



Western Australian Planning Commission

Notice is hereby given the next meeting of the Western
Australian Planning Commission will be:

Meeting No.306

Wednesday, 28 July, 2021, 9:30 am

Room 2.25, 140 William Street

This meeting is not open to members of the public

1.	Declaration of opening	
2.	Apologies	
3.	Members on leave of absence and applications for leave of absence	
4.	Disclosure of interests	
5.	Declaration of due consideration	
6.	Minutes	
6.1.	Confirmation of minutes - Meeting No. 305 on Wednesday 30 June 2021	8 - 18
7.	Deputations and presentations	
8.	Statutory items for decision	
8.1.	Proposed Warehouse in Planning Control Area 152 - Midland Freight Rail Realignment, at Lot 13 Lakes Road, Hazelmere (21-50623-2)	19 - 30
8.2.	MRS Amendment 1377/57 - Forrestfield North Environmental Conservation Areas - Report on Submissions (RLS/0790/1)	31 - 31
8.3.	MRS Amendment 1378/57- Lot 71 Chateau Place and Lot 72 Millhouse Road, Aveley - Report on Submissions (RLS/0822)	32 - 32
8.4.	Lifting of Urban Deferment - Lots 1797 & 1798 Matison Road, Southern River (RLS/0748)	33 - 45
9.	Reports for noting	
10.	Stakeholder engagement and site visits	
11.	Urgent or other business	
12.	Items for consideration at a future meeting	
13.	Meeting closure	

Information for WAPC members

Quorum: 7 of 14 members

Representation in accordance with the Planning and Development Act 2005

	Mr David CADDY WAPC Chairman <i>Section 10(1)(a)</i>		Ms Jodi CANT Director General, Department of Planning, Lands and Heritage <i>Section 10(1)(c)(i)</i>
	Mayor Emma COLE Metropolitan Local Government Representative (nominated by WALGA) <i>Section 10(1)(b)(i)</i>		Ms Michelle ANDREWS Director General, Department of Water and Environmental Regulation <i>Section 10(1)(c)(ii) and 10(1)(c)(iv)</i>
	Cr Veronica FLEAY Non-Metropolitan Local Government Representative (nominated by WALGA) <i>Section 10(1)(b)(ii)</i>		Mr Peter WORONZOW Director General, Department of Transport <i>Section 10(1)(c)(iii)</i>
	Ms Helen BROOKES Coastal Planning and Management Representative <i>Section 10(1)(b)(iii)</i>		Ms Rebecca BROWN Director General, Department of Jobs, Tourism, Science and Innovation <i>Section 10(1)(c)(v)</i>
	Ms Jane BENNETT Professions Representative <i>Section 10(1)(b)(iv)</i>		Mr Mike ROWE Director General, Department of Communities <i>Section 10(1)(c)(vi)</i>
	Mr Fred CHANEY Professions Representative <i>Section 10(1)(b)(v)</i>		Mr Justin McKIRDY 'Planner' from portfolio agencies <i>Section 10(1)(c)(vii)</i>
	Mr Barry McGuire Professions Representative <i>Section 10(1)(b)(vi)</i>		Ms Lynne CRAIGIE Nominee of the Minister for Regional Development <i>Section 10(1)(c)(viii)</i>
	Mr Ralph ADDIS Director General, Department of Primary Industries and Regional Development <i>Associate Member, Section 11</i>		

	Mayor Penny TAYLOR Metropolitan Local Government Representative (Deputy) (nominated by WALGA) <i>Schedule 1 clause 7(1)</i>		Cr Caroline KNIGHT Non-Metropolitan Local Government Representative (Deputy) (nominated by WALGA) <i>Schedule 1 clause 7(1)</i>
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Current Vacancies:

- Deputy Chairperson, *Schedule 1, Clause 6(3)*

Role of the Western Australian Planning Commission (WAPC)

The functions of the WAPC are described in section 14 of the *Planning and Development Act 2005* (PD Act):

14. Functions

The functions of the WAPC are —

- (a) to advise the Minister on —
 - (i) the coordination and promotion of land use, transport planning and land development in the State in a sustainable manner;
 - (ii) the administration, revision and reform of legislation relating to land use, transport planning and land development;
 - (iii) local planning schemes, and amendments to those schemes, made or proposed to be made for any part of the State;
- and
- (b) to prepare and keep under review —
 - (i) a planning strategy for the State; and
 - (ii) planning policies,
as a basis for coordinating and promoting land use planning, transport planning and land development in a sustainable manner, and for the guidance of public authorities and local governments on those matters; and
- (c) to plan for the coordinated provision of transport and infrastructure for land development; and
- (d) to provide advice and assistance to any body or person on land use planning and land development and in particular to local governments in relation to local planning schemes and their planning and development functions; and
- (e) to undertake research and develop planning methods and models relating to land use planning, land development and associated matters; and
- (f) to keep under review the strategic planning for the metropolitan region and any other part of the State to which a region planning scheme applies and to make recommendations to the Minister on that strategic planning; and
- (g) to prepare and amend State planning policies under Part 3; and
- (h) to prepare region planning schemes under Part 4; and
- (ia) to prepare improvement plans and improvement schemes under Part 8; and
- (i) to keep under review each region planning scheme and improvement scheme, to review the scheme completely whenever requested by the Minister to do so and to submit for approval under Part 4 or 8 any amendment considered necessary as a result of a review; and
- (j) to develop, maintain and manage land held by it that is reserved under a region planning scheme or improvement scheme and to carry out such works, including the provision of facilities on the land, as may be incidental to development, maintenance or management or to be conducive to the use of the land for any purpose for which it is reserved; and
- (k) to establish, and exercise powers in relation to, committees under Schedule 2; and
- (l) to do all things that are necessary for the purpose of carrying out this Act, region planning schemes and improvement schemes; and
- (m) to do anything else that it is required or authorised to do by this or any other written law.

[Section 14 amended by No. 28 of 2010 s. 7.]

The WAPC is the statutory authority with Statewide responsibilities for urban, rural and regional land use planning and land development matters. The WAPC responds to the strategic direction of government and is responsible for the strategic planning of the State.

The WAPC operates with the support of the Department of Planning (DoP), which provides professional and technical expertise, administrative services, and resources to advise the WAPC and implement its decisions. In this partnership the WAPC has responsibility for decision-making and a significant level of funding while the department provides the human resources and professional advice.

The WAPC delegates some of its functions to officers of the department. This delegated authority includes decisions on subdivision and development applications, when they comply with the WAPC policies and practices.

Membership (extract from PD Act)

The composition of the Board is in accordance with Section 10(1) of the *Planning and Development Act 2005*:

10. Membership of board

(1) The board is to consist of the following members —

- (a) a chairperson appointed by the Governor on the nomination of the Minister; and
- (b) 6 members appointed by the Governor, of whom —
 - (i) one is to be a person nominated by the Minister from a list of the names of 4 persons representing the interests of local governments within the metropolitan region submitted to the Minister by WALGA; and
 - (ii) one is to be a person nominated by the Minister from a list of the names of 4 persons representing the interests of the local governments outside the metropolitan region submitted to the Minister by WALGA; and
 - (iii) one is to be a person nominated by the Minister as having experience of the field of coastal planning and management; and
 - (iv) one is to be a person nominated by the Minister as having practical knowledge of and experience in one or more of the fields of urban and regional planning, property development, commerce and industry, business management, financial management, engineering, surveying, valuation, transport or urban design; and
 - (v) one is to be a person nominated by the Minister as having practical knowledge of and experience in one or more of the fields of environmental conservation, natural resource management or heritage interests; and
 - (vi) one is to be a person nominated by the Minister as having practical knowledge of and experience in one or more of the fields of planning and provision of community services, community affairs or indigenous interests;

and

- (c) the least number of other members who include —
 - (i) the chief executive officer of the department principally assisting in the administration of this Act; and
 - (ii) the chief executive officer of the Water and Rivers Commission established by the Water and Rivers Commission Act 1995 3; and
 - (iii) the chief executive officer of the department principally assisting in the administration of the Transport Co-ordination Act 1966; and
 - (iv) the chief executive officer of the department principally assisting in the administration of the Environmental Protection Act 1986; and
 - (v) the chief executive officer of the department principally assisting in the administration of the Government Agreements Act 1979; and

- (vi) the chief executive officer of the department principally assisting in the administration of the Housing Act 1980; and
- (vii) a person, whether a member under another subparagraph or another person nominated by the Minister, who has experience in the field of urban and regional planning and is employed in an agency, as defined in the Public Sector Management Act 1994, for which the Minister is responsible; and
- (viii) a person nominated by the Regional Minister”.

In accordance with Section 11(2) of the *Planning and Development Act 2005*, “The Governor may, on the nomination of the Minister, appoint an associate member for a region referred to in Schedule 4”.

On 13 December 2011, the Governor appointed an Associate Member for a region referred to in Schedule 4.

Delegated Authority (extract from section 16 PD Act)

- (1) The WAPC may, by resolution, delegate to a person or body referred to in subsection (3) any function of the WAPC under this Act or any other written law, except this power of delegation.
- (2) A resolution referred to in subsection (1) takes effect when notice of the resolution is published in the *Gazette*.
- (3) A delegation under subsection (1) may be made to –
 - (a) a member or associate member;
 - (b) a committee established under Schedule 2, or a member of such a committee;
 - (c) an officer of the WAPC;
 - (d) a public authority or a member or officer of a public authority; or
 - (e) a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.
- (4) The reference to functions in subsection (1) extends, without limitation or restriction, to all of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by this Act or any other written law.
- (5) Without limiting the generality of subsection (1), where the WAPC has delegated its functions under section 14(i) and (1), the delegation includes, subject to the instrument of delegation, a delegation of every function of the WAPC under Part 4.
- (6) A delegate cannot sub-delegate the exercise or performance of any function.
- (7) A delegate exercising or performing a function as authorised under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (8) Nothing in this section limits the ability of the WAPC to act through an officer or agent.
- (9) This section does not apply to the execution of documents but authority to execute documents on behalf of the WAPC can be given under section 24.

Quorum for meetings

In accordance with Clause 8(5) of Schedule 1 of the *Planning and Development Act 2005*, the quorum for board meetings is as follows: *At any meeting of the board a number of members equal to at least one half of the number of members provided for by Section 10 constitute a quorum.*

Disclosure of interests

In accordance with the *Planning and Development Act 2005* and Section 4 of the Western Australian Planning Commission (WAPC), Governance Guide – Standing Orders, members of Committees (and certain employees) are required to disclose the following types of interests that they have or persons closely associated to them, have:

- direct and indirect pecuniary interests (financial);
- proximity interests (location); and
- impartiality interests (relationship).

A “**direct pecuniary interest**” is one where a member has an interest in a matter where it is reasonable to expect that the matter if dealt with by the Board or a Committee, or an employee in a particular way, will result in a financial gain, loss, benefit or detriment for the member.

An “**indirect pecuniary interest**” refers to an interest in a matter where a financial relationship exists between a member and another person who requires a WAPC decision in relation to the matter.

A “**proximity interest**” refers to an interest of a member, or close associate of the member, in a matter if the matter concerns –

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land;
- (b) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (c) a proposed development, maintenance or management of the land or of services or facilities on the land that adjoins the person’s land.

An “**impartiality interest**” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the member having the interest and includes an interest arising from kinship, friendship, partnership or membership of an organisation or an association with any decision-making process relating to a matter for discussion before the Board or a Committee.

Members disclosing any pecuniary or proximity interests for an item cannot participate in discussion or the decision making procedure relating to the item and must leave the meeting room during the discussion of the item. Members disclosing an impartiality interest in an item must also leave the room during the discussion or the decision making procedure relating to the item unless the Committee, by formal resolution, allows the member to remain. The reason to allow a member to remain must be stated in the formal resolution and will be minuted.

Disclosure of representations

Where a member has had verbal communication with or on behalf of a person with an interest in a matter which is before a meeting, the member is to disclose the interest.

Where a member is in receipt of relevant written material (including email) from or on behalf of a person with an interest in a matter which is before a meeting, the member is to table the material at the meeting for the information of members.



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

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 Braxier 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 – Allerdin 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.

