



Metro South-West Joint Development Assessment Panel Agenda

Meeting Date and Time: Friday 8 February 2013, 10am
Meeting Number: MSWJDAP/14
Meeting Venue: Department of Planning,
140 William Street Perth, Meeting Room L2.16

Attendance

DAP Members

Mr Neil Foley (Presiding Member)
Mr Rachel Chapman (Deputy Presiding Member)
Mr Robert Nicholson (Specialist Member)
Cr Richard Smith (Local Government Member, City of Rockingham)
Cr Joy Stewart (Local Government Member, City of Rockingham)

Officers in attendance

Mr Ron Couacaud (Department of Planning)
Mr Paul Sewell (Department of Planning)
Mr John-Paul MacDonagh (Rockingham)
Mr David Waller (Rockingham)
Ms Donna Shaw (Rockingham)
Ms Sharon Peacock (Rockingham)
Mr Bob Jeans (Rockingham)
Mr Mike Ross (Rockingham)

Applicant, Submitters and Members of the Public

Mr Lynden Semmens (Greg Rowe and Associates)
Mr Sam Jeleric (Greg Rowe and Associates)
Mr Tim Sawyer (Carnegie Wave)
Ms Edwina Davies Ward (Carnegie Wave)

Department of Planning Minute Secretary

Ms Fiona Sze

1. Declaration of Opening

The Presiding Member declares the meeting open and acknowledges the past and present traditional owners and custodians of the land on which the meeting is being held.

2. Apologies

Nil

3. Members on Leave of Absence

Nil



4. Noting of Minutes

Note the minutes of the Metro South-West JDAP meeting no.13 held on the 15 January 2013.

5. Disclosure of Interests

Nil

6. Declarations of Due Consideration

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.

7. Deputations and Presentations

Nil

8. Form 1 - Responsible Authority Reports – DAP Applications

8.1 Application Details: Proposed Freeway Services Centres
Property Location: Lot 191 Paparone Road and Lot 192 Leary Road, Baldivis
Applicant: Greg Rowe & Associates
Owner: BP Australia Pty Ltd
Responsible authority: City of Rockingham
Report date: 24th January 2013
DoP File No: DP/12/01384

8.2 Application Details: Construction of CETO wave energy technology within coastal waters
Property Location: Lot 401 and Part Lot 4551 Unallocated Crown Land, Coastal Waters, south-west of Garden Island, Rockingham
Applicant: Carnegie Wave Energy Ltd
Owner: State of Western Australia
Responsible authority: WAPC
Report date: 1 February 2013
DoP File No: DP/13/00002

9. Form 2 – Responsible Authority Reports - Amending or cancelling DAP development approval

Nil

10. Appeals to the State Administrative Tribunal

Nil

11. Meeting Closure



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: Tuesday 15 January 2013, 3pm
Meeting Number: MSWJDAP/13
Meeting Venue: City of Fremantle, 8 William Street Fremantle

Attendance

DAP Members

Mr Neil Foley (Presiding Member)
Ms Rachel Chapman (Deputy Presiding Member)
Mr Robert Nicholson (Specialist Member)
Cr Andrew Sullivan (Local Government Member, City of Fremantle)
Cr Josh Wilson (Local Government Member, City of Fremantle)

Officers in attendance

Mr Stephen Ferguson (Department of Planning)
Natalie Martin Goode (City of Fremantle)
Mr Anthony Denholm (City of Fremantle)

Local Government Minute Secretary

Ms Tanya Toon-Poynton (City of Fremantle)

Applicants, Submitters and Members of the Public

Mr Peter Leighton (T & Z Architects)
Mr Mark Wilson (T & Z Architects)

1. Declaration of Opening

The Presiding Member, Mr Neil Foley declared the meeting open at 3.00 pm on 15 January 2013 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

2. Apologies

Nil

3. Members on Leave of absence

Nil

4. Noting of minutes

Minutes of the Metro South-West JDAP meeting no.12 held on 11 December 2012 were noted by DAP members.



5. Disclosure of interests

Nil

6. Declaration of Due Consideration

All members declared that they had duly considered the documents.

