



Western Australian Planning Commission

Minutes

Meeting No. 305
Wednesday, 30 June, 2021

- Members:** David Caddy - Chairman WAPC
Helen Brookes - Coastal Planning and Management Representative
Jodi Cant - Director General, Department of Planning, Lands and Heritage
Fred Chaney - Professions Representative
Emma Cole - Metropolitan Local Government Representative
Lynne Craigie - Nominee of the Regional Minister
Kelly Faulkner - Acting Director General, Department of Water and Environmental Regulation
Veronica Fleay - Local government representative – non-metropolitan
Barry McGuire - Professions Representative
Justin McKirdy - Urban and Regional Planning Representative
- Apologies:** Ralph Addis - Director General, Department of Primary Industries and Regional Development (Associate member)
Michelle Andrews - Director General, Department of Water and Environmental Regulation
Jane Bennett - Professions Representative
Rebecca Brown - Director General, Department of Jobs, Tourism, Science and Innovation
Peter Woronzow - Director General, Department of Transport
Mike Rowe - Director General, Department of Communities
- Observers** Ben Rooke - Observer, Department of Communities
- Others present:** Kathy Bonus - Chief Planning Officer
Daniel Bromley - Senior Planning Officer, Reform, Design and State Assessment
Emily Burton - Senior Planning Officer, Strategy and Engagement
Michael Daymond - Manager, Special Projects
Sam Fagan - Manager Commission Business
Lisa Johnson - Communications Coordinator
Poppy Justice - Commission Support Officer
Michelle King - Senior Commission Support Officer
Anthony Muscara - Principal Planning Officer, Schemes and Amendments
Rohan Miller - Planning Director, Schemes and Amendments
Luke Pickersgill - Senior Planning Officer, Reform, Design and State Assessment
Michelle Sanfilippo - Commission Support Team Leader
David Saunders - Assistant Director General, Land Use Planning

Jacquie Stone - Director Policy, Strategy and Engagement
Loretta Van Gasselt - Planning Manager, Strategy and Engagement
Sze-Hwei Ven - Principal Legal Officer

1. Declaration of opening

The Chairman declared the meeting open at 9:33am, 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 Water and Environmental Regulation. Kelly Faulkner - Acting Director General, Department of Water and Environmental Regulation attending.

Jane Bennett - Professions Representative

Rebecca Brown - Director General, Department of Jobs, Tourism, Science and Innovation.

Mike Rowe - Director General, Department of Communities. Ben Rooke observing.

Peter Woronzow - Director General, Department of Transport

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

Nil.

4. Disclosure of interests

Mr Caddy declared an Impartiality Interest on Item 8.1, Proposed MRS Amendment - Pt Lot 48 Stoneville Road, Stoneville. Mr Caddy stated that he is associated with the Anglican Church, who are the landowners within the Structure Plan area. Mr Caddy further stated that his wife is a member of the Anglican Synod. Members agreed that Mr Caddy is not permitted to be present during the discussion and/or decision-making procedure on the item.

Mayor Cole declared a Perceived Impartiality Interest on Item 8.1, Proposed MRS Amendment - Pt Lot 48 Stoneville Road, Stoneville. Mayor Cole stated that the Satterley Property Group is the Development Manager for the Catalina estates owned by the seven Member Councils of the Tamala Park Regional Council of which the City of Vincent is a member. Mayor Cole further stated that she was a Member of the Tamala Park Regional Council, however she resigned earlier this year. Mayor Cole also advised that she is a Members of the State Emergency Management Committee. Members agreed that Mayor Cole is permitted to be present during the discussion and/or the decision-making procedure on the item as this is unlikely to influence Mayor Cole's conduct in relation to this matter.

Ms Cant declared an Impartiality Interest on Item 8.1, Proposed MRS Amendment - Pt Lot 48 Stoneville Road, Stoneville. Ms Cant stated that she is a resident of Gidgegannup, an area recently impacted by bushfire. Members agreed that Ms Cant is not permitted to be present during the discussion and/or decision-making procedure on the item.

Mr Chaney declared a Perceived Impartiality Interest on Item 8.2, Lifting of Urban Deferment - Balannup, Ranford, Reilly & Skeet Roads Precinct, Harrisdale. Mr Chaney stated that he has a personal friendship with the co-owner of Yolk Property. Members agreed that Mr Chaney is not permitted to be present during the discussion and/or decision-making procedure on the item.