CHAIRMAN

DATE

REPORT TO	Western Australian Planning Commission		
Meeting date	28 July 2021	File number	21-50623-2
Subject	Proposed Warehouse in Planning Control Area 152 - Midland Freight Rail Realignment, at Lot 13 Lakes Road, Hazelmere.		
Purpose	Requires WAPC decision		
Title of Approving Officer	Director, Metropolitan North		
Agenda Part for Reports (All parts are confidential unless otherwise stated) WAPC - Statutory Items for Decision			
SITE-SPECIFIC DETAILS			
Region/s	Perth		
Local government/s	City of Swan		
Landowner/Consultant	Landowner: DeMol Investments Pty Ltd Consultant: Denney Building Design		
Location map	Attachment 3 - MRS & Location Context Map		
Bushfire Prone Area	YES		
SUMMARY			
<p>This report relates to a proposed warehouse development at Lot 13 (160) Lakes Road, Hazelmere (the site). The site is situated within declared Planning Control Area 152 (PCA 152) - Midland Freight Rail Realignment and therefore the application requires determination by the Western Australian Planning Commission (WAPC) pursuant to Section 116 of the <i>Planning and Development Act 2005</i> (PD Act).</p> <p>The proposal is inconsistent with the State's strategic direction for the Midland Freight Rail and with the purpose of PCA 152 which is to protect the land identified for the future realignment of the Midland freight railway. Accordingly, the application is recommended for refusal. The recommendation is referred to the Commission for its determination as no delegation to officers or the Statutory Planning Committee applies.</p>			
DETAILS OF PROPOSAL			
<p>The application seeks approval for: a) a 99 x 20.4 metres steel framed warehouse of 2,114m² for the storage of mining equipment spare parts; and b) 23 additional car parking bays at Lot 13 (160) Lakes Road, Hazelmere (Attachment 1 - Plans & Diagrams). The estimated cost of the development is \$900,000.</p> <p>The site accommodates an existing warehouse including workshops and offices. The proposed warehouse comprises an expansion of the current operations for storing spare parts and will result in three additional staff members being on-site.</p>			
BACKGROUND			
<p><u>Planning Context</u></p> <p><i>North-East Sub-regional Planning Framework</i></p>			

The *North-East Sub-regional Planning Framework* (the Framework) establishes a long-term integrated planning framework for land use and infrastructure to guide future growth across the north-east metropolitan region. The Framework identifies the north eastern portion of the site for Industrial and the south eastern portion for Freight Rail (**Attachment 2 - North East Framework Map**).

Given the State Government has provided considerable investment in Midland towards high quality mixed use development, the Framework highlights the importance of a new freight rail realignment between High Wycombe and Bellevue to bypass the Midland strategic metropolitan centre. This is intended to reduce freight rail noise impacts on residential areas, provide urban consolidation opportunities and improve the north-south access across the Midland central business district. The new freight rail alignment depicted by the Framework, traverses the south-eastern corner of the subject site.

Metropolitan Region Scheme

The site is zoned Industrial under the Metropolitan Region Scheme (MRS) and General Industrial with Restricted Use 13 (Dry Industry) under the City of Swan Local Planning Scheme No. 17. The site abuts the intersection of the Roe Highway and Great Eastern Highway Bypass Primary Regional Road reservations under the MRS (**Attachment 3 - MRS & Location Context Map**)

An amendment to the MRS (1313/41) was initiated in July 2016 to reserve 18 hectares of zoned land in the City of Swan for Railways and Primary Regional Road. The proposed Railways reservation is intended to allow for the existing freight railway to be realigned out of the Midland strategic metropolitan centre so as to facilitate redevelopment of the centre. Amendment 1313/41 was endorsed by the WAPC in November 2019 and is currently under consideration by the Minister for Planning. The eastern portion of the site where the warehouse is proposed is impacted by the future Railways reservation (**Attachment 4 - Aerial & Proposed MRS Overlay**).

Planning Control Area 152 - Midland Freight Rail Realignment

The site is situated within PCA 152 which was gazetted on 6 November 2015 pursuant to Section 112 of the PD Act, and was further renewed on 11 August 2020 for a period of five years (**Attachment 5 - PCA 152**). The purpose of the PCA is to protect land that may be required for the future realignment of the Midland freight railway. This is to ensure that no development occurs on the land that might prejudice this purpose, until such time as the land is reserved for Railways in the Metropolitan Region Scheme.

Pursuant to Section 186 of the PD Act, land that is affected by a PCA is subject to compensation, and may be acquired by the WAPC in the same circumstances and in the same manner as if the land had been reserved in the MRS for a public purpose.

Local Government Consideration

The subject application was forwarded by the City to the WAPC for its determination pursuant to Section 115 of the PD Act. The City recommended approval of the application subject to conditions.

KEY ISSUES

Consistency with WAPC Policies & Planning Framework	<ul style="list-style-type: none"> • Planning and Development Act 2005 (section 116(1)) • State Planning Policy 1 - State Planning Framework • North-East Subregional Planning Framework (2018) • Metropolitan Region Scheme 	Broadly inconsistent
--	--	----------------------

	<ul style="list-style-type: none">Planning Control Area 152 - Midland Freight Rail Realignment	
Government Considerations	Strategic priorities - Freight railway network	Broadly inconsistent
Consultation	The application was not subject to public advertising. It was referred to the Department of Health, Main Roads WA and no objections were received.	
PLANNING ASSESSMENT		
<p>This application has been assessed under Section 116 of the PD Act which states that in considering an application to carry out development in a Planning Control Area, the WAPC is to have regard to:</p> <p>(i) any relevant State planning policy; and</p> <p>(ii) the purposes for which the land to which that application relates is zoned or reserved under any planning scheme; and</p> <p>(iii) any special considerations relating to the nature of the planning control area concerned and of the development to which that application relates; and</p> <p>(iv) the orderly and proper planning, and the preservation of the amenity, of the locality in which the land to which that application relates is situated.</p> <p>The following commentary is provided in relation to these points:</p> <p><u>State Planning Policies</u></p> <p><i>State Planning Policy 1 - State Planning Framework</i> (SPP 1) outlines general principles for land use planning and development, and includes a key principle for planning to coordinate infrastructure provision in a manner that is efficient, logical and timely. This includes the setting aside of land for future transport routes and protecting such land from inappropriate development.</p> <p><i>The North-East Sub-regional Planning Framework</i>, which is one of the regional strategies recognised by SPP 1, shows the strategic Freight Rail corridor traversing the subject site. It is therefore considered that land at this location should be set aside and protected from encroaching development to allow efficient and timely delivery of freight infrastructure in the future.</p> <p><u>Metropolitan Region Scheme</u></p> <p>Whilst the proposed development is consistent with the current Industrial zoning of the land, the warehouse encroaches into the future Railways reservation proposed by MRS amendment 1313/41 (refer to Attachment 5) and therefore it is not supported.</p> <p><u>Planning Control Area</u></p> <p>The proposed development is within PCA 152. This is contrary to the intent of the PCA which is to ensure that no development occurs on the land until such time as the land is reserved for Railways in the MRS. Therefore, the proposed development conflicts with the future reservation of the land and should not be supported.</p>		

Orderly and Proper Planning

The proposed development will prejudice the intent of the PCA and the future reservation of the land for freight rail infrastructure and is therefore contrary to orderly and proper planning.

Based on the above considerations, refusal of the application is recommended.

RECOMMENDATION

That the Western Australian Planning Commission resolves to refuse the application for a proposed warehouse on Lot 13 Lakes Road, Hazelmere, pursuant to section 116 of the Planning and Development Act 2005 for the following reasons:

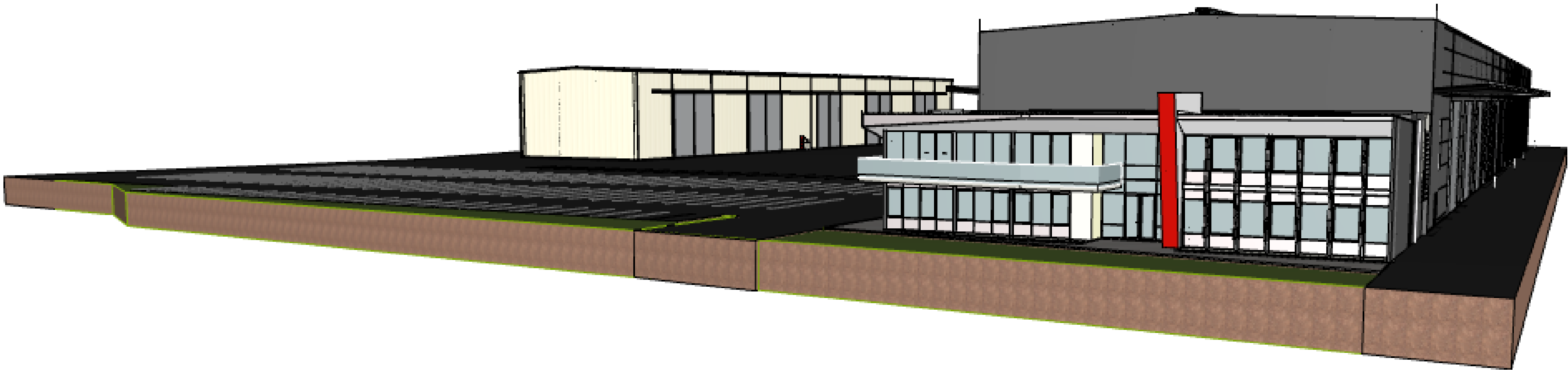
- 1. the proposed development is located on land protected for the Midland Freight Rail Realignment identified by Planning Control Area No. 152 and approval would compromise the timely and efficient provision of the future railway;***
- 2. the proposed development is not consistent with the principles of State Planning Policy 1 - State Planning Framework to coordinate infrastructure provision in an efficient, logical and timely manner by protecting land set aside for future transport routes from inappropriate development; and***
- 3. the proposed development is not consistent with orderly and proper planning of the locality because it would prejudice the future reservation of the land for freight rail infrastructure.***

ATTACHMENTS

A1 - Plans & Diagrams
A2 - North East Framework Map
A3 - MRS & Location Context Map
A4 - Aerial & Proposed MRS Overlay
A5 - PCA 152

■	WAREHOUSE BUILDING	PROJECT
■	LOT 13 (160#) LAKES ROAD HAZELMERE	ADDRESS
■	CITY OF SWAN	COUNCIL
■	TDGC	CLIENT

CITY OF SWAN
RECEIVED
16 Mar 2021



PLOT PATH: C:\Users\admin\Documents\01 DBD\01 PROJECTS\519 TDGC\02 Architecture\01 CAD\519 TDGC REV A.dgn Plot Date: 10/03/2021

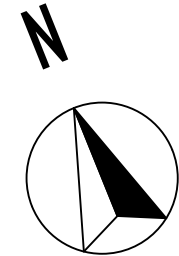
DEPARTMENT OF PLANNING, LANDS
AND HERITAGE

