



Statutory Planning Committee

Minutes

Meeting No. 7706
Tuesday, 29 August, 2023

- Members:** David Caddy - Chairman WAPC
Lynne Craigie - Nominee of the Regional Minister
Kym Davis - Community Representative
Lino Iacomella - WAPC Appointee
Leonard Kosova - Local Government Representative
Nina Lyhne - WAPC Appointee
Ross Thornton - WAPC Appointee
- Apologies:** Vaughan Davies - Nominee of the Director General, Department of Planning, Lands and Heritage
Marion Thompson - Professions Representative
- Others present:** Justin Breeze - Planning Director, Metro South
Garreth Chivell - Planning Manager, Schemes and Strategies
Michael Daymond - Strategic Advisor WAPC
Sam Fagan - Manager Commission Business
Michelle King - Senior Commission Support Officer
Cale Luxton - Planning Manager, Metro South East
Rohan Miller - Planning Director, Schemes and Strategies
Irene Obales - Commission Support Officer
John Pride - Principal Planner, Metro South
Rebecca Risteski - Planning Manager, Schemes and Strategies
Phillida Rodic - Planning Director, Reform Projects, Reform, Design and State Assessment
Dale Sanderson - Executive Planning Director, Land Use Planning
Travis Wright - Senior Planning Officer, Schemes and Strategies
Aamon Zothner - Senior Planning Officer, Schemes and Strategies

1. Declaration of opening

The Chairman declared the meeting open at 9:31 am, acknowledged the peoples of the Noongar nation as the traditional owners and custodians of the land on which the meeting is taking place, welcomed members and acknowledged the majority of members were attending the meeting via Zoom video conference. The Chairman paid respect to elders past and present, and extended solidarity and hope for a just and dignified future for us all.

2. Apologies

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

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

Marion Thompson - Professions Representative

4. Disclosure of interests

Mr Kosova declared an Actual Indirect Pecuniary Interest on Item 8.1 - Mundijong District Structure Plan – For Final Determination. Mr Kosova stated that his consultancy firm, LK Advisory, has been engaged by WPG Landholdings Pty Ltd to provide advice on the proposed West Mundijong Urban Precinct (WMUP) referenced in submission 9 (Attachment 13) from Dynamic Planning and Development. Members agreed that Mr Kosova should not be present during the discussion and/or decision-making procedure on the item.

5. Declaration of due consideration

All members indicated that they had received and considered the agenda items prior to the Statutory Planning Committee meeting.

5.1 Questions from members and responses from DPLH Staff provided prior to the meeting

6. Minutes

6.1 Confirmation of minutes - Meeting No. 7705 on Tuesday, 15 August 2023

Moved by Ms Craigie

Seconded by Mr Iacomella

That the minutes of the Statutory Planning Committee meeting held on Tuesday, 15 August 2023, be confirmed as a true and correct record of the proceedings.

The motion was put and carried

7. Deputations and presentations

7.1 Mundijong District Structure Plan – For Final Determination (SPN/0871) (Item 8.1)

Presenters: Andrew Trosic – Shire of Serpentine Jarrahdale and Deon van der Linde – Shire of Serpentine Jarrahdale

Mr van de Linde made a presentation to the Committee on the Mundijong District Structure Plan - For Final Determination and discussed the main aspects of the District Structure Plan.

Mr van der Linde informed members that the current Structure Plan was approved by the WAPC in 2011. Mr van der Linde stated that one of the big issues that they had to deal with was the Mundijong METRONET and considerations in relation to mixed housing. Mr van der Linde outlined that civic and governance functions integrated within the future METRONET station precinct was one of the aspects for consideration. Mr van der Linde discussed that 49,000 or 61,000 residents is anticipated and that the governance function within the precinct will become bigger than what they currently have. Mr van der Linde outlined the other aspects for consideration and stated that they do not have sufficient numbers of schools; that there is not enough open space in the Byford area; and that they have to investigate the accessibility to Whitby estate.

Mr van der Linde stated that they currently have the options of going for 49,000 or 61,000 residents depending on the commitment of the Mundijong station. Mr van der Linde expressed that if they give enough confidence with the METRONET station, then more residents can be anticipated.

Mr van der Linde discussed the issue of access to the METRONET precinct and stated that they will be working with MainRoadsWA, the Department of Planning, Lands and Heritage and developers to establish access to the precinct and work towards the best outcomes through detailed planning.

Mr Trosic answered a query from members regarding the proposal for two rail stations and stated that they have identified some of the opportunities that will be created by the station precincts. Mr Trosic expressed that it will be a challenge but that it will give some development opportunities and deliver necessary outcomes that will service 150,000 people in the Shire. Mr Trosic stated that there is plenty of space for not only the stations but also storage of trains.