Mr Chaney declared a Perceived Impartiality Interest on Item 9.5, Draft State Planning Policy 4.2 Activity Centres Consultation Outcomes. Mr Chaney stated that he has interests associated with a number of his Taylor Robinson Chaney Broderick clients. Members agreed that Mr Chaney is not permitted to be present during the discussion and/or decision-making procedure on the item.

Ms Faulkner joined the meeting at 9:35 am.

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. 304 on Wednesday 26 May 2021

Moved by Mr Chaney

Seconded by Ms Brookes

That the minutes of the Western Australian Planning Commission meeting held on Wednesday 26 May 2021, be confirmed as a true and correct record of the proceedings.

The motion was put and carried

Due to Mr Caddy's disclosure of interest on Item 8.1 - Proposed MRS Amendment – Pt Lot 48 Stoneville Road, Stoneville and in accordance with Clause 1.18 of the Western Australian Planning Commission Standing Orders 2017, a member was chosen to preside over the meeting when Mr Caddy leaves the room during the deputations and discussion on the item.

Cr Fleay nominated Mayor Cole.

Moved by Cr Fleay

Seconded by Ms Craigie.

That Mayor Cole presides over the meeting of the Western Australian Planning Commission during the deputations and discussion for Item 8.1.

The motion was put and carried

7. Deputations and presentations

Mr Caddy declared a perceived impartiality interest on items 7.1 – 7.9 and left the meeting at 9:36am.

Ms Cant declared a perceived impartiality interest on items 7.1 – 7.9 and left the meeting at 9:36am.

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

7.1 Proposed MRS Amendment – Pt Lot 48 Stoneville Road, Stoneville (Item 8.1)

Presenter: Mark Hancock - Susannah Brook Catchment Group

Mr Hancock presented to the Western Australian Planning Commission on behalf of the Susannah Brook Catchment Group in support of the proposed MRS amendment to rezone Lot 48 to rural in line with adjacent properties and community expectations. Mr Hancock discussed several environmental considerations including water supply from rain water, water conservation and the low permeable soil which causes excess water to flow into natural water ways and brooks. Mr Hancock discussed the community concern relating to the proposed privately-owned waste water treatment facility and contamination of the fragile ecological area and ground water, as well as loss of wildlife corridors, and impacts to existing flora and fauna.

Mr Rooke joined the meeting at 9:46am.

7.2 Proposed MRS Amendment – Pt Lot 48 Stoneville Road, Stoneville (Item 8.1)

Presenter: Claire Hurst - Quenda Guesthouse

Ms Hurst presented to the Western Australian Planning Commission to highlight the impact of an urban development on her short stay accommodation, Quenda Guesthouse, in Hovea. Ms Hurst discussed the importance of economic growth for tourism in Western Australia and identified that the bed and breakfast is set in a quiet rural setting, and that this is the reason guests choose the accommodation. Ms Hurst stated that the urbanisation of the site will result in an increase of traffic on the internal road network. Ms Hurst stated that further integration of tourism in natural landscapes should be supported and that Lot 48 should be rezoned to rural for a more sustainable future.

7.3 Proposed MRS Amendment – Pt Lot 48 Stoneville Road, Stoneville (Item 8.1)

Presenter: Stuart Guthrie – EcoCare, Anglican Diocese of Perth

Mr Guthrie presented to the Western Australian Planning Commission as a member of the Anglican Church, and Ecocare Commission. Mr Guthrie discussed the 5 marks of mission and his previous

deputation to the Statutory Planning Committee meeting held on 14 July 2020. Mr Guthrie discussed concerns with fire safety, evacuation and lack of consultation with traditional landowners. Mr Guthrie discussed previous efforts to bring issues to the Anglican Church and Kay Goldsworthy, Archbishop of the Anglican Church in Western Australia.

7.4 Proposed MRS Amendment – Pt Lot 48 Stoneville Road, Stoneville (Item 8.1)

Presenter: Greg Rankine – Volunteer Fire Fighter

Mr Rankine presented to the Western Australian Planning Commission to speak of his experience as a volunteer firefighter in the Perth hills region for the past 21 years. Mr Rankine discussed the history of the site being earmarked for urban prior to impact of climate change and increasing bushfires. Mr Rankine discussed the impacts of the Wooroloo bushfire in February 2021, the Parkerville fire in 2014 and the Yarloop fire in 2016, and the importance of planning for evacuation, access and safety of the community in bushfire prone areas. Mr Rankine stated that densely populated urban zoning in this area would be indefensible in a bushfire emergency and supports rezoning Lot 48 to rural.

