Friday, 16 April 2021 inclusive.

4. Disclosure of interests

Cr Craigie declared an Impartiality Interest in Item 8.1, Approval sought to rescind Fibre Ready Telecommunications Infrastructure Position Statement. Cr Craigie stated that she is a sitting member on the Telstra Regional Advisory Committee and her position is voluntary. Members agreed Cr Craigie is permitted to be present during the discussion/and or decision-making procedure on the item as this is unlikely to influence Cr Craigie's conduct in relation to this matter.

Mayor Cole declared an Impartiality Interest in Item 9.1, Proposed MRS Amendment – Pt Lots 9001, 9020 & 9035 Lyon Road, Wandí. Mayor Cole stated that the proponent, Satterley Property Group, is also the project manager for the Tamala Park Regional Council's land development project in Clarkson and Mindarie and the City of Vincent is a Member Council of the Tamala Park Regional Council. Members agreed Mayor Cole is permitted to be present during the discussion/and or decision-making procedure on the item as this is unlikely to influence Mayor Cole's conduct in relation to this matter.

Ms Bennett and Ms Goyal joined the meeting at 9:34 am.

The Chairman advised members that he met with the proponent last week to discuss the application for Proposed MRS Amendment – Pt Lots 9001, 9020 & 9035 Lyon Road, Wandí, Item 9.1.

Ms Bennett declared an Indirect Pecuniary Interest in Item 9.1, Proposed MRS Amendment – Pt Lots 9001, 9020 & 9035 Lyon Road, Wandí. Ms Bennett stated that her employer, CLE act for Satterley Property Group in relation to other sites but have not acted in relation to this land. 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 this matter.

Ms Brookes declared an Impartiality Interest in Item 9.2, Proposed Minor Metropolitan Region Scheme Amendment for Kenwick Rail Freight Facility, City of Gosnells, Railways Reservation. Ms Brookes stated that she has previously been engaged by the City of Gosnells to undertake a peer review of work completed by consultants for submission to the Environmental Protection Authority as part of the Public Environmental Review process. Members agreed that Ms Brookes is permitted to be present during the discussion/and or decision-making procedure on the item as this is unlikely to influence Ms Brooke's conduct in relation to this matter.

Ms Bennett declared an Indirect Pecuniary Interest in Item 9.2, Proposed Minor Metropolitan Region Scheme Amendment for Kenwick Rail Freight Facility, City of Gosnells, Railways Reservation. Ms Bennett stated that her employer, CLE act for the Clients impacted by these proposals. Members agreed that Ms Bennett should not be present during the discussion and/or decision-making procedure on the item.

Mr Chaney declared an Impartiality Interest in Item 9.2, Proposed Minor Metropolitan Region Scheme Amendment for Kenwick Rail Freight Facility, City of Gosnells, Railways Reservation. Mr Chaney stated that Taylor Robinson Chaney Broderick have undertaken work previously for the Public Transport Authority. Members agreed that Mr Chaney is permitted to be present during the discussion/and or decision-making procedure on the item as this is unlikely to influence Mr Chaney's conduct in relation to this matter.

Mr McGuire declared an Indirect Pecuniary Interest in Item 9.3, Revocation of Planning Control Area 135 (Bayswater Station). Mr McGuire stated that he

has been included in a tender as an Aboriginal Consultant/Artist in the public art process. Members agreed that Mr McGuire should not be present during the discussion and/or decision-making procedure on the item.

Mr Chaney declared an Indirect Pecuniary Interest in Item 9.3, Revocation of Planning Control Area 135 (Bayswater Station). Mr Chaney stated that Taylor Robinson Chaney Broderick are members of the Melconnx consortium. Members agreed that Mr Chaney should not be present during the discussion and/or decision-making procedure on the item.

Ms Bennett declared an Impartiality Interest in Item 9.3, Revocation of Planning Control Area 135 (Bayswater Station). Ms Bennett stated that she is on the DevelopmentWA Board (MRA), pursuant to her position on the WAPC. 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 this matter.