DATE
12-Apr-2021

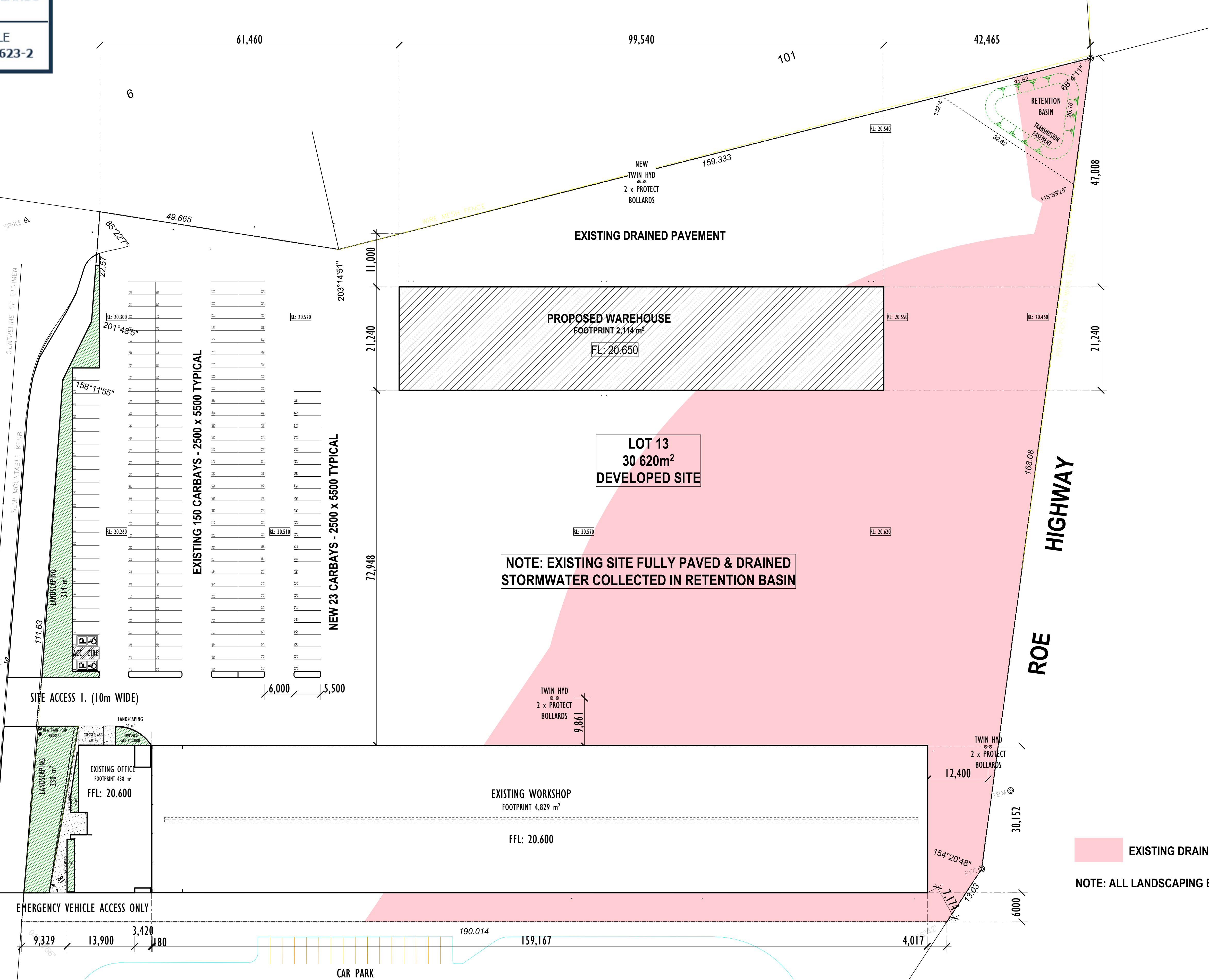
FILE
21-50623-2

■	DA	■	11/03/2021	■	
STATUS		DATE		SCALE	
PROJECT No:	519	DWG. No:	000	REV. No.	A

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16 Mar 2021



SITE PLAN
Scale 1:400



EXISTING DRAINED PAVEMENT

NOTE: ALL LANDSCAPING EXISTING

WAREHOUSE BUILDING

LOT 13 (160#) LAKES ROAD

HAZELMERE

CITY OF SWAN

TDGC

SITE PLAN

S.D

DRAWING

1. ALL LEVELS, DIMENSIONS, POSITIONS & HEIGHTS TO BE CHECKED & VERIFIED ON SITE BEFORE COMMENCEMENT OF BUILDING WORKS.

2. FIGURED DIMENSIONS ARE TO BE TAKEN, DO NOT SCALE OFF DRAWINGS.

3. ALL ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS & ALL OTHER RELEVANT ENGINEERING DRAWINGS FROM STRUCTURAL, ELECTRICAL, HYDRAULIC & MECHANICAL.

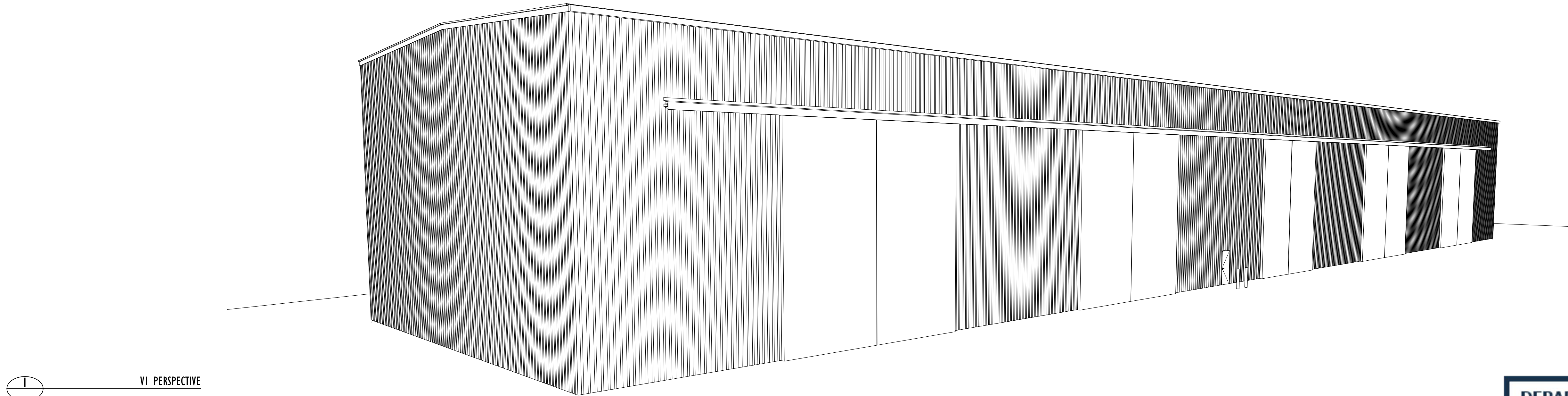
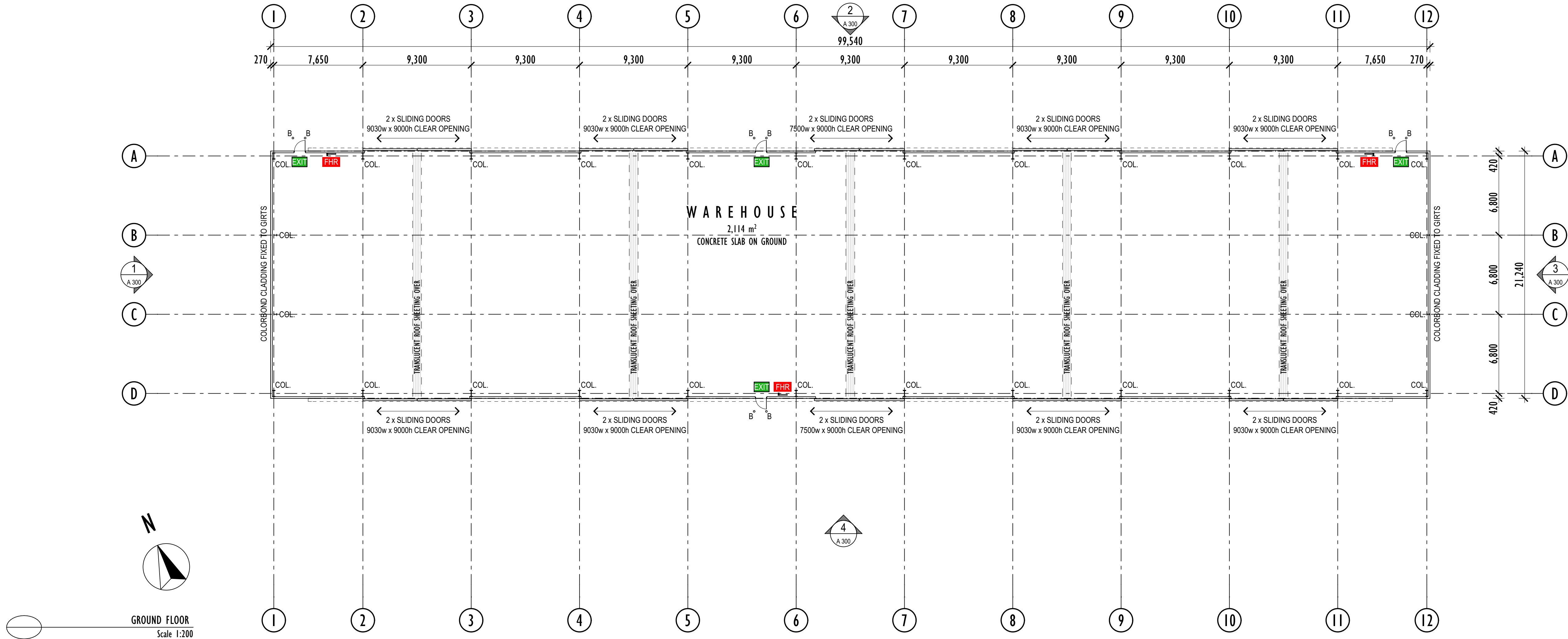
4. ANY DISCREPANCIES TO BE REPORTED TO THE AUTHOR BEFORE ACTION IS TAKEN.