Ms Faulkner joined the meeting at 9:55am.

Mr Rankine responded to questions from members relating to the reduction of fire load by urbanising space, highlighting that spotting from a fire can travel 3.5 kilometres ahead of a fire front, the danger of narrow roads, impacts to visibility due to smoke and radiant heat. Members thanked Mr Rankine for presenting his on-ground experiences to the Commission.

7.5 Proposed MRS Amendment – Pt Lot 48 Stoneville Road, Stoneville (Item 8.1)

Presenter: Simon Cherriman - Insight Ornithology

Mr Cherriman presented to the Western Australian Planning Commission in support of the MRS amendment to rezone Lot 48 to rural, stating that this would enormously benefit the biodiversity, flora and fauna in the area. Mr Cherriman stated that urban development in the area would see biodiversity lost, increase in urban island heat and the reduction of wildlife corridors. Mr Cherriman highlighted the importance of support ecosystems, including retaining trees with hollows for endangered Black Cockatoo's and Bushytailed Possums. Mr Cherriman discussed the impact of feral cats and pet cats that come with urbanisation and threatened native species. Mr Cherriman discussed the changes to the South West of Western Australia and the loss of biodiversity due to agricultural and urbanisation of the land.

7.6 Proposed MRS Amendment – Pt Lot 48 Stoneville Road, Stoneville (Item 8.1)

Presenter: Cleo Williams – Resident

Ms Williams was not able to attend the meeting and present to the Western Australian Planning Commission in support of rezoning Lot 48 to rural. Members acknowledged Ms Williams written submission.

7.7 Proposed MRS Amendment – Pt Lot 48 Stoneville Road, Stoneville (Item 8.1)

Presenters: Paul McQueen – Lavan, Ray Stokes - Satterley, Darren Walsh - Strategen JBS&G, Duane Cole - Hatch Roberts Day, Alex McGlue - Lavan and Keith Stephens - Anglican Diocese of Perth

Mr McQueen presented to the Western Australian Planning Commission representing Satterley, together with Mr Stokes, Mr Walsh, Mr Cole, Mr McGlue and Mr Stephens. Mr McQueen opened his deputation with procedural questions, and requested that his presentation be confidential, Ms Fagan, Manager Commission Business, confirmed that Item 8.1 is confidential and will not be available in the public minutes.

THIS ITEM IS CONFIDENTIAL AT THE REQUEST OF THE DEPUTATION

7.8 Proposed MRS Amendment – Pt Lot 48 Stoneville Road, Stoneville (Item 8.1)

Presenters: Peter Brazier, Paige McNeil, Grant Douglas - all representing Save Perth Hills

Ms McNeil, Mr Brazier and Mr Douglas presented to the Western Australian Planning Commission representing Save Perth Hills a community group in support of the MRS amendment to rezone Lot 48 to rural. Ms McNeil discussed the community opposition to the scale and inability of the surrounding area to adequately respond to urban development. Ms McNeil noted the refusal of Structure Plan 34 in July 2020 by the Statutory Planning Commission and stated that urban development cannot be supported by the limited and aging infrastructure of the area, climate change and bushfire management. Ms McNeil stated that urbanisation would destroy the biodiversity in the area, and that the land should be rezoned based on waste water and that the current zoning conflicts with the Shire of Mundaring's Strategic Plan.

Mr Brazier discussed the Bushfire planning framework review, and discussed the importance of addressing broader landscape bushfire risk. Mr Brazier discussed bushfire risk factors such as wind direction, speed and the history of bushfires in the area. Mr Brazier highlighted the impacts of evacuation and traffic impacts on local roads during a bushfire emergency. Mr Brazier stated that the Shire of Mundaring has the highest bushfire risk location rating. Mr Brazier discussed State Planning Policy 3.7 – Planning in Bushfire Prone Areas, which is

currently undergoing review and noted that it will feature key recommendations including the protection of human life, avoidance in extreme bushfire areas, and findings from the black summer fires and Wooroloo fire.

Mr Douglas discussed potential risks associated with the operation of the proposed privately-owned waste water treatment facility, and that Lot 48 cannot support waste water for an urban zoning. Mr Douglas discussed the waste water generated per annum for the proposed urban development density and noted the potential for leakage issues and site fails. Mr Douglas discussed the health impacts of waste water being irrigated back on site, and that MBR operational efficiency is far from settled.