Mr Chaney declared an Indirect Pecuniary Interest in Item 9.4, Modification of Planning Control Area 149 – Bennett Springs. Mr Chaney stated that Taylor Robinson Chaney Broderick are members of the Melconnx consortium. Members agreed that Mr Chaney should not be present during the discussion and/or decision-making procedure on the item.

Ms Bennett declared an Impartiality Interest in Item 9.4, Modification of Planning Control Area 149 – Bennett Springs. Ms Bennett stated that her employer, CLE act for the Clients impacted by these proposals. 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 this matter.

Ms Bennett declared an Impartiality Interest in Item 10.1, Scoping the Review of the Perth & Peel @ 3.5 Million Sub-Regional Planning Frameworks. Ms Bennett stated that her employer, CLE act for the Clients impacted by these proposals. Members agreed that Ms Bennett should not be present during the discussion and/or decision-making procedure on the item.

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. 301 on Wednesday 17 February 2021

Moved by Ms Brookes
Seconded by Mr McKirdy

That the minutes of the Western Australian Planning Commission meeting held on Wednesday 17 February 2021, 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 Amendment - Pt Lots 9001, 9020 & 9035 Lyon Road, Wandí (Item 9.1)

Presenters: Rod Dixon - Rowe Group, Ray Stokes - Satterley Property Group and Darren Walsh - Strategen JBSB&G

Mr Dixon (Rowe Group), Mr Stokes (Satterley Property Group) and Mr Walsh (Strategen JBSB&G) presented to the Western Australian Planning Commission on behalf of their various organisations and thanked the Commission for the opportunity to discuss the Proposed Metropolitan Region Scheme (MRS) Amendment - Pt Lots 9001, 9020 & 9035 Lyon Road, Wandí.

Mr Dixon expressed support for the Department of Planning, Lands and Heritage's (DPLH) recommendation for the rezoning of the subject site from Rural Water Protection (RWP) to Urban Zone and advised that there are 2 main landholdings on the subject site, which includes 3 lots.

Mr Dixon advised members that between 2009 and 2019 the Wandí North Local Structure Plan (LSP) (Honeywood Estate) was approved and nearing completion. He outlined that in 2015 Rowe Group lodged a detailed submission for inclusion of land as Urban Investigation in the South Metropolitan Peel Sub-Regional Planning Framework, which the DPLH recognised as having planning merits, though being of insufficient size to warrant consideration.

Mr Dixon advised members that in the final Framework in 2018 the subject land was designated as Rural-Residential. Mr Dixon stated that in September 2018, Rowe Group lodged an MRS Amendment request to rezone the land from RWP to Urban zone following advice from the DPLH.

Mr Dixon informed members that in July 2019, Rowe Group submitted a revised MRS Amendment request to address matters raised by the Department of Water and Environmental Regulation by the City of Kwinana.

Mr Dixon stated that in September 2020, the WAPC approved the subdivision of the Satterley owned portion of the subject land (Lot 9020) into residential lots (Urban) and rural-residential lot (RWP zone). Mr Dixon advised members that in October 2019 the MRS amendment was refused by the WAPC on the grounds of inconsistency with the

Framework and State Planning Policy 2.3 Jandakot Groundwater Protection.

Mr Dixon advised members that in October 2020 the Minister for Planning advised Rowe Group to re-submit a MRS Amendment request to the WAPC for reconsideration, having regard to employment and economic benefits to support COVID-19 recovery.

Mr Dixon informed members that Rowe Group resubmitted the MRS Amendment request in November 2020 and advised members that the planning merits include:

- The logical rounding off of existing residential development;
- Lyon Road provides the rational land use boundary between housing to the west and rural-residential/rural water protection to the east;
- Aside from the subject land, the land to the west is otherwise fully committed for residential, local centre, primary school and conservation;
- The subject area is serviced by existing/planned infrastructure;
- Public transport is in place, both buses and trains;
- The subject area is within walkable catchments of the identified local centre, primary school and public open space; and
- It would be a lost opportunity not to develop the land as a logical completion of the current program for the Honeywood and Whistling Grove estates.