7.3 City of Vincent Local Planning Scheme No.2 - Amendment No.12 – Final Determination (TPS/3018) (Item 9.1)

Presenters: John Corbellini – Executive Director, Strategy and Development, City of Vincent and Mayor Emma Cole – City of Vincent

Mayor Cole and Mr Corbellini made a presentation to the Committee in support of the City of Vincent Local Planning Scheme No.2 - Amendment No.12 – for Final Determination. Mayor Cole informed members that they want to discuss land use permissibility.

Mr Corbellini provided an overview of the proposed amendment and stated that the City of Vincent's town centres had very few 'X' uses outside the residential zone as during the period of the early 90's there were commercial car-based areas. Mr Corbellini expressed that petroleum products are no longer appropriate in the town centres in the City of Vincent and that the City worked very hard to create this environment and as a result the City initiated Amendment 12 while retaining the classification for commercial zoned land.

Mr Corbellini informed members that they have received 50 submissions with 46 supporting the amendment, 2 unsure of the amendment, and 2 opposed the amendment. Mr Corbellini expressed that there is plenty of opportunities for new service stations to be provided within the City but outside of the town centres and away from residential zones.

Mr Corbellini answered a query from members regarding the definition of service stations in the future and stated that the definition of service stations comes from the model provisions, but the retail sale of petroleum products is the issue. Mayor Cole expressed that the City will have to amend its scheme to cover stations for electric and hydrogen vehicles.

7.2 City of Vincent Local Planning Scheme No.2 - Amendment No.12 – Final Determination (TPS/3018) (Item 9.1)

Presenters: Paul Kotsoglo – Planning Solutions

Mr Kotsoglo made a presentation to the Committee against the City of Vincent Local Planning Scheme No. 2, Amendment No. 12 - for Final Determination. Mr Kotsoglo informed members that his firm has acted for their client Ampol Australia Petroleum Pty Ltd (Ampol) for two and a half decades.

Mr Kotsoglo stated that the City of Vincent's proposed Amendment 12 essentially removes service stations from planning authority local schemes. Mr Kotsoglo expressed that the amendment creates non-conforming uses for the service stations that they represent and that it results in a problem that sees no investment in the transition to remove fossil fuels and renewable fuels.

Mr Kotsoglo informed members that they only found out about the amendment after the submissions closed and they requested the Committee not to support the amendment.

Mr Kotsoglo provided clarification that the amendment will still allow service stations in the commercial zones, and he stated that the amendment being proposed is altering sites that would result in a non-conforming use for some existing service station sites. Mr Kotsoglo expressed that the amendment was initiated without consultation with proponents.

7.4 City of Vincent Local Planning Scheme No.2 - Amendment No.12 – Final Determination (TPS/3018) (Item 9.1)

Presenter: Daniella Mrdja – Urbanista Town Planning

Ms Mrdja made a presentation to the Committee in support of the City of Vincent Local Planning Scheme No. 2, Amendment No. 12 - for Final Determination. Ms Mrdja informed members that the focus of her presentation is on Regional and District Centre zones, which are the heart of the City's five town centres.

Ms Mrdja discussed that the City's town centres have been developed from 'main street' type centres which contain commercial, retail and hospitality land uses that have high interaction with the public realm and streetscape. Ms Mrdja expressed that service station land uses are now no longer compatible within these town centres. Ms Mrdja informed members that a service station development on Scarborough Beach Road in Mount Hawthorn was refused by the City of Vincent Council and that the Joint Development Assessment Panels (JDAP) recently refused a service station development on Angove Street in North Perth.

Ms Mrdja discussed the impact of the scheme amendment on existing service stations and stated that there is only one existing service station in operation within the City's Regional and District Centre zones, which is Caltex in Leederville. Ms Mrdja explained that this site does not have a frontage to the town centre's main street and is located at the freeway entry point, therefore, the site is considered appropriate for a service station.

Ms Mrdja raised a concern in relation to non-conforming uses and proposed that a clause be inserted into Clause 32 of the Scheme relating to additional site requirements, that all non-conforming use service stations be prohibited in the District Centre zone. Ms Mrdja highlighted that this will protect Caltex in Leederville as this is a Regional Centre zone.

Ms Mrdja answered a query from members about whether a submission was made in relation to the proposed clause and stated that she did not make a submission regarding the proposed clause.

Ms Mrdja noted that members cannot support a clause that has not been advertised.

7.5 City of Vincent Local Planning Scheme No.2 - Amendment No.12 – Final Determination (TPS/3018) (Item 9.1)

Presenters: Hessom Razavi – resident/ UWA and Dr Meegan Neervoort – resident of the City of Vincent

Dr Razavi and Dr Neervoort made a presentation to the Committee in support of the City of Vincent Local Planning Scheme No. 2, Amendment No. 12 – for Final Determination and informed members that they are both medical doctors and have expertise in public health.