Ms McNeil stated that urbanisation of the land does not comply with State Planning Policy 3.7 and that Eastlink is not a solution to access to the site. Ms McNeil stated that the landowner could develop the site in a safer manner, and that a rural setting would align with the Shire's strategic plan and community expectations.

Mr Douglas responded to questions from members relating to the waste water treatment facility relating to examples of MBR's in use Australia wide, storage of waste on site in tanks and contaminates.

7.9 Proposed MRS Amendment – Pt Lot 48 Stoneville Road, Stoneville (Item 8.1)

Presenters: Amanda Butterworth – Allering and Associates, Shire President John Daw - Shire of Mundaring, Cr Doug Jeans - Shire of Mundaring and Cr Amy Collins - Shire of Mundaring

Cr Daw presented to the Western Australian Planning Commission, together with Cr Jeans, Cr Collins and Ms Butterworth, in support of the proposed MRS Amendment to rezone Lot 48 to rural. Cr Daw stated that the site was zoned to urban to increase the Shire's urban revenue, but noted that the current council supports connected communities and a Strategic Plan that focuses on environmental factors. Cr Daw discussed the Shire of Mundaring has urban expansion sites in Helena Valley which are already connected to sewer systems. Cr Daw stated that the urban zoning would cause environmental damage against the goals of the Shire's Strategic Plan, and that rural zoning would still allow the landowner to develop to the Lot and is considered more appropriate for the location.

Cr Jeans discussed the impact of past and recent bushfires in the Perth hills, and stated that the risk is too high to allow urban development where there are not sufficient evacuation road networks. Cr Jeans stated that Lot 48 is serviced by two roads which are predominately rural and contain trees, blind spots and Kangaroo's in the verges. Cr Jeans stated that work undertaken by the State Government investigating recent bushfires and the current review of State Planning Policy 3.7 should provide a basis for good planning and decision making, to align with the threats of climate change and extreme conditions.

Cr Collins stated that the urban zoning of Lot 48 would result in the displacement of wildlife known to utilise the site, including Black Cockatoo's, Eagles and Kangaroo's. Cr Collins stated that rezoning the land to rural would allow planning to keep within the surrounding areas and work within the topography of the land. Cr Collins stated that the surrounding rural properties manage their waste water independently on site and that urban density requires reticulated water. Cr Collins discussed concerns relating to discharge of waste water into the natural environment.

Ms Butterworth stated that the request to rezone Lot 48 to rural considers social aspects, and that a remote urban community would be supported by limited infrastructure, public transport and would require significant clearing to meet bushfire requirements. Ms Butterworth highlighted the potential economic cost to Local and State Government to have a satellite town and that the Council recognises that zoning introduced 20 years ago is no longer acceptable, and recommends rezoning the land to rural be supported.

ITEM FOR DECISION

8.1 Proposed MRS Amendment - Pt Lot 48 Stoneville Road, Stoneville (RLS/0918/1)

Mr Caddy declared a perceived impartiality interest on this item and remained out of the meeting.

Ms Cant declared a perceived impartiality interest on this item and remained out of the meeting.

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

THIS ITEM IS CONFIDENTIAL

Cr Fleay left the meeting at 12:07pm and did not return.

The presiding member declared a brief adjournment at 12:07pm.

The meeting resumed at 12:17pm. Mr Caddy assumed the Chair.

7.10 Final Community Schemes operational policy - Community Schemes guidelines and application forms (Item 9.1)

Presenter: James Lewisson - Element

Mr Lewisson presented to the Western Australian Planning Commission representing Element on behalf of the Perron Group, owners of the Cockburn Gateway Shopping City and the developers of the \$1.088 billion Cockburn Quarter development application currently under assessment by the State Development Assessment Unit, and thanked the Commission for the opportunity to discuss the Final Community Schemes operational policy - Community Schemes guidelines and application forms.

Mr Lewisson informed members that the Cockburn Quarter has been designed specifically to use the community title subdivision process

and without resolution of the issues he has identified with the WAPC's Community Schemes Operational Policy any approval for the integrated mixed-use proposal will potentially become unviable due to a Public Open Space (POS) contribution in the multiple tens of millions of dollars.