Mr Dixon advised members that the rezoning is insignificant and would not create a precedent for similar re-zonings from RWP to urban. Mr Dixon stated that the land use west of Lyon Road in Wandi is fully committed to urban, school playing fields and conservation reserve with no potential for further rezoning.

Mr Dixon informed members that there are no similar situations in the RWP zone where:

- the rezoning to urban is obviously logical to complete an urban precinct (Wandi); and
- the limit to further rezoning is quite clearly demarcated by a major road (Lyon Road).

Mr Dixon advised members that the retention of vegetation of such a small area is not justified, similar vegetation has been maintained in other areas of the North Wandi LSP, a large percentage of the area has been approved for clearing by the WAPC and the remnant vegetation is identified for clearing under the Commonwealth EPBC Act approval for the North Wandi LSP.

Mr Dixon stated that the Honeywood Estate won the Urban Design Industry Award for Environmental Excellence in 2017 for its conservation and water sensitive design initiatives.

Mr Dixon informed members that there is no Water Corporation production bore, or wellhead protection zones in the vicinity of subject land noting that the Water Corporation does not have firm plans to develop bores in the vicinity of the subject land and has the option of alternate sites east of Lyon Road.

Mr Dixon stated that a benefit of the proposed development would be that residential development would replace highly polluting market garden and un-sewered rural-residential use.

Mr Dixon stated that residential use would be low risk, connected to reticulated sewer, the land use would be limited to residential and uses permitted in P3 and there would be a reduced nutrient discharge compared to market garden or rural-residential.

Mr Dixon advised members that if the MRS Amendment is initiated, it would be referred to the Environmental Protection Authority for review. Mr Dixon reiterated to members that the initiation of an MRS amendment to rezone the land to Urban is justified on the planning merits.

Mr Dixon advised members that the MRS Amendment would deliver a net public benefit in maximising the use of potential urban land adjacent to already developing urban land, close to services and amenities, with access to public transport and infrastructure. Mr Dixon sought the support of the WAPC to initiate and approve the concurrent local scheme rezoning.

Mr Stokes advised members that Satterley Property Group's motivation is less about profits, given that only sixteen to twenty lots would be delivered, and more about delivering better planning outcomes and the creation of jobs.

Members queried whether Satterley Property Group have liaised with the local council and Mr Stokes advised members that no liaison has occurred, however the detailed capability report and water management strategy show that the subject land will not impact on the quality or quantity of the ground water supply.

Members queried whether additional open space would form part of the concept plan for the site.

Mr Stokes advised members that the concept plan shows the maximum yield and informed members that 40 percent of the land in the nearby Honeywood Estate is set aside for conservation and public open space and the vegetation in that estate is in better condition than the vegetation on the subject site.

7.2 Development Application for a Large Format Digital Sign in Planning Control Area 142 at the intersection of Orrong Road and Oats Street, Kewdale (Item 9.5)

Presenters: Wilmot Loh - City of Belmont, Alex Bott - City of Belmont and Andra Biondi - City of Belmont

Mr Loh, Mr Bott and Ms Biondi presented to the Western Australian Planning Commission on behalf of the City of Belmont and thanked the Commission for the opportunity to discuss the Development Application for a Large Format Digital Sign in Planning Control Area 142 at the intersection of Orrong Road and Oats Street, Kewdale.

Mr Loh informed members that the purpose and intent of the Residential Zone is to increase the population base of the City of Belmont by permitting a mix of single housing and other housing types to reflect household composition and thereby increase the resident population.

Mr Loh advised members that the City of Belmont has recommended refusal for the proposed Large Format Digital Sign for the following reasons:

- it is contrary to the City of Belmont's well-established position on third party signage
- third-party signage/large format digital sign is not compatible with the objectives of the Residential Zone;
- approval would create an undesirable precedent;
- approval would be contrary to orderly and proper planning;
- it is contrary to Local Planning Policy 12 - Advertisement Signs; and
- it is contrary to the recently initiated Amendment No. 16.