5. REFER TO STRUCTURAL ENGINEERS DRAWINGS FOR ALL STRUCTURAL WORKS.

6. LARGE SCALE DRAWINGS TO SUPERCEDE SMALL SCALE DRAWINGS.

REV	ITEM	DATE
A	DEVELOPMENT APPLICATION	11/03/2021

DA	STATUS	11/03/2021	1:400
519	PROJECT No.	A 100	DWG No.
			A

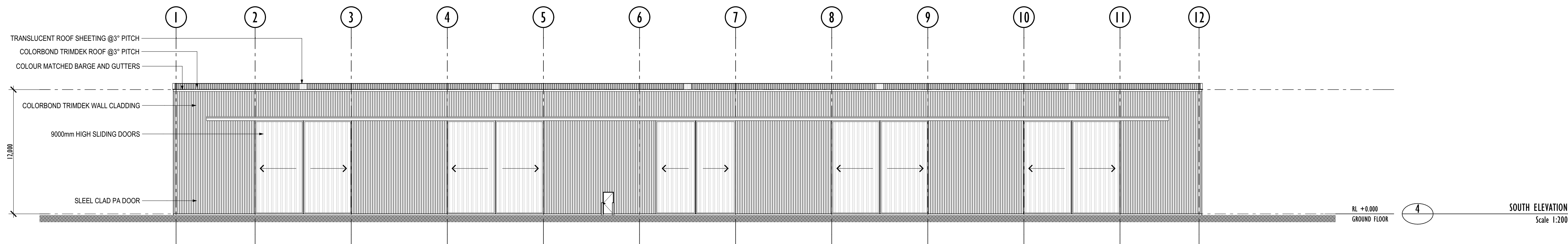
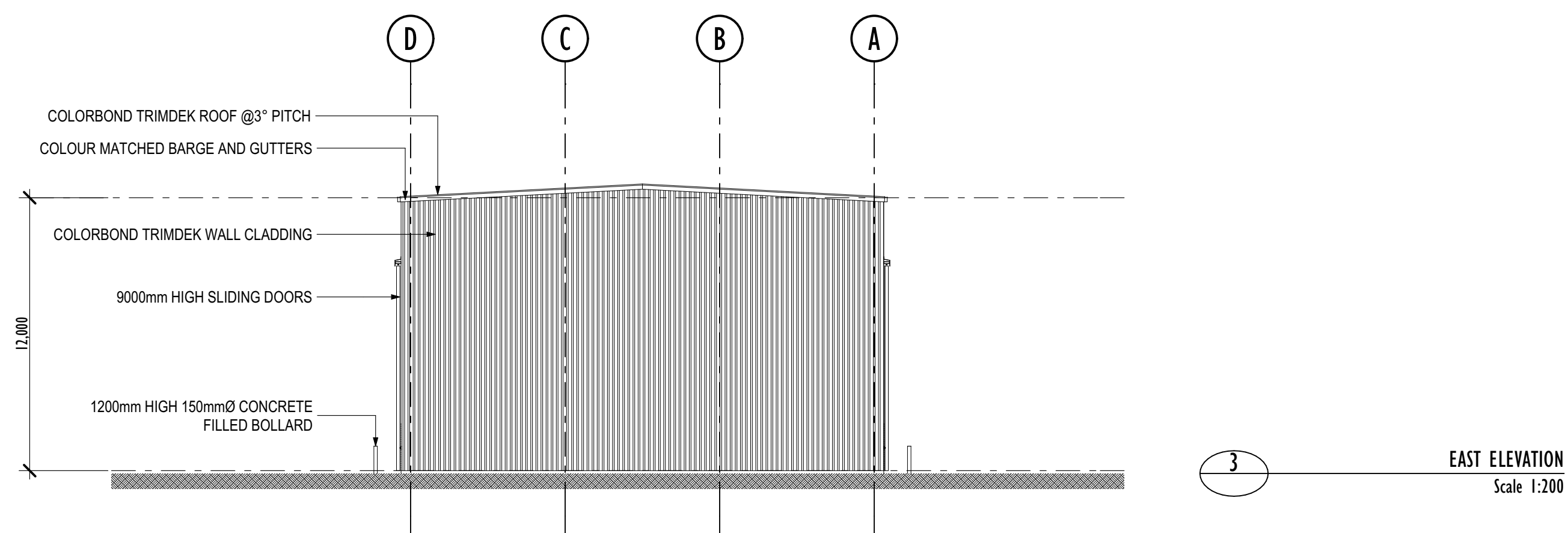
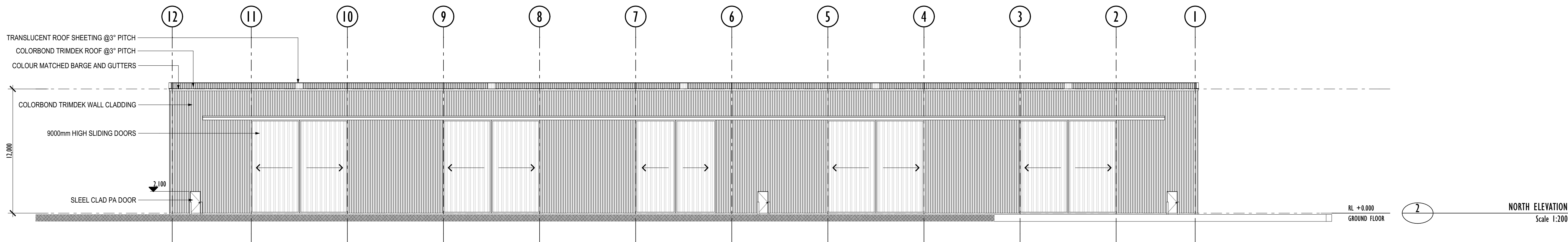
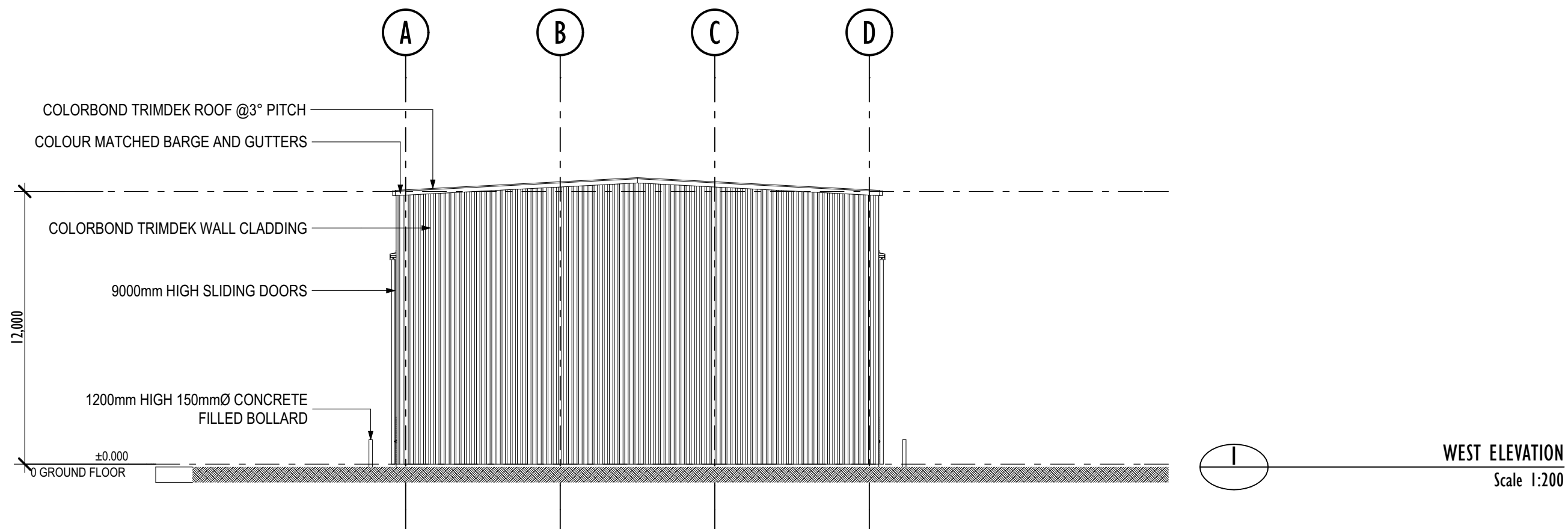


DEPARTMENT OF PLANNING, LANDS
AND HERITAGE

DATE
12-Apr-2021

FILE
21-50623-2

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16 Mar 2021





Legend

Key Public Facilities

- Proposed Public Purpose

Rail Stations

- Existing
- Proposed

Freight Rail
Proposed/Investigation

Rail - Public Transport

- Passenger Rail - Existing
- Passenger Rail - Proposed

Existing Regional Roads

- Primary Distributor
- Integrator Arterial

Proposed Regional Roads

- Proposed Integrator Arterial

Existing Region Scheme Road
Reserves

- Integrator Arterial - Existing
- Primary Distributor - Existing

Framework Landuses

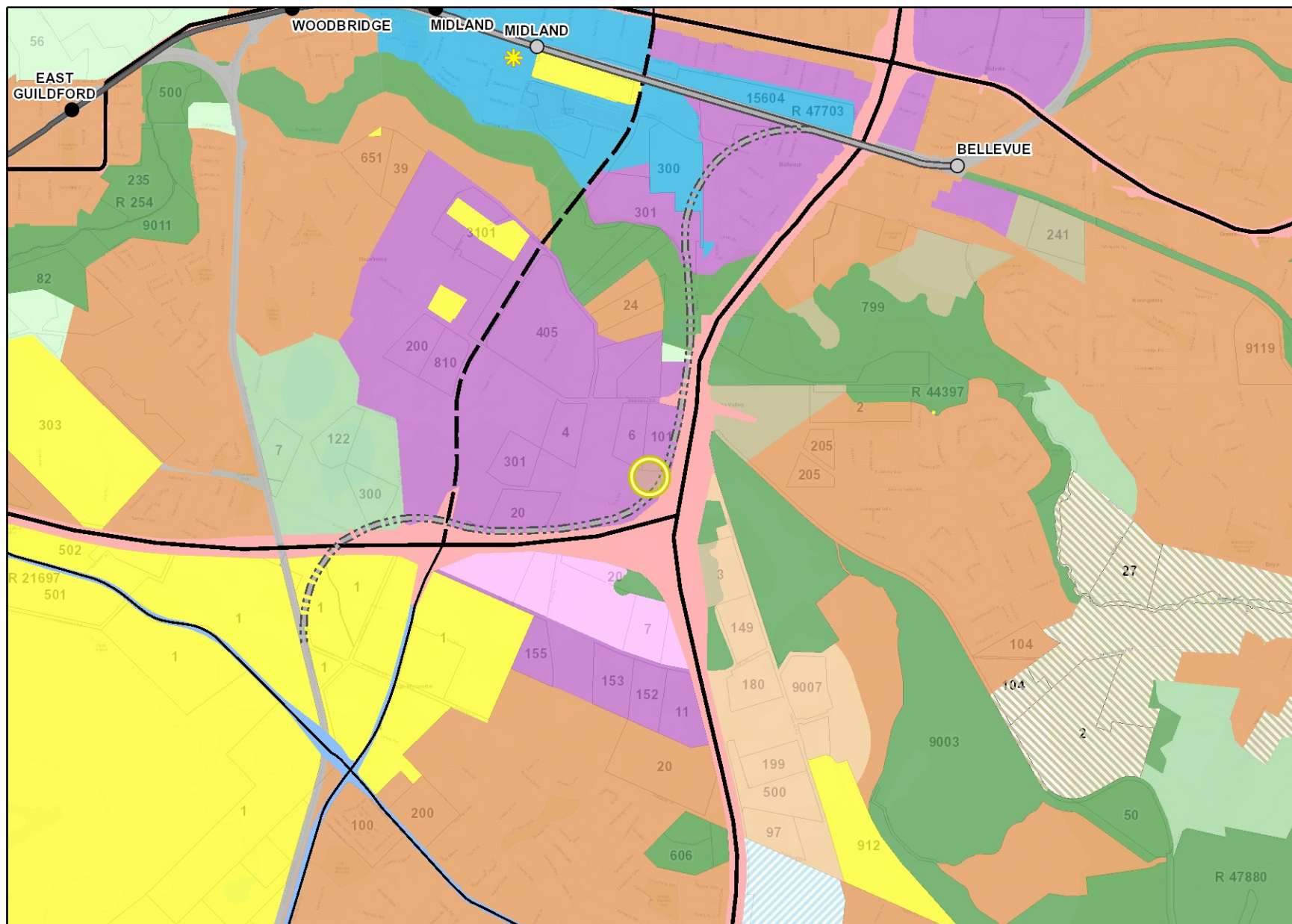
- Railway
- Urban
- Urban Deferred
- Urban Expansion
- Urban Investigation

Notes:

* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

* This map is not intended for measurement purposes.

Map was produced using DPLH's InQuery.



North East Sub-Regional Planning Framework

DPLH BUSINESS USE ONLY

Internal Spatial Viewer



0 0.78 1.56 Kilometres

1: 36,112

at A4

Projection: WGS 1984 Web Mercator Auxiliary Sphere

Date produced:

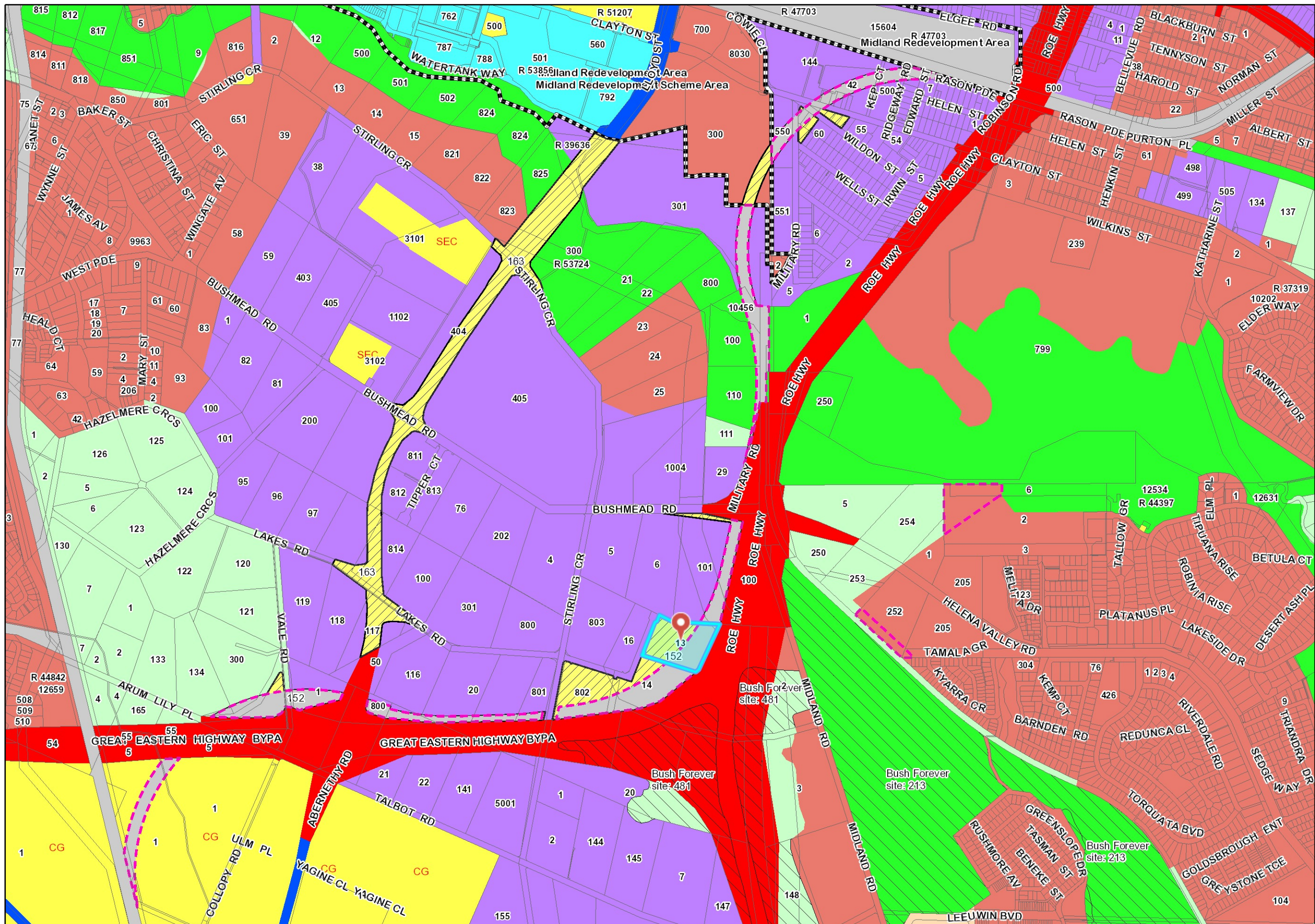
22-Jun-2021

WAPC Agenda Page 27



Legend

- Cadastre (View 1)
- Proposed Amendment Indicator
- Proposed RS Zones and Reserves Amendment
 - Railways
 - Urban
- Planning Control Area
- Redevelopment Act Area
- Redevelopment Scheme Area
- Region Scheme Boundary
- Bush Forever Areas
- Region Scheme Zones and Reserves
 - Central city area
 - Industrial
 - Other regional roads
 - Parks and recreation
 - Primary regional roads
 - Public purposes - Commonwealth Government
 - Public purposes - State Energy Commission
 - Public purposes - Water Authority of WA
 - Railways
 - Rural
 - Urban