Dr Razavi raised concerns on the health impacts of petrol stations and stated that the risk is around benzene which is capable of causing cancer. Dr Razavi explained that in research, residential proximity to petrol stations increases the risk of cancer in children and adults, which means that the closer you live to the petrol station the higher the risk of cancer.

Dr Razavi stated that they support the proposed scheme amendment to not allow petrol stations in the residential areas.

7.6 City of Vincent Local Planning Scheme No.2 - Amendment No.12 – Final Determination (TPS/3018) (Item 9.1)

Presenter: Nicole Woolf – resident of the City of Vincent

Ms Woolf made a presentation to the Committee in support of the City of Vincent Local Planning Scheme No. 2, Amendment No. 12 – for Final Determination.

Ms Woolf expressed that as a mother of twins and proud resident of the City of Vincent, she is deeply committed to help make the residential areas peaceful and free from potential hazard from petrol stations. Ms Woolf raised concerns on benzene exposure which causes childhood cancer. Ms Woolf highlighted that placing service stations near homes and in town centres heightens harm potential in relation to not just cancer but also fires, pollution, traffic congestion and crime.

Ms Woolf emphasised that the amendment must be adopted immediately.

7.7 Mundijong District Structure Plan – For Final Determination (SPN/0871) (Item 8.1)

Written Deputation:

Tony Arias – LandGroup WA

Members noted the written submission on Item 8.1 - Mundijong District Structure Plan - for Final Determination.

ITEMS FOR DECISION

8.1 Mundijong District Structure Plan – For Final Determination (SPN/0871)

Mr Kosova declared an Actual Direct Pecuniary Interest on this item and left the meeting at 10:30 am.

Members were advised that the Mundijong Activity Centre acts as a hub and not very much as a station and noted that there is scope for a station in the District Structure Plan but it is not built into it.

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

**Moved by Ms Lyhne
Seconded by Ms Craigie**

That the Statutory Planning Committee resolves to:

- 1. note the summary of submissions on the draft updated Mundijong District Structure Plan provided in Attachment 13;*
- 2. approve the updated draft Mundijong District Structure Plan as a strategic planning framework for future land use and development subject to the Schedule of Modifications in Attachment 14;*
- 3. authorise Department of Planning, Lands and Heritage officers to review the modifications and ensure these have been carried out satisfactorily, including any additional corrections or minor consequential changes found necessary and to arrange for endorsement and publication of the updated draft Mundijong District Structure Plan accordingly.*

The motion was put and carried

Mr Kosova returned to the meeting at 10:33 am.

8.2 City of Rockingham Town Planning Scheme No. 2 – Amendment No.190 – Consideration prior to advertising (TPS/3023)

Members thanked the Department of Planning, Lands and Heritage for progressing the changes to the Local Planning Scheme regulations and noted that this will be the last amendment that will be provided for consideration by the Committee for advertising where the amendment will likely not proceed and in the future the Minister for Planning can approve not advertising an amendment.

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

Moved by Mr Thornton
Seconded by Mr Kosova

That the Statutory Planning Committee resolves, under Regulation 37(4) of the Planning and Development (Local Planning Schemes) Regulations 2015, in relation of Amendment No.190 to the City of Rockingham Town Planning Scheme No.2 to:

1. *Consider that modification of Amendment No. 190 to the City of Rockingham Local Planning Scheme No. 2 is required for it to be suitable for advertising, to achieve conformance with the Planning and Development (Local Planning Schemes) Regulations 2015, in accordance with the attached schedule of modifications (Attachment 5 – Schedule of Modifications).*

Upon completion of these modifications, the scheme amendment is to be advertised in accordance with regulation 38 of the Planning and Development (Local Planning Schemes) Regulations 2015; and

2. *Advise Council that the amendment presents various inconsistencies with the Metropolitan Region Scheme, the South Metropolitan Peel Sub-regional Planning Framework, State Planning Policy 2.5 – Rural Planning (SPP 2.5) and Position Statement – Special Residential Zone. These inconsistencies with the state planning framework will be considered following advertising.*

The motion was put and carried

9.1 City of Vincent Local Planning Scheme No.2 - Amendment No.12 – Final Determination (TPS/3018)

THIS ITEM IS CONFIDENTIAL

10. Section 31 Items

Nil.

11. Reports for noting

Nil.

12. Stakeholder engagement and site visits

Nil.

13. Urgent or other business

Nil.

14. Items for consideration at a future meeting

Nil.

15. Meeting closure

The next ordinary meeting is scheduled for 10:00 am on Tuesday, 12 September 2023.

There being no further business before the Committee, the Chairman thanked members for their attendance and declared the meeting closed at 10:55 am.

CHAIRMAN

DATE

UNCONFIRMED