Mr Loh stated that there is a new and increasing appetite from applicants for third party signage. Mr Loh informed members that the City of Belmont is concerned that approval of this application will set an undesirable precedent for third party signage within Planning Control Areas, Residential land and in a broader sense, within the City of Belmont.

Members queried whether the City of Belmont has plans to increase density on Orrong Road. Mr Loh advised members that there is capacity to go as high as R60 and there are no plans to increase the density.

Members noted that the proponent has proposed a park at the subject site to improve visual amenity.

Mr Loh advised members that although the application is for temporary approval and there are some unique features in the proposal, if third party signage is approved even on a temporary basis, it may set a

precedent for the continuation of third party signage approved permanently on site.

Members noted that a separate application would need to be lodged for permanent third-party signage.

Members queried whether the City of Belmont's Amendment No. 16 includes criteria around applications with unique circumstances, such as the temporary use of a site for signage. Mr Loh advised members that the previous Local Planning Scheme, prior to 2011, included provisions for temporary uses, however third-party signage was and is not a conforming use.

Members noted that the subject site is proposed to be used for a drainage basin in the future, suggesting that residential is perhaps not the appropriate zoning for the lot.

Mr Loh advised members that if the design is appropriate and includes aesthetically pleasing urban design principals, it could add to the amenity, noting that he has not been privy to the design details.

Members queried if the City of Belmont's Amendment No. 16 prohibits third party signage regardless of zoning. Mr Loh informed members that Amendment 16 prohibits the use of third party signage across the entirety of the City of Belmont, regardless of zoning.

7.3 Development Application for a Large Format Digital Sign in Planning Control Area 142 at the intersection of Orrong Road and Oats Street, Kewdale (Item 9.5)

Presenters: Martin Flint - Flint Legal and Ben Carter - Pinnacle Planning

Mr Carter (Pinnacle Planning) and Mr Flint (Flint Legal) presented to the Western Australian Planning Commission on behalf of their organisations and thanked the Commission for the opportunity to discuss the Development Application for a Large Format Digital Sign in Planning Control Area 142 at the intersection of Orrong Road and Oats Street, Kewdale.

Mr Carter advised members that Pinnacle Planning acts on behalf of the owners of 347 Orrong Road, Kewdale, the subject site.

Mr Carter advised members that the Commission's decision to defer the application at their December 2020 meeting was of benefit for a number of reasons, primarily around gaining an understanding as to prevalence or otherwise of concerns relating to amenity for the subject proposal, an understanding as to the level of general interest, or support for the proposal, resolving any technical light spill issues as a result of reducing the size of the signage, and dealing with improvements to the site.

Mr Carter advised members that a community consultation process was conducted that included:

- a letter circulation to a greater extent than that of complex proposals (468 surrounding households);
- a large sign board on the subject property;
- an advertisement in the newspaper; and
- an online consultation portal on the website of the Department of Planning, Lands and Heritage.

Mr Carter informed members that only a small number of residents responded and of those responses, the majority recommended the approval of the large format digital sign. Mr Carter advised members that some responders expressed concerns in relation to matters that are easily addressed, or due to matters that were not included in the advertising package, such as road safety and traffic concerns.

Mr Carter informed members that a very small percentage of responders expressed concern in relation to the impact on amenity of the subject site.

Mr Carter advised members that although Main Roads Western Australia (MRWA) originally recommended the application be refused, the number of reasons for refusal has certainly reduced. Mr Carter advised members that the large format digital sign and the accompanying improvements to the subject site would be an improvement to the current state of the subject site.

Mr Carter advised members that relevant Department of Planning, Lands and Heritage staff had contacted him to discuss potential conditions of approval, should the application be approved by the Commission. Mr Carter advised members that the applicant agrees to the potential conditions, should the application be approved.

Mr Flint advised members that the City of Belmont's concerns that approval of the application will create an undesirable precedent should not be an acceptable basis for the refusal of the application. Mr Flint advised members that there are a number of matters applicable to the application, such that it is most unlikely that approval would constitute a precedent.

Mr Flint advised members that in regard to the terms of the proposed reason for refusal, approval of the Application clearly would not be a precedent for 'additional large format digital signs within Planning Control Areas, on residential zoned land and/or within residential localities elsewhere in Western Australia'.