Notes:

* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

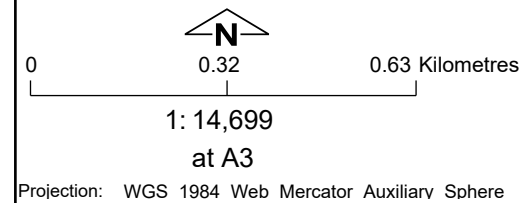
* This map is not intended to be used for measurement purposes.

Map was produced using DPLH's InQuery.

MRS & Location Context Map

DPLH BUSINESS USE ONLY

Internal Spatial Viewer



Date produced: 23 Jun 2021
WAPC Agenda Page 28



Legend

- ☐ Cadastre (View 1)
- Roads**
 - National Highway
 - Minor
- Development Applications Point**
 - Approved
 - Outstanding
- Proposed Amendment Indicator
- Proposed RS Zones and Reserves Amendment**
 - Railways
 - Planning Control Area
 - Region Scheme Boundary
 - Bush Forever Areas
- Region Scheme Zones and Reserves**
 - Industrial
 - Primary regional roads

Notes:

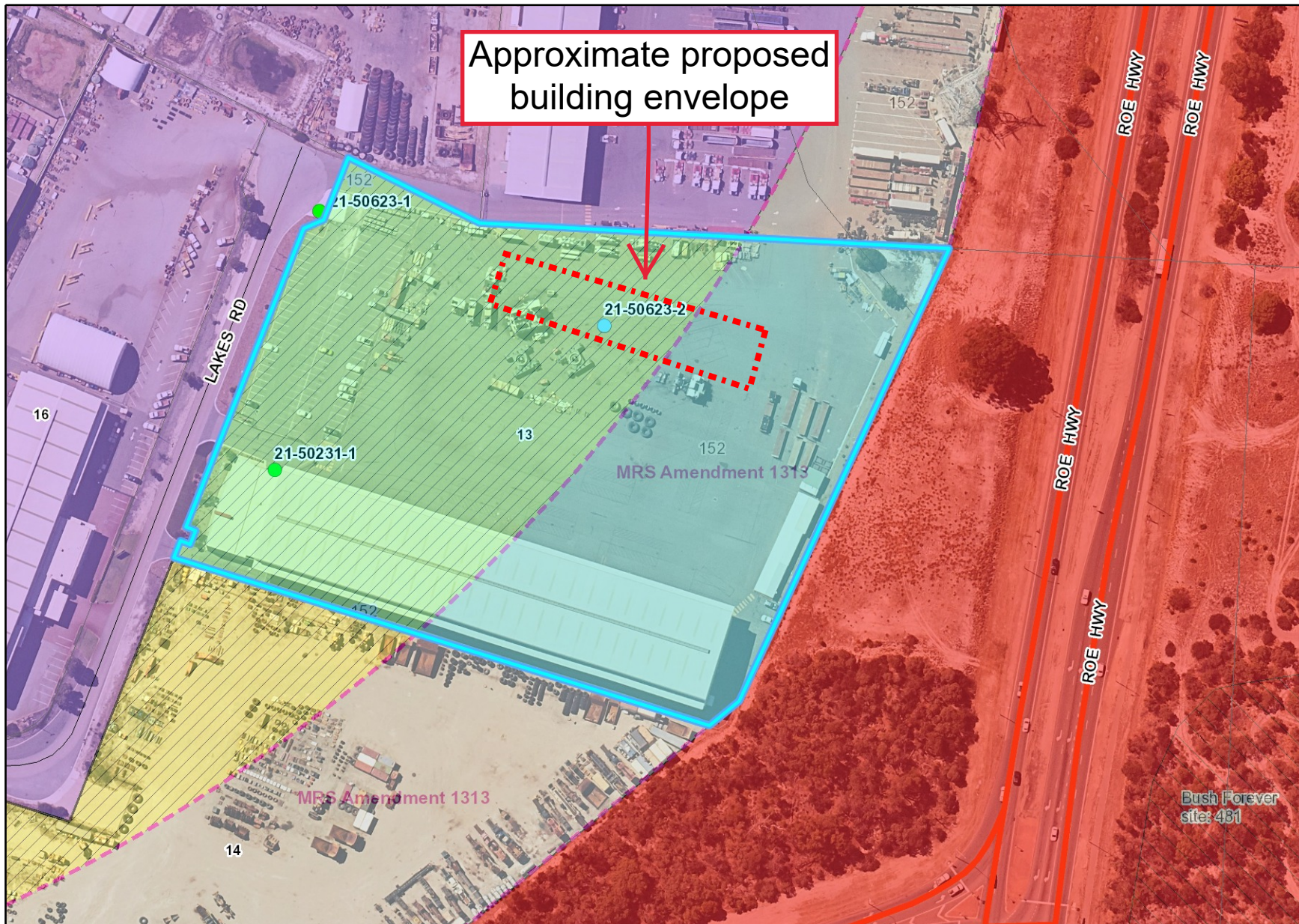
* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

* This map is not intended for measurement purposes.

Map was produced using DPLH's InQuiry.

Date produced: 18-Jun-2021

Approximate proposed
building envelope



Aerial and MRS overlay

DPLH BUSINESS USE ONLY

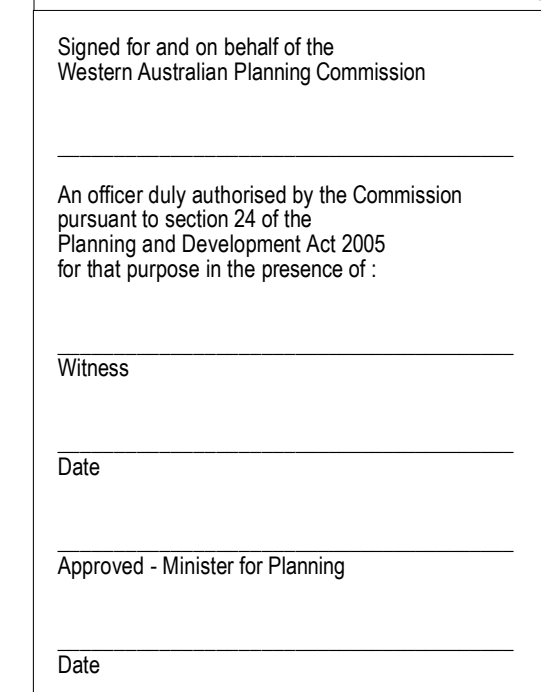
Internal Spatial Viewer



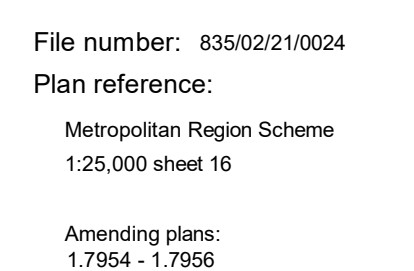
0 0.05 0.10 Kilometres

1: 2,257
at A4

Projection: WGS 1984 Web Mercator Auxiliary Sphere



MIDLAND FREIGHT RAIL REALIGNMENT



REPORT TO	Western Australian Planning Commission		
Meeting date	28 July 2021	File number	RLS/0790/1
Subject	MRS Amendment 1377/57 - Forrestfield North Environmental Conservation Areas - Report on Submissions		
KEY MATTERS IDENTIFIED BY THE DEPARTMENT OF PLANNING, LANDS AND HERITAGE			
<i>The key matters outlined below are those identified by the Department of Planning, Lands and Heritage and do not fetter the consideration of the proposal by the Western Australian Planning Commission, its Committees or the decision-maker.</i>			
<i>The proposed amendment seeks to transfer approximately 10.2ha of land in High Wycombe from the Urban and Rural zones to the Parks and Recreation reservation in the Metropolitan Region Scheme. The amendment also zones a small Urban area for future local Public Open Space and to reflect an existing road and property. The amendment facilitates the protection of areas of high biodiversity value for environmental conservation.</i>			
<i>In considering this amendment for finalisation, the Department of Planning, Lands and Heritage has identified the following matters for consideration by the WAPC:</i>			
<ul style="list-style-type: none"><i>Whether the extent of the Parks and Recreation reservation and Bushforever site 45 should be further modified as part of this amendment; and</i><i>Whether the WAPC should support the finalisation of this amendment (with or without modifications) and progress it to the Minister for Planning for final approval.</i>			



REPORT TO	Western Australian Planning Commission		
Meeting date	28 July 2021	File number	RLS/0822
Subject	MRS Amendment 1378/57- Lot 71 Chateau Place and Lot 72 Millhouse Road, Aveley - Report on Submissions		
KEY MATTERS IDENTIFIED BY THE DEPARTMENT OF PLANNING, LANDS AND HERITAGE			
<i>The key matters outlined below are those identified by the Department of Planning, Lands and Heritage and do not fetter the consideration of the proposal by the Western Australian Planning Commission, its Committees or the decision-maker.</i>			
<p>The proposed amendment proposes to transfer approximately 27.7 hectares of land in Aveley from the Rural zone to the Urban zone in the Metropolitan Region Scheme.</p> <p>The proposed Urban zoning will facilitate further planning to enable the future development of the amendment area for residential and related land uses following structure planning and subdivision approval.</p> <p>In considering this amendment for finalisation, the Department of Planning, Lands and Heritage has identified the following matters for consideration by the WAPC:</p> <ul style="list-style-type: none">• whether the amendment is consistent with the <i>North-East Sub-regional Planning Framework</i>, the relevant recommendations of the State Planning Framework; and• whether the WAPC should support finalisation of the amendment and progress it to the Minister for Planning for final approval.			