Mr Lewisson advised members that the Community Schemes operational policy currently requires POS to be ceded for a community title subdivision for any apartment development irrespective of the specifics of the proposal or the context within which it sits, this is inconsistent with current practices in Western Australia for apartment subdivisions and would be a significant deterrent for using community titles for their intended purposes and projects – rendering this positive initiative ineffective.

Mr Lewisson advised members that if the WAPC elects to take POS contributions for community title subdivisions, the draft Operational Policy will not allow for publicly accessible, privately owned open space to be regarded as any form of contribution, which is a significant issue and will discourage the creation of high-quality open space which requires no local government up-front investment or maintenance.

Mr Lewisson advised members that as currently drafted, most community titles with a medium or high density residential component will be unviable for practical implementation due to public open space contribution requirements, he therefore requested that the WAPC remove the requirement for POS contributions for built community title subdivisions from the draft Operational Policy and that the issue is separately addressed in an appropriate manner.

ITEMS FOR DECISION

8.2 Lifting of Urban Deferment - Balannup, Ranford, Reilly & Skeet Roads Precinct, Harrisdale (RLS/0960/1)

Mr Chaney declared a perceived impartiality interest on the item and left the meeting at 12:24pm

Members were advised that the lifting of Urban Deferment request seeks to transfer approximately 28.98ha of land from the Urban Deferred zone to the Urban zone under the Metropolitan Region Scheme. Members were informed that the subject land was zoned Urban Deferred in 2015. Members were advised that there is an existing poultry farm on the subject site, the owners of which have entered into a contract to sell and may continue to operate under a lease arrangement, ceasing operations on 9 December 2022. Members were informed that upon closure of the poultry farm, the buffer can be removed.

Members were advised that the City of Armadale generally supports the lifting of Urban Deferment, but seeks to have a separate Deed of Agreement with the owner of the poultry farm prior to the land being transferred to the Urban zone in order to ensure that the facility is closed. Members were informed that the City of Armadale does not have a Deed of Agreement with the owner of the poultry farm, however

the proponent has entered into a Deed of Agreement with the owner of the poultry farm which will lead to the closure of the facility.

Members were advised that the application has been referred to the relevant government agencies and local governments, no objections were raised, and all matters can be resolved.

Members were informed that the Department of Water and Environmental Regulation do not support the concurrent amendment of City of Armadale Local Planning Scheme (LPS) 4, as an LPS amendment is required to specifically address the protection of the environmental values of the site.

Members noted that the structure plan is indicative only and has no standing at this stage.

Members noted that ongoing consideration is required in relation the treatment of intersections, which may limit access and call into question the viability of plans.

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

Moved by Ms Brookes

Seconded by Ms Craigie

That the Western Australian Planning Commission resolves to transfer the Balannup, Ranford, Reilly and Skeet Roads, Harrisdale Precinct as shown on amending plan no. 4.1661 from the Urban Deferred zone to the Urban zone pursuant to Clause 27 of the MRS.

The motion was put and carried

Mr Chaney returned to the meeting at 12:33pm

- 9.1 Final Community Schemes operational policy - Community Schemes guidelines and application forms (PLH2018P0682)**

THIS ITEM IS CONFIDENTIAL

- 9.2 Draft Planning for Tourism Position Statement and Guidelines for public consultation (PLH2018P0126)**

THIS ITEM IS CONFIDENTIAL

- 9.3 Design WA Medium Density Post Advertising Update (DP/1700098)**

THIS ITEM IS CONFIDENTIAL

- 9.4 SPP7.3 Residential Design Codes Volume 1 – Local Planning Policies which amend/replace Element 5.3.2 Landscaping; SPP7.3 Residential Design Codes Volume 1 Explanatory Guidelines minor modification (PLH2020P0264)**

THIS ITEM IS CONFIDENTIAL

9.5 Draft State Planning Policy 4.2 Activity Centres Consultation Outcomes

Mr Chaney declared a perceived impartiality interest on the item and left the meeting at 12:58pm

THIS ITEM IS CONFIDENTIAL

Mr Chaney returned to the meeting at 1:21pm

10. Reports for noting

Nil.

11. Stakeholder engagement and site visits

Nil.

12. Urgent or other business

Nil.

13. Items for consideration at a future meeting

Nil.

14. Meeting closure

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

There being no further business before the Board, the Chairman thanked members for their attendance and declared the meeting closed at 1:23pm.

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a horizontal line and a long, sweeping flourish that extends to the right.

CHAIRMAN

The date '28.07.21' is handwritten in black ink.

DATE