Mr Flint informed members that the application for a large format digital sign and accompanying improvements to the site would not be an undesirable outcome for the subject site.

Mr Flint reminded members that there are six additional uses, in addition to residential, permitted on Lot 43 and abutting properties. Members queried whether the proponent owned the property when it was included in the Planning Control Area or if it was bought subsequently. Mr Flint advised members that the proponents have owned the property for 8 years.

Members noted that large format digital signs are extremely lucrative financially and if approved at this location, it may be hard to argue against property owners seeking to put these in place in similar locations.

Mr Flint advised members that commercial considerations cannot factor into the decision as the approval or refusal of an application must be on planning merits. Mr Flint reiterated that a large format digital sign is not an undesirable outcome for the subject site, it is in fact an attractive proposition and each application is to be dealt with on its own merits, unless a new application is indistinguishable.

Members queried whether or not any consultation had occurred with the land owners immediately adjacent. Mr Flint advised that this had not occurred and outlined that neighbours had requested: taller fences be installed to block the view of the large format digital sign; that the sign be turned off in the evening and left off until the morning; that the site be maintained to high standards and one neighbour complained that they will see the back of the sign. Mr Flint advised members that the neighbour's concerns can be managed.

ITEMS FOR DECISION

8.1 Approval sought to rescind Fibre Ready Telecommunications Infrastructure Position Statement (DPLH20190504)

THIS ITEM IS CONFIDENTIAL

9.1 Proposed MRS Amendment - Pt Lots 9001, 9020 & 9035 Lyon Road, Wandí (RLS/0946/1)

Members were advised that the amendment seeks to rezone a portion of Lots 9001, 9020 & 9035 Lyon Road, Wandí (the amendment area) from the Rural-Water Protection zone to the Urban zone in the Metropolitan Region Scheme (MRS) and the intent of the amendment is to facilitate future residential development.

Members were advised that in 2019 the WAPC resolved to not support a MRS amendment request to rezone the subject land from the Rural-Water Protection zone to the Urban zone.

Members were informed that the Satterley Property Group wrote to the Minister for Planning (the Minister) requesting the Minister to direct the Commission to rezone.

Members were advised that in October 2020, the Minister advised Satterley Property Group that given the impact of COVID-19 and the implications for the WA economy, a new MRS amendment request should be submitted to the WAPC.

Members were informed that the amendment is supported by an indicative concept plan which proposes residential development with densities likely ranging between R30 and R60 providing for a yield of approximately 112 dwellings, comprising single residential lots and grouped dwellings.

Members were advised that the City of Kwinana object to the amendment, as it departs from the intent of the Framework, State Planning Policy 2.3 (SPP 2.3) and there are concerns regarding the proposed clearing of remnant vegetation on the subject site.

Members were informed that the City of Kwinana acknowledges that the proposed amendment would allow for the “rounding off” of the Wandi residential area so that Lyon Road would function as a defined boundary between urban and rural land-uses.

Members were advised that the Department of Water and Environmental Regulation (DWER) object to the amendment, however should the amendment be finalised the DWER will take action to amend the priority water status over the subject land from Priority 2 (P2) to Priority 3* (P3*).

Members queried the timeframe for the amendment to be finalised and were advised that the timeframe for a Minor MRS Amendment would be approximately 12 months, however the separate scheme amendment would be likely to have a timeframe of approximately 3 years.

Members noted that this amendment is unique in terms of the “rounding off” and queried what else makes this MRS Urban Amendment different to other amendments over the Jandakot Groundwater Protection Area.

Members were informed that it is considered a relatively unique urban infill site which completes the urbanisation of the locality, does not create an undesirable precedent for other similar situations in the Wandi locality, removes an existing non-conforming market garden use and positively contributes to the State Government’s COVID-19 economic recovery.

Members were advised that the amendment will complete or “round-off” the existing urban development of the abutting Honeywood and Whistling Grove residential estates west of Lyon Road.