REPORT TO	Western Australian Planning Commission		
Meeting date	28 July 2021	File number	RLS/0748
Subject	Lifting of Urban Deferment - Lots 1797 & 1798 Matison Road, Southern River		
Purpose	Requires WAPC decision		
Title of Approving Officer	Planning Director, Schemes and Amendments		
Agenda Part for Reports (All parts are confidential unless otherwise stated) WAPC - Statutory Items for Decision			
SITE-SPECIFIC DETAILS			
Region/s	Perth		
Local government/s	City of Gosnells		
Landowner/Consultant	Urbanism on behalf of Lander Heritage Pty Ltd		
Location map	Attachment 1 - Location Plan		
Bushfire Prone Area	YES		
SUMMARY			
<ul style="list-style-type: none"> The Lifting of Urban Deferment (LUD) request seeks to transfer approximately 10.59 hectares of land in Southern River from the Urban Deferred zone to the Urban zone in the Metropolitan Region Scheme (MRS). In December 1994, the site was zoned Urban Deferred by <i>MRS Amendment 927/33: South-East Corridor (Canning Vale - Southern River)</i> pending the resolution of a range of issues including land use compatibility and drainage. These matters are now considered to be resolved. The proposal has been referred to the City of Gosnells and relevant State Government agencies for advice, and no objections have been raised to the proposal. Furthermore, there are no constraints or outstanding matters which cannot be appropriately addressed in subsequent planning stages, which would prevent the land being rezoned to the Urban zone. The concurrent amendment of the <i>City of Gosnells Local Planning Scheme No. 6</i> (LPS6) is recommended, as matters relating to the protection of the environmental values of the site can be appropriately considered and addressed in the subsequent local structure planning stage. It is recommended that the Western Australian Planning Commission (WAPC) support the transfer of the area shown on MRS Amendment Plan No. 4.1649 to the Urban zone. 			
DETAILS OF PROPOSAL			
<p>The lifting of Urban Deferment request relates to Lots 1797 and 1798 Matison Street, Southern River (the site), and sections of the Matison and Woongan Street road reserves (Attachment 1 - Location Plan), which have a total area of approximately 10.59 hectares.</p> <p>The site is located in the City of Gosnells approximately 17 kilometres south-east of the Perth central business district and approximately six kilometres north-west of the Armadale strategic regional</p>			

centre. Surrounding land uses include existing residential development to the north, Bush Forever Site No. 464 to the south, and rural living areas to the east and west.

The site is zoned Urban Deferred under the MRS and General Rural in LPS6; is currently undeveloped, and contains remnant vegetation and a conservation category wetland.

The proposed Urban zoning would facilitate the further planning of the site for residential purposes. In this respect, the draft Southern River Precinct 3C(ii) Local Structure Plan (the draft local structure plan) (**Attachment 2**) proposes the development of approximately 48 residential lots, public open space and local roads on the site.

BACKGROUND

Urban Deferred Zoning

In May 1994, *MRS Amendment 927/33: South East Corridor (Canning Vale - Southern River)* rezoned the site to Urban Deferred. The amendment report states that the following matters are to be addressed prior to the Urban Deferred zoned land being transferred to the Urban zone:

- **Contamination associated with a former liquid waste disposal site.**

DPLH Comment: The site is located approximately 1.8km from and is not affected by any site contamination associated with the former liquid effluent disposal site.

- **The high water table over part of the area requiring major drainage works.**

DPLH Comment: The DWER has confirmed that the District/Local Water Management Strategy prepared in support of this request is acceptable for the proposal to proceed.

- **Existing land uses which may not be compatible with urban development close by.**

DPLH Comment: There are no nearby land uses which have offsite amenity impacts which may impact on any future residential development on the site. The nearest kennel zone and poultry farm land uses are located approximately 1.4km and 2.8km from the site respectively.

- **Relatively small lot sizes and fragmented ownership which may make land assembly for subdivision difficult.**

DPLH Comment: Lots 1797 and 1798 are in the same ownership and the draft Local Structure Plan adequately demonstrates how the development of the site for residential purposes can be appropriately coordinated across both of these lots and with adjacent residential areas.

- **The differing expectation of landowners in the area.**

DPLH Comment: The draft Local Structure Plan was advertised for public comment in 2018 and only three submissions were received from nearby landowners, none of which objected to the draft Local Structure Plan. As such, it is considered that this matter has now been resolved.

Strategic Planning Context

Perth and Peel @ 3.5 Million and South Metropolitan Peel Sub-regional Planning Framework

The *Perth and Peel @ 3.5 Million* document provides strategic guidance to government agencies and local governments on land use, land supply, land development, environmental protection, infrastructure investment and the delivery of physical and community/social infrastructure for the

Perth and Peel regions. It links the Frameworks for each sub-region (North-West, North-East, Central and South Metropolitan Peel) and encourages the consideration of new urban growth opportunities.

The *South Metropolitan Peel Sub-regional Planning Framework* (the Framework) designates the site as “Urban Deferred” with a “Short-Medium (2015-2031)” staging timeframe (**Attachment 3**). The Framework identifies the resolution of drainage and environmental considerations, and local structure planning as key considerations for the site. These matters have been appropriately addressed as outlined in this report.

Southern River Precinct 3 Structure Plan

The *Southern River Precinct 3 Structure Plan* (**Attachment 4**) has been prepared to coordinate and guide the development of rural land in Southern River, and was adopted by the City of Gosnells Council in May 2012 and noted by the WAPC in September 2009. The proposed extents of the residential zone and local open space reserve in the draft local structure plan are consistent with the extent of these land uses in the Southern River Precinct 3 Structure Plan.

Draft local structure plan

The draft local structure plan proposes the development of the northern parts of the site for residential purposes and the retention of the conservation category wetland and its buffer on the site in the Local Open Space reservation.

In August 2018, the City of Gosnells resolved to adopt the draft local structure plan and to recommend that the WAPC approve it subject to modifications. The modifications relate to a range of matters including environmental, public open space, transport, bushfire risk and water management matters. The draft Local Structure Plan is currently with the WAPC for assessment.

State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7)

SPP 3.7 seeks to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the threat and impact of bushfire on property and infrastructure.

The amendment area is designated as a bushfire prone area. A bushfire management plan (BMP) prepared in support of the proposal adequately demonstrates how compliance with the recommendations of SPP 3.7 and the *Guidelines for Planning in Bushfire Prone Areas* (the Guidelines) can be achieved in subsequent stages of the planning process.

KEY ISSUES

Consistency with WAPC Policies & Planning Framework	<i>South Metropolitan Peel Sub-regional Planning Framework</i>	Fully consistent
	<i>State Planning Policy 3.7: Planning in Bushfire Prone Areas</i>	Fully consistent
	<i>Lifting of Urban Deferment Guidelines</i>	Fully consistent
Government Considerations	N/A	N/A
Budget	In-house (officer hours and incidentals)	N/A
Consultation	There are no public advertising requirements relating to a lifting of Urban Deferment request, however the proposal has been referred to relevant State Government agencies and the City of Gosnells for comment.	

PLANNING ASSESSMENT

Referral Agency Comments

City of Gosnells

The City raises no objections to the lifting of urban deferred request. It also supports the *Lots 1797 and 1798 Matison Street District Water Management Strategy* (DWMS), as its comments on this DWMS can be addressed in the preparation of a local water management strategy for the site.

DPLH Comment: Comments noted.

Department of Water and Environment Regulation (DWER)

DWER (Water): DWER advises that it has reviewed the *Lots 1797 and 1798 Matison Street, Southern River District/Local Water Management Strategy* (D/LWMS) and that it has determined that it is acceptable for the proposal to progress the next stage of the planning process.

DPLH Comment: Comments noted.

DWER (EPA Services Branch) provides the following advice:

(a) Flora and vegetation and terrestrial fauna: DWER advises that:

- (i) the site containing remnant vegetation which may be part of the Banksia Woodlands of the Swan Coastal Plain threatened ecological community (TEC) and provides advice relating to the requirements of the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act 1999);
- (ii) the vegetation on the site may be considered regionally significant, given that only 16.8% of the Southern River complex remains; and
- (iii) detailed environmental assessment consistent with the EPA's technical guidelines should be prepared to ensure values are identified and to identify areas to be retained.

(b) Hydrological processes and inland waters environmental quality: The draft local structure plan retains the conservation category wetland (CCW) and provides a 50m buffer to it. However, only a 20m wide vegetated strip is retained within the buffer, which is not consistent with government policy or guidance.

The site is located adjacent to Bush Forever Site 464 (BFS 464), and the environmental report infers that the FCT 3a 'Corymbia calophylla - Kingia Australis woodland on heavy soils' occurs within BFS 464 TEC. The TEC has a high level of dependence on groundwater. In this respect, DWER recommends the provision of buffers to the TEC and BFS 464, and advises that water management planning should ensure the hydrological regime of the TEC is not impacted.

(c) Water resource management: It is noted that a draft LWMS has been prepared in support of the proposal. DWER recommends that a district water management strategy, which requires less detail, be prepared in support of the proposal.

(d) Contamination and acid sulfate soils: the subject lots have not been reported or classified under the *Contaminated Sites Act 2003*. DWER also provides general advice relating to the risk of acid sulfate soils.

- (e) Amenity: DWER has no comment on amenity in specific reference to regulatory responsibilities under Part V of the *Environmental Protection Act 1986*.

DPLH Comment:

- (a) Flora and vegetation and terrestrial fauna: DWER has since reviewed a revised flora and vegetation survey and a targeted threatened flora survey undertaken for *Austrostipa jacobsoniana* and advises that these surveys are considered adequate to support the lifting of the Urban Deferred zoning over the amendment area. The need for any additional environmental investigations can be appropriately considered and addressed in the subsequent local structure planning stage of the planning process.
- (b) Hydrological processes and inland waters environmental quality: Comments noted. These matters are most appropriately addressed in the subsequent local structure planning stage of the planning process.
- (c) Water resource management: DWER has reviewed a D/LWMS prepared by the proponent and advises that it is acceptable.
- (d) Contamination and acid sulfate soils: comments noted.
- (e) Amenity: comments noted.

The DWER comments have been provided to the proponent for further consideration in the subsequent local structure planning and subdivision stages of the planning process.

Department of Biodiversity, Conservation and Attractions (DBCA)

DBCA provides the following advice:

- (a) Threatened flora and ecological communities: DBCA recommends that a detailed environmental assessment be conducted on site to inform the local structure plan. The DBCA also recommends that this assessment should include a targeted threatened flora survey for *Austrostipa jacobsoniana*.
- (b) Wetlands: The site contains a large area of dampland classified as a CCW, which is part of an extensive dampland system that extends to the west and south.
- (c) Bush Forever: the southern boundary of site abuts BFS 464. The wetland within BFS 464 is contiguous and forms part of the dampland within the site, and also abuts Southern River. Southern River is a tributary of the Swan-Canning catchment and is located within Swan River Trust Development Control Area. It is recommended that advice is sought from the River and Estuaries Branch of DBCA at the local structure planning stage to ensure the appropriate management of water and drainage on the site.
- (d) Bushfire risk management: The bushfire management plan prepared in support of the draft local structure plan indicates that 30m of the 50m wide buffer for the CCW will be managed as 'formally managed open space, to be used by the community for recreation purposes'. This infers that this part of the CCW buffer is proposed to be cleared to create grassed parkland areas and provide for recreational facilities. The DBCA does not generally support any development within CCW buffers, and recommends that the BMP be amended to classify the CCW and the associated buffer as being fully vegetated.
- (e) Matters of national environmental significance: Remnant vegetation on the site is likely to be part of the Banksia Woodlands of the Swan Coastal Plain threatened ecological community

(TEC) and the site contains identified foraging and potential breeding habitat for endangered Black Cockatoo species. Consideration should be given to the obligations for assessment of the proposal in accordance with the *Wildlife Conservation Act 1950* and the *EPBC Act 1999*.

DPLH comment:

- (a) Threatened flora and ecological communities: The proponent has undertaken a targeted threatened flora survey for *Austrostipa jacobiana*, and the DBCA advises the survey is adequate to confirm that the threatened flora species is not present on the site. The need for any additional environmental investigations can be appropriately considered and addressed in the subsequent local structure planning stage of the planning process.
- (b) Wetlands: The protection of the CCW and its buffer is most appropriate considered in the subsequent local structure planning and subdivision stages of the planning process. In this respect, the draft local structure plan prepared for the site indicates that the CCW and buffer can be appropriately within local open space.
- (c) Bush Forever: Comments noted. The provision of an appropriate buffer or development interface between future residential development and BFS 464 is most appropriately addressed in the subsequent local structure planning and subdivision stages of the planning process.
- (d) Bushfire risk management: Comments noted. The proponent has since provided a revised version of the bushfire management plan for the site which shows the 50m buffer to the CCW as being revegetated and all bushfire risk mitigation measures being located outside of this buffer. This demonstrates that any significant environmental values of the CCW can be appropriately protected in subsequent stages of the planning process.
- (e) Matters of national environmental significance: Comments noted. Transferring the site to the Urban zone does not abrogate the proponent of its responsibilities under the *EPBC Act 1999*.

The DBCA comments have been provided to the proponent for further consideration in the subsequent local structure planning and subdivision stages of the planning process.