Members were informed that the minor expansion of the Urban zone is not expected to have a significant detrimental impact on the Jandakot Groundwater Protection Area, particularly compared to the existing non-conforming market garden use on Pt Lot 9001.

Members were advised that the subject land is a large land holding already substantially cleared of vegetation and does not contain or abut existing Water Corporation extraction bores.

Members noted that although the existing non-conforming use market garden may present a risk to groundwater through the use and storage of chemicals such as pesticides and fertilisers, and does not offer protection for the remnant vegetation, residential development may also present a risk to groundwater in the form of biological contaminants.

Members noted that the irregular shape of the land may have a technical basis in terms of planning context and outcomes to protect the water resource.

Members queried what the optimal outcome for water resources in the subject area would be in relation to what the right use for the land might be.

Members suggested that the best possible outcome would be for the land to be retained and the vegetation restored, however that is unrealistic, and the area is zoned for rural use.

Members were advised that should the amendment be initiated by the WAPC it will be referred to the Environmental Protection Authority (EPA) for a level of environmental assessment, where further information may be requested regarding the environmental values of the site.

Members were informed that the site is primarily cleared of vegetation, however an area of Banksia Woodland remains in the northern portion of the site. Members were advised that the Banksia Woodland TEC vegetation within the amendment area has approval to be cleared under the *Environment Protection and Biodiversity Conservation Act 1999*. Members were advised that developers may wish to provide some public open space on the subject site.

Some members expressed concern that the “rounding off” does not sit well and the groundwater may be likely to be worse off.

Members were informed that “rounding off” is an accepted planning approach to bring symmetry or completion to a site, to provide a land

use boundary, to configure lots, and is well documented in the Liveable Neighbourhoods document.

Members suggested that if the MRS is approved, it may be useful to provide advice notes in relation to retaining a portion of the remnant vegetation, providing open space on the site and to limiting dwelling yield.

Members were advised that there are no conditions attached to an MRS amendment, although the Commission may wish to provide advice notes in relation to future expectations for the site, in terms of maintaining remnant vegetation and density restrictions.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage with an advice note to the approval of the amendment.

Moved by Mr McKirdy
Seconded by Ms Bennett

Dissent: Mr Chaney

That the Western Australian Planning Commission resolves to:

- 1. prepare an amendment under section 35 of the Planning and Development Act 2005 to the Metropolitan Region Scheme as detailed in Attachment 9 - draft Amendment Report - Pt Lots 9001, 9020 and 9035 Lyon Road, Wandí; and*
- 2. form the opinion under section 57 of the Planning and Development Act 2005 that the amendment does not constitute a substantial amendment to the Metropolitan Region Scheme having regard for the matters set out in the Planning Officer's report.*

Advice

To advise the City of Kwinana and the proponent that in the subsequent local structure planning stage consideration should be given to retaining portion of the existing remnant vegetation within the northern portion of Lot 9020 Lyon Road, Wandí. This may require further consideration of proposed lot densities and their configuration across the site.

The motion was put and carried

9.2 Proposed Minor Metropolitan Region Scheme Amendment for Kenwick Rail Freight Facility, City of Gosnells, Railways Reservation (RLS/0959)

Ms Bennett declared an Indirect Pecuniary Interest on this Item and left the meeting at 11:01 am

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

Moved by Mr McKirdy
Seconded by Ms Brookes

That the Western Australian Planning Commission (WAPC) resolves to:

- 1. approve the initiation of an amendment to the Metropolitan Region Scheme Amendment for the Kenwick Rail Freight Facility Railways reserve under section 35 of the Planning and Development Act 2005 (PD Act), as set out in the attached Amendment Report and related figures;*
- 2. form the opinion under section 57 of the PD Act that the amendment does not constitute a substantial amendment to the Metropolitan Region Scheme, having regard to, among other things:*
 - a) PCA 162 already provides a degree of protection for rail freight facility and the proposed Railways reservation represents a logical evolution of PCA 162;*
 - b) the subject land is owned by the PTA and does not impact upon privately owned land;*
 - c) no further land acquisition by the PTA for the rail freight facility is anticipated, and*
 - d) the proposed amendment is not overly complex in nature;*
- 3. approve the referral of the proposed amendment to the Environmental Protection Authority in accordance with section 38 of the PD Act for advice as to whether environmental assessment of the amendment is required under the Environmental Protection Act;*
- 4. approve forwarding the proposed amendment to the Minister for Planning for information;*
- 5. when sections 38 and 39 of the PD Act have been complied with, approve the Department of Planning to affix the common seal of the WAPC to the amending documents and send a copy of the proposed amendment to the Minister for Planning;*
- 6. approve the depositing of the proposed amendment for public inspection at the following places during ordinary business hours for the duration of the submission period:*
 - a) the offices of the Commission in 140 William Street, Perth;*
 - b) the offices of the City of Gosnells; and*
 - c) the State Reference Library, Northbridge.*

7. *approve the referral of copies of the proposed amendment to the following public authorities and persons for comment during the submission period:*

- a) the local government of the City of Gosnells; and*
- b) Public Transport Authority, Department of Fire and Emergency Services, Water Corporation, Department of Biodiversity, Conservation and Attractions, Department of Water and Environment Regulation, Telstra, Western Power, ATCO Gas Australia and APA Group.*

The motion was put and carried

Ms Bennett returned to the meeting at 11:02 am

**9.3 Revocation of Planning Control Area 135 (Bayswater Station)
(RLS/0885)**

Mr Chaney and Mr McGuire declared Indirect Pecuniary Interests on this Item and left the meeting at 11:02 am

THIS ITEM IS CONFIDENTIAL

Mr McGuire returned to the meeting at 11:03 am

**9.4 Modification of Planning Control Area 149 - Bennett Springs
(RLS/0895)**

Ms Bennett declared an Impartiality Interest on this Item and left the meeting at 11:03 am

Mr Chaney declared an Indirect Pecuniary Interest on this item and remained out of the meeting

THIS ITEM IS CONFIDENTIAL

Ms Bennett and Mr Chaney returned to the meeting at 11:04 am

**9.5 Development Application for a Large Format Digital Sign in
Planning Control Area 142 at the intersection of Orrong Road and
Oats Street, Kewdale (15-50195-1)**

Members were advised that in the context of the locality and the State and local planning frameworks, the proposal is not acceptable and that preserving the amenity of a locality, including visual amenity, is a significant and valid regional planning consideration.

Members were advised that large format digital signs are a new industry and it is unknown how many similar applications will be lodged in the future.

Members were advised that although the sign is located opposite a local centre and on a busy intersection of Orrong Road, it is located in a residential setting with homes on either side.

Members were advised that there is some concern that if the application is approved, it may set an undesirable precedent for additional LFDS within residential localities and/or on residential zoned land elsewhere in Western Australia.

Members noted that in Mr Carter's deputation, he advised that relevant Department of Planning, Lands and Heritage staff had contacted him to discuss potential conditions of approval, should the application be approved by the Commission and that the proponents were in agreement with the proposed conditions.

Members were advised that officers remain of the opinion that the application for a large format digital sign be refused. Members were advised that in order to be prepared for either outcome, officers prepared draft conditions should the Commission approve the application.

Members agreed to take a short break to consider the proposed approval conditions circulated earlier.

The meeting adjourned at 11:08 am

The meeting resumed at 11:15 am with all members present

Members requested a brief overview of the potential impacts of the large format digital sign on neighbours, including noise, light and electromagnetic radiation.

Members were advised that some noise is emitted, the equivalent of a hum of electricity. Members were advised that the sign is fan cooled, so there will be noise emitted equivalent to the sound of a large evaporative air-conditioning unit. Members were informed that the proponent submitted a noise assessment showing the total sound emission to be 58.3 decibels with a sound pressure of 47.3 decibels, the equivalent of perhaps a hairdryer at the front of the sign and a refrigerator at the back.

Members were advised that Electromagnet radiation is beyond the scope of the application process, all electronic equipment emits some electromagnetic radiation, which is managed by Australian and International standards.