Department of Fire and Emergency Services (DFES)

DFES provides advice in regards to the consistency of the BMP prepared for the site with Elements 1 - Location and 3 - Vehicular Access of the Guidelines. In this respect, it advises that the decision maker should be satisfied that compliance with Element 1 of the Guidelines can be achieved and that the proposed road network may require modification in subsequent planning stages to comply with Element 3 of the Guidelines.

DPLH Comment: Comments noted. The BMP adequately demonstrates how compliance with the recommendations of SPP 3.7 and the Guidelines can be achieved in subsequent planning stages.

Department of Education / Department of Transport / Main Roads Western Australia / Public Transport Authority / Water Corporation

The above State Government agencies raise no objections to or provide no comments on the lifting of urban deferment request. No comments were received from Western Power.

Lifting of Urban Deferment Guidelines

The WAPC's *Lifting of Urban Deferment Guidelines* set out the criteria for the transferring of land from the Urban Deferred zone to the Urban zone in the MRS. The WAPC requires proposals to demonstrate that:

- i. **The land is capable of being provided with essential services and agreement has been reached between the developers and service providers with regard to the staging and financing of services.**

DPLH Comment: The Water Corporation advises that the site is located within its water, wastewater and drainage planning areas, and that it has adopted conceptual infrastructure planning which will provide a guide to the future planning of the area. Furthermore, the engineering and infrastructure report prepared in support of the request indicates that future development can be connected to existing services.

- ii. **Planning is sufficiently advanced to depict an acceptable overall design to guide future development.**

DPLH Comment: The draft local structure plan prepared for the site demonstrates that it is capable of being developed in accordance with relevant WAPC policy requirements. The outstanding issues with the draft local structure plan can be resolved in the subsequent local structure planning stage and, as such, do not prevent the site being rezoned to the Urban zone.

- iii. **The proposed urban development represents a logical progression of development.**

DPLH Comment: The proposal is considered to represent a logical progression of development in the locality as the site is located adjacent to existing residential areas and is identified as having a Short-medium (2015-2031) staging timeframe in the Framework.

- iv. **Regional requirements (such as regional roads, open space and public purposes) have been satisfied or provisions made for them.**

DPLH Comment: The Framework does not identify any requirements for regional roads, public purpose sites or other regional reserves over the site, and Main Roads Western Australia and the Department of Education have not advised any requirements for the site.

- v. **Any constraints to urban development, including in relation to environmental, hazard and risk issues, can be satisfactorily addressed.**

DPLH Comment: There are no other significant constraints to urban development in relation to the subject land.

Concurrent amendment of local planning scheme

Under section 126(3) of the *Planning and Development Act 2005*, land that is being transferred to the Urban zone can be concurrently rezoned to a 'Development' zone or similar in the corresponding local planning scheme. In this respect, the proponent has requested that LPS6 be concurrently amended to rezone the site from the "General Rural" zone to the "Residential Development" zone.

The City of Gosnells and DWER raise no objections to the concurrent amendment of LPS6, and all outstanding matters can be appropriately addressed in the subsequent local structure planning and subdivision stages of the planning process. As such, it is recommended that LPS6 be concurrently amended to transfer the amendment area to the "Residential Development" zone under LPS6.

Conclusion

It is recommended that the lifting of Urban Deferment request be supported as:

- (a) the proposal is consistent with the strategic planning for the locality, as outlined in the *South Metropolitan Peel Sub-regional Planning Framework*;
- (b) no issues have been raised which would prevent the transfer of the land to the Urban zone; and
- (c) the proposal addresses the requirements of the WAPC's *Lifting of Urban Deferment Guidelines*.

RECOMMENDATION

That the Western Australian Planning Commission resolves to:

- (a) transfer Lots 1797 & 1798 Matison Street, Southern River and portions of adjacent road reserves as shown on Plan No. 4.1649 (Attachment 5) from the Urban Deferred zone to the Urban zone pursuant to Clause 27 of the Metropolitan Region Scheme; and***
- (b) concurrently amend the City of Gosnells Local Planning Scheme No. 6 to transfer Lots 1797 and 1798 Matison Street, Southern River to the Residential Development zone, pursuant to section 126(3) of the Planning and Development Act 2005.***

ATTACHMENTS

A1 - Location Plan

A2 - Draft Local Structure Plan

A3 - *South Metropolitan Peel Sub-regional Planning Framework* (extract)

A4 - *Southern River Precinct 3 Structure Plan*

A5 - Amending Plan 4.1649



Legend

□ Cadastre (View 1)

Roads

- State Highway
- Main
- Minor
- Laneway
- Not Applicable

Region Scheme Boundary

Bush Forever Areas

Region Scheme Zones and Reserves

- Other regional roads
- Parks and recreation
- Primary regional roads
- Private recreation
- Public purposes - State Energy Commission
- Rural
- Urban
- Urban deferred

Notes:

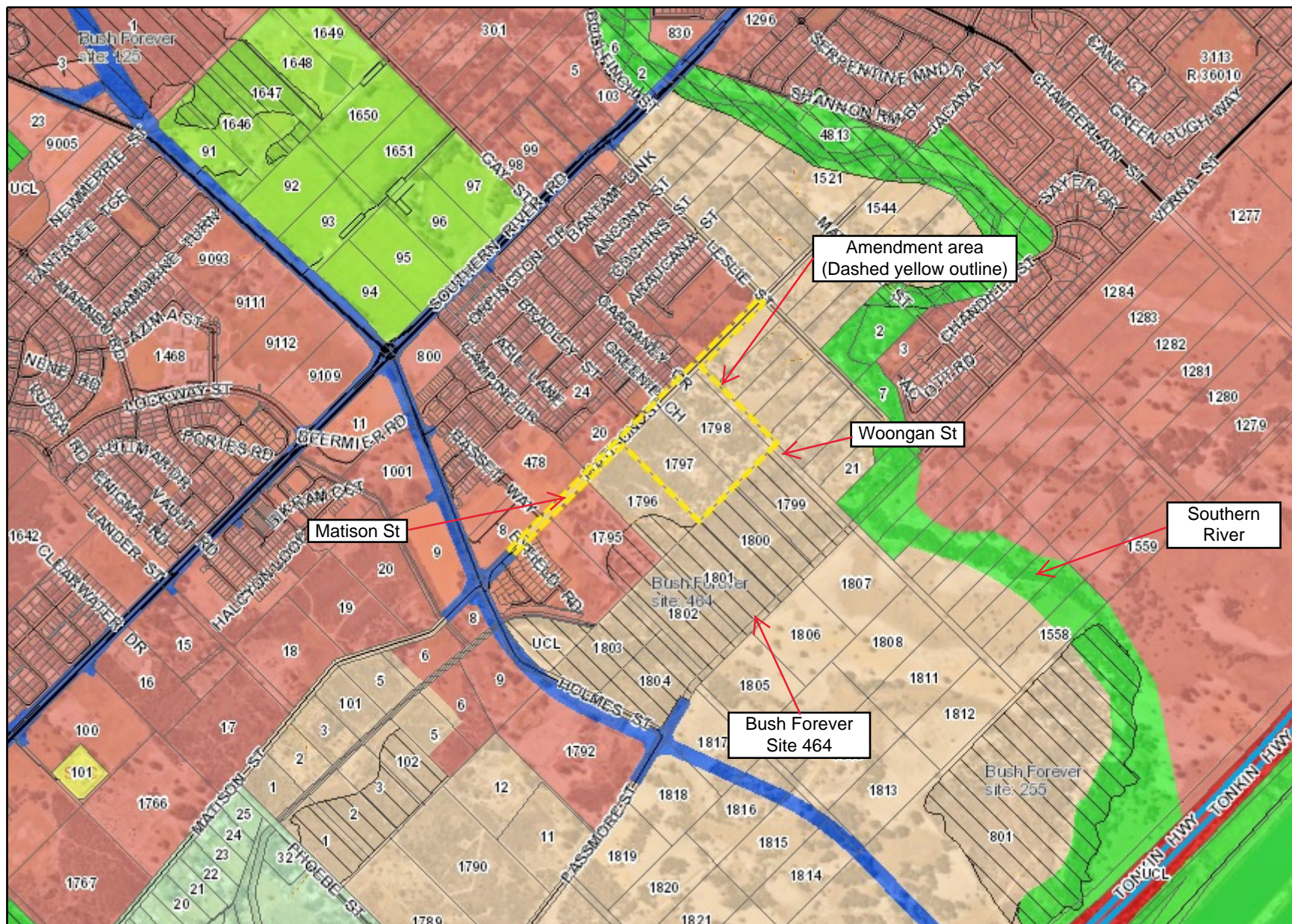
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* This map is not intended for measurement purposes.

Map was produced using DPLH's InQuery.

Date produced: 18-Jun-2021

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Location Plan - LUD Request - Lots 1797 & 1798 Matison Street, Southern River

DPLH BUSINESS USE ONLY

Internal Spatial Viewer



0 0.39 0.78 Kilometres

1: 18,056

at A4

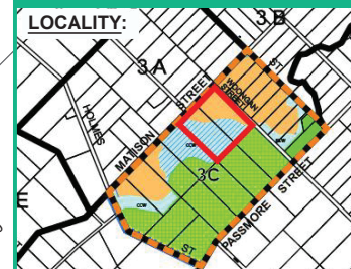
Projection: WGS 1984 Web Mercator Auxiliary Sphere

STRUCTURE PLAN

Sub-Precinct 3C (ii)

Southern River

Lots 1797 & 1798 Matison Street,
Southern River, City of Gosnells



LEGEND:

- Structure Plan Area
- Residential R25
- Residential R30
- Residential R40
- Local Open Space
- Conservation Category Wetland (CCW)
- CCW Buffer
- Key Access Roads
- Shared Access and Parking
- Footpaths

Notes:

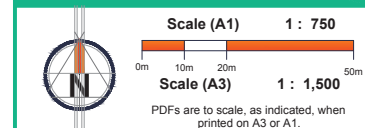
- Requirement for Local Development Plan to address access, boundary walls, dwelling orientation to open space and shared access path and setbacks.

CCW boundary defined by Aurora Environmental on 12/10/2017 and surveyed by NMG on Feature Survey 101081-DE-001-A, dated 26/10/2017.

Roads and intersection design to be detailed during subdivision stages.

STRUCTURE PLAN MAP (PLAN 1)

Date: 21/01/2019 Ver: 5.0



Urbanism
PO Box 1804
Subiaco WA 6904
Ph. 08 9385 9667
corey@urbanism.com.au
www.urbanism.com.au





Legend

Activity Centres

- District Centre

Existing Regional Roads

- Primary Distributor
- Integrator Arterial

Existing Region Scheme Road Reserves

- Integrator Arterial - Existing
- Primary Distributor - Existing

Framework Landuses

- Urban
- Urban Deferred
- Urban Expansion
- Industrial
- Rural
- Open Space
- Public Purposes

Cadastre (View 2)