Members were advised that in relation to light, the neighbouring properties will have some indirect light spillage only, as the sign faces Orrong Road. Members were advised that the proponent prepared and submitted a Lighting Impact Assessment.

Members were informed that one concerned neighbour requested that the height of her fence be raised so that her home is not affected by light spillage. Members were advised that this request is not within the remit of the proponent.

Members queried the status of the City of Belmont's Amendment 16 and were advised that the amendment was initiated in February 2021 and is currently with the Environmental Protection Authority. Members were advised that Amendment 16 does not list large format digital signs as a permitted use.

Members noted that in terms of community engagement, the applicants could have had more consultation with the direct neighbouring properties.

Members noted that the applicants have put in the work to try to address and minimise the concerns of the City of Belmont and the local residents, by agreeing to turn the sign off between 10pm and 6am, allowing for a larger set back and including landscaping to approve the visual amenity.

Members noted that the subject site is undeveloped and agreed that:

- the City of Belmont has a strong planning framework in place that does not approve the use of large format digital signage;
- the subject site is zoned residential; and
- there will be an undesirable impact on the neighbours, in terms of light spillage, noise and visual amenity.

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

Moved by Mayor Cole
Seconded by Mr Caddy

That the Western Australian Planning Commission resolves to refuse the application for a Large Format Digital Sign and landscaping at Lot 43 (No. 347) Orrong Road, Kewdale, corner of Orrong Road and Oats Street, and the plans submitted thereto, pursuant to Section 116 of the Planning and Development Act 2005, for the following reasons:

- a. *the proposal is inconsistent with clause 30(1) of the Metropolitan Region Scheme, Development Control Policy 1.2 - Development Control - General Principles and Development Control Policy 5.4 - Advertising for Reserved Land as it is:*
 - i. *inconsistent with orderly and proper planning as it does not meet objectives of the Residential zone, would not provide a positive contribution to the streetscape, would not be compatible with, or complimentary to, residential development in the locality and not enhance local identity or character and amenity of the locality;*

- ii. *inconsistent with and will have an adverse impact on the amenity and character of the locality, adjacent and abutting dwellings, future residential development in the immediate locality and the Orrong Road Other Regional Road reserve as it is an inappropriate land use with potential to negatively the impact visual amenity of the locality; and*
 - b. *approval of the proposed large format digital sign has the potential to set an undesirable precedent for additional large format digital signs within Planning Control Areas, on residential zoned land and/or within residential localities elsewhere in Western Australia.*

13. Urgent or other business

13.1 Nomination of Acting Chairperson for 15 April 2021 WAPC Part 17 Meeting - Office Building, 1, 3 and 5 Harvest Terrace, West Perth

Members were advised that a Western Australian Planning Commission, Part 17 Significant Development meeting is scheduled for Thursday 15 April 2021 for the consideration of an Office Building at 1, 3 and 5 Harvest Terrace, West Perth. Members were informed that the Chairman will be an apology for that meeting.

Due to the planned absence of the Chairman and in accordance with Clause 1.18 of the WAPC Standing Orders 2017, a member was chosen to preside over the 15 April 2021 meeting.

The Chairman nominated Ms McGowan.

Moved by Ms Brookes
Seconded by Cr Craigie

That Ms McGowan preside over the 15 April 2021 meeting of the Western Australian Planning Commission in the absence of the Chairman.

The motion was put and carried

10. Project reports

10.1 Scoping the Review of the Perth & Peel @ 3.5 Million Sub-regional Planning Frameworks (PLH2020P0788)

Ms Bennett declared an Impartiality Interest on this Item, left the meeting at 11:37 am and did not return

THIS ITEM IS CONFIDENTIAL

11. Reports for noting

Nil.

12. Stakeholder engagement and site visits

Nil.

14. Items for consideration at a future meeting

Nil.

15. Meeting closure

The next ordinary meeting is scheduled for 9:30 am on Wednesday, 28 April 2021.

There being no further business before the Board, the Chairman thanked members for their attendance and declared the meeting closed at 11:45 am.



CHAIRMAN

01.06.21
DATE