Roads

- State Highway
- Main
- Minor
- Laneway
- Track
- Not Applicable

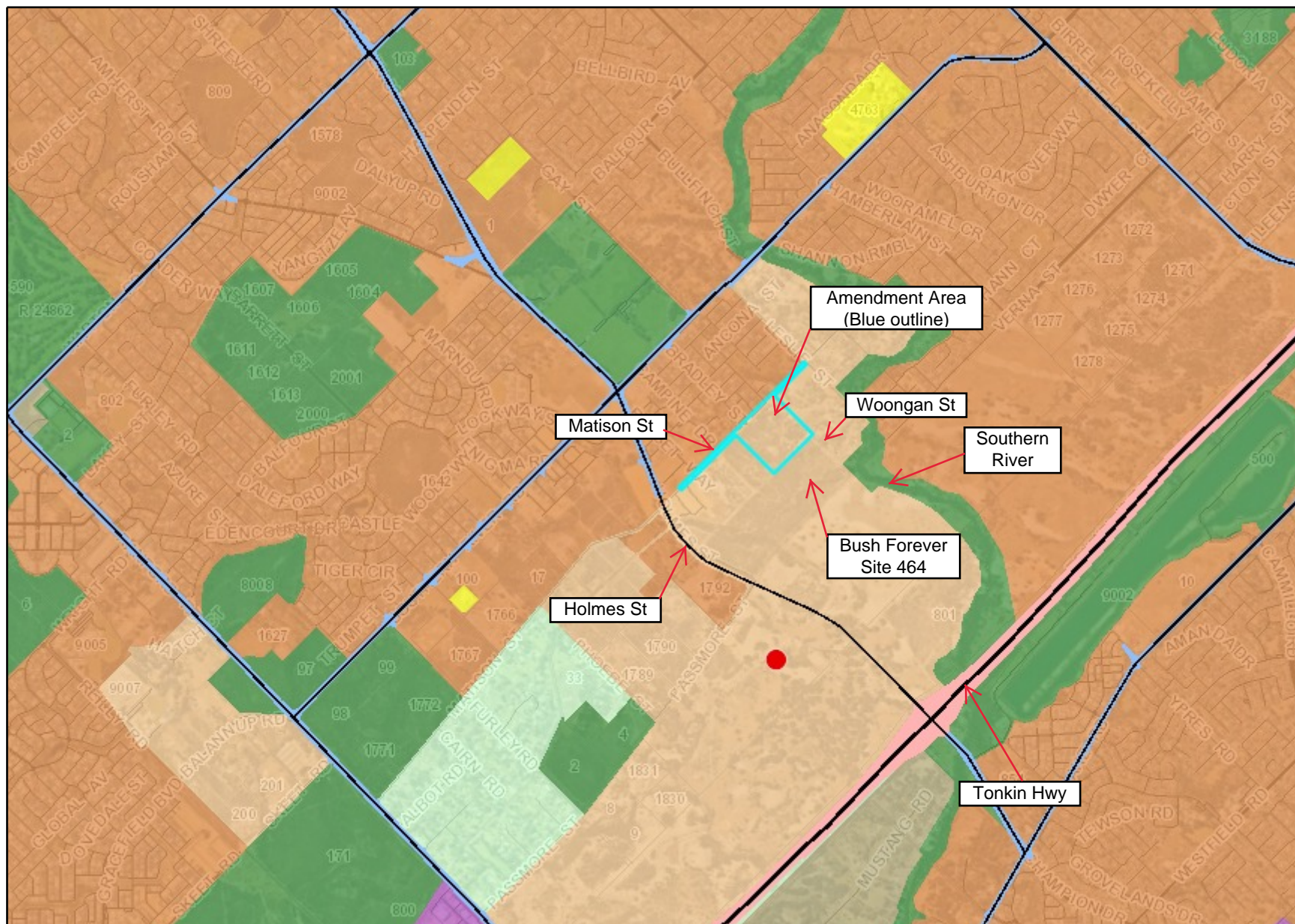
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Map was produced using DPLH's InQuiry.

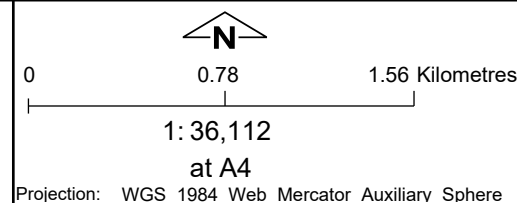
Date produced: 18-Jun-2021



South Metropolitan Peel Sub-regional Planning Framework - LUD Request - Lots 1797 & 1798 Matison Street, Southern River

DPLH BUSINESS USE ONLY

Internal Spatial Viewer



LEGEND

- RESIDENTIAL
- LOCAL CENTRE
- MIXED BUSINESS
- LIGHT INDUSTRIAL
- SUBJECT TO FURTHER PLANNING
- CONSERVATION
- DISTRICT OPEN SPACE
- LOCAL OPEN SPACE
- PARKS & RECREATION (MRS)
- GENERAL RURAL
- DRAINAGE
- CCW/REW
- PUBLIC PURPOSES
- BUSH FOREVER
- WETLAND
- PRECINCT BOUNDARY
- SUB-PRECINCT BOUNDARY
- OTHER REGIONAL ROAD
- 500m KENNEL BUFFER

SOUTHERN RIVER PRECINCT 3

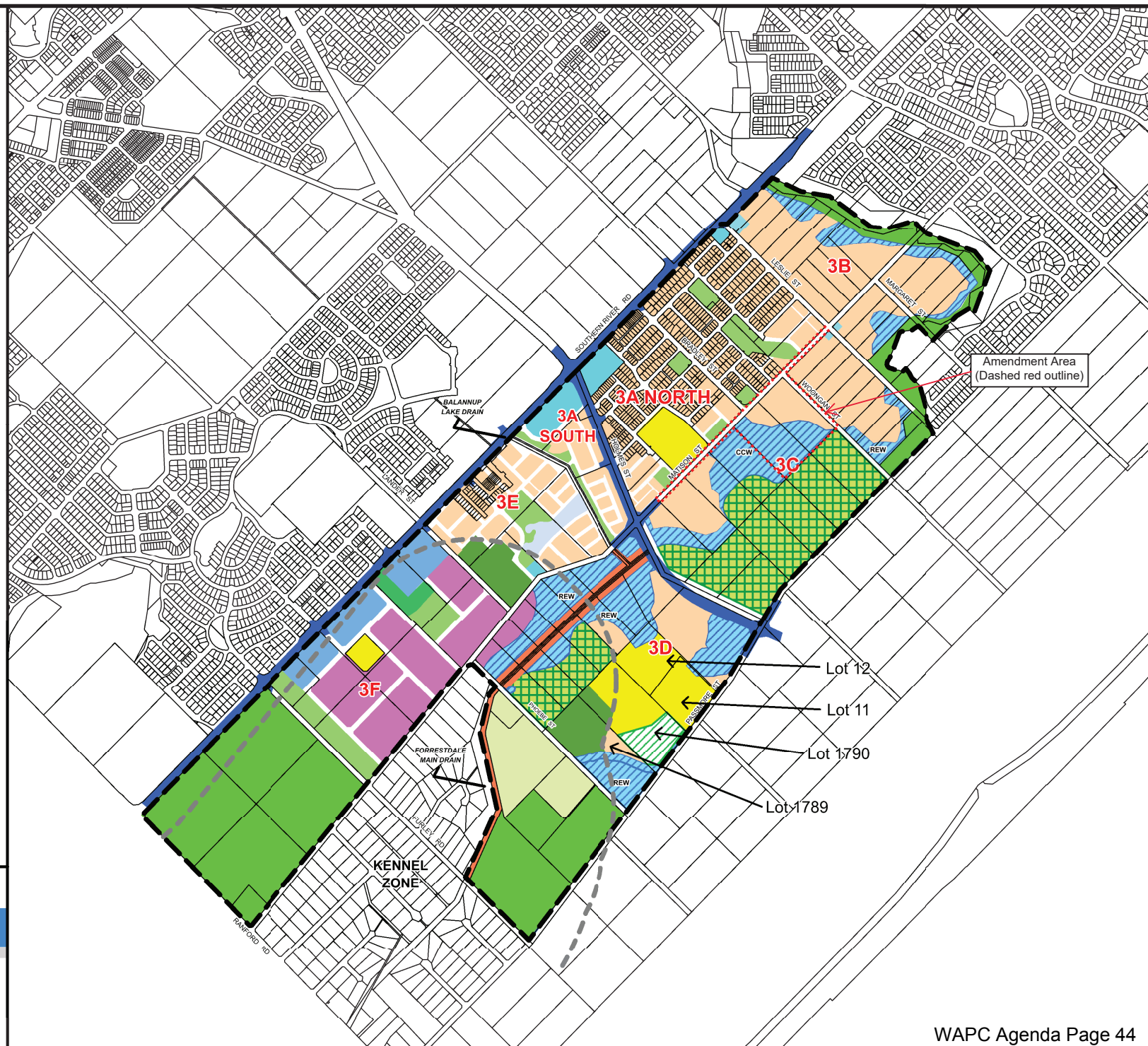


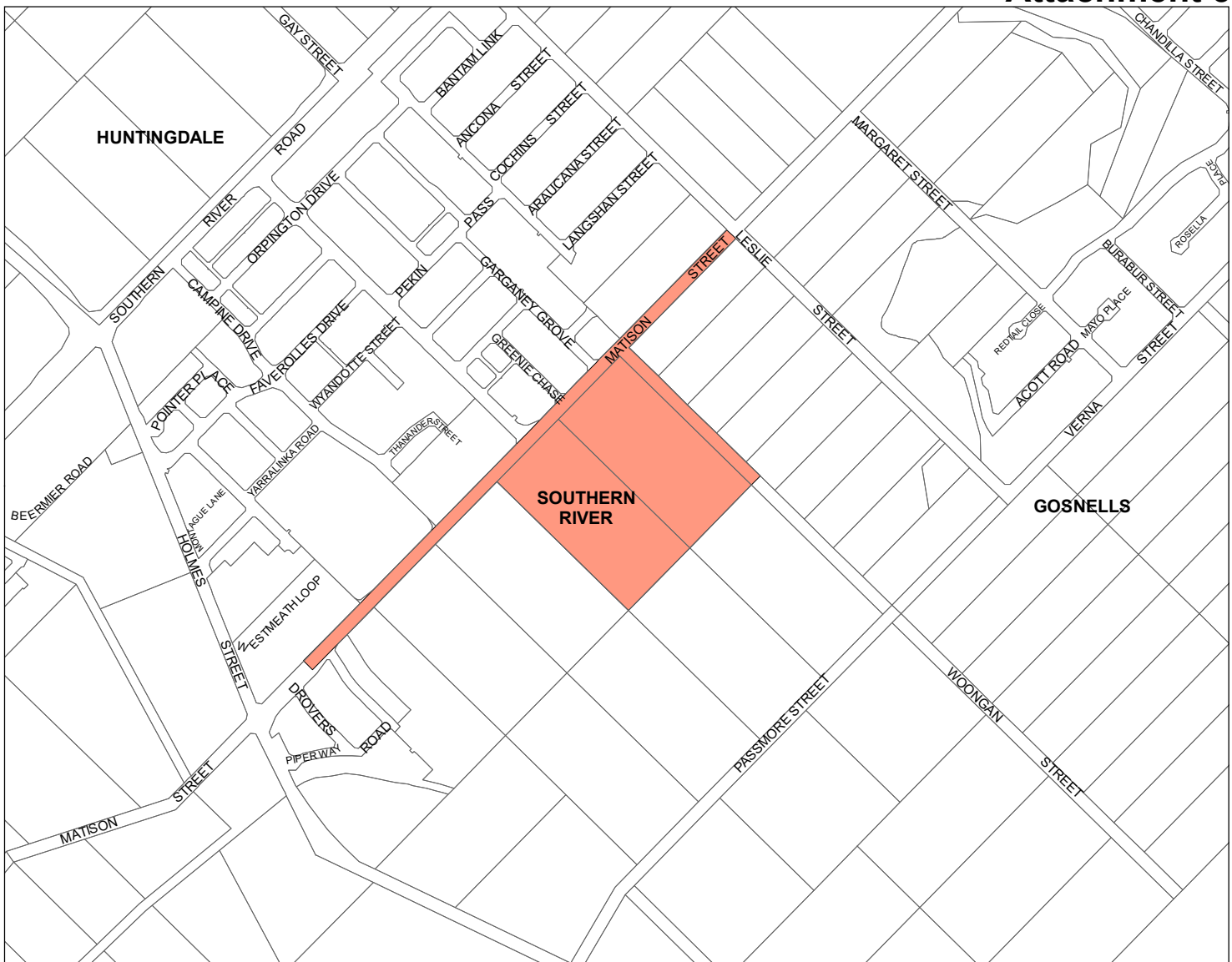
CITY OF GOSNELLS

GUIDE PLAN (2019)



DATE: 11/9/2019 SCALE: 1:15,000 MGA94 ZONE 50
PROJECTS\Planning\workspaces\SRP3_11092019.wor





Signed for and on behalf of the
Western Australian Planning Commission

An officer duly authorised by the Commission
pursuant to section 24 of the
Planning and Development Act 2005
for that purpose in the presence of :

Witness


Date

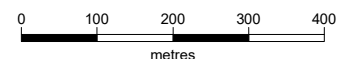
Metropolitan Region Scheme

Clause 27 - Transfer of land
from urban deferred zone to urban zone

Amendment No. xxxx/27

Legend

 Excluded from urban deferred
and included in urban zone



Program Manager: A. Muscara

Geospatial Officer: J. Ballarotta

Examined: A. Power

Revised:

Version No. 3

File number: 812/02/25/0045

Plan reference:

MRS 1:25000 sheet 24

detail plans: 1.6521

Oracle reference no: 2958

Date: WAPC/xxxxxxx 30 June 2021 Plan Number

4.1649
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