7. Deputations and presentations

Nil

8. Form 1 - Responsible Authority Reports – DAP Applications

8.1	Application Details:	Redevelopment of existing Residential Building(Nursing Home)
	Property Location:	No. 95 (Lot 903) Samson Street, White Gum Valley
	Applicant:	T & Z Architects
	Owner:	Fremantle Italian Aged Persons Services Association Inc.
	Responsible authority:	City of Fremantle
	Report date:	3 January 2013
	DoP File No:	DP/12/01183

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Andrew Sullivan

Seconded by: Ms Rachel Chapman

Recommendation:

Approve DAP Application reference DP12/01183 (City of Fremantle reference DAP0002/12) and accompanying plans dated 18 October 2012, having been received by the City of Fremantle on the 18 October 2012 (Plan references 3D Views, Site & Locality Plans, Elevations (north, south, east, west), Basement, Ground Floor, First Floor, Sections) in accordance with the City of Fremantle Local Planning Scheme No. 4 and the Metropolitan Region Scheme, subject to the following conditions:

1. Prior to occupation of the development hereby approved, the applicant shall submit the following information to the satisfaction of the Chief Executive Officer, City of Fremantle:
 - a) Amended development plans that propose a minimum of twelve (12) on-site car parking bays in addition to the seven (7) on-site car parking bays currently proposed;
 - b) Amended development plans that propose a maximum of eighteen (18) off-site car parking bays (verge parking), comprised of the following:
 - (i) Approximately eight (8) off-site car parking bays are to be provided along the Nannine Avenue verge area and parallel to the road, inclusive of three (3) nibs incorporating three (3) verge trees which are to replace the three (3) verge trees that are to be removed; and
 - (ii) Approximately ten (10) off-site car parking bays are to be provided along the Samson Street verge area and parallel to the road, with a



clearance distance of at least 3.00 - 3.50 metre from existing verge trees and having regard to safety clearances.

2. The development hereby permitted must substantially commence within four years from the date of the decision letter.
3. The design and construction of the development is to meet the 4 star green star standard (or equivalent) as per Local Planning Policy 2.13. Within 12 months of an issue of a certificate of Building Compliance for the development, the owner is to submit to the Council a copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars.
4. Prior to the occupation of the development, vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.
5. Prior to the occupation of the development any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the Chief Executive Officer, City of Fremantle and at the expense of the owner. The design and materials of construction of any new crossover shall be submitted for approval by the Chief Executive Officer, City of Fremantle.
6. Prior to occupation of the development hereby approved, the car parking area shown on the approved site plan, and those subject to Condition 5(a) of this approval, shall be marked and provided in accordance with Clause 5.7.1(a) of the City of Fremantle Local Planning Scheme No. 4, to the satisfaction of the Chief Executive Officer, City of Fremantle.
7. Prior to occupation, landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the Chief Executive Officer, City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the Chief Executive Officer, City of Fremantle.
8. Prior to occupation, stormwater drainage works must be completed in accordance with the approved plans to the satisfaction of the Chief Executive Officer, City of Fremantle.
9. All storm water discharge shall be contained and disposed of on-site.

AMENDING MOTION

Moved by: Cr Andrew Sullivan **Seconded by:** Ms Rachel Chapman

To change the wording in condition 6 which reads '5)(a)' to read ' 1)a) to 1)b)'

REASON: The text '5(a)' was written in error.

The motion was put and CARRIED UNANIMOUSLY.



AMENDING MOTION

Moved by: Mr Neil Foley

Seconded by: Ms Rachel Chapman

Amending condition 1 to read as follows, with changes in italics:

1. Prior to occupation of the development hereby approved, the applicant shall submit the following information *to the City* to the satisfaction of the Chief Executive Officer, City of Fremantle:
 - a) Amended development plans that propose a minimum of *fourteen (14)* on-site car parking bays in addition to the seven (7) on-site car parking bays currently proposed;
 - b) Amended development plans that propose a maximum of eighteen (18) off-site car parking bays (*public verge parking*), comprised of the following:
 - (i) Approximately eight (8) *public verge* car parking bays are to be provided along the Nannine Avenue verge area and parallel to the road, inclusive of three (3) nibs incorporating three (3) verge trees which are to replace the three (3) verge trees that are to be removed; and
 - (ii) Approximately ten (10) *public verge* car parking bays are to be provided along the Samson Street verge area and parallel to the road, with a clearance distance of at least 3.00 - 3.50 metre from existing verge trees and having regard to safety clearances.

The public verge car parking bays as approved by the Chief Executive Officer, City of Fremantle are to be constructed by the developer to the specifications and satisfaction of the Chief Executive Officer, City of Fremantle prior to the occupation of the development. Such construction shall include planting of replacement trees of reasonable maturity and of a species nominated by the City, as well as their reticulation and maintenance by the developer for a minimum period of three years.

Adding the following advice notes:

Advice

1. The public verge parking bays so constructed as a condition of approval of this application will be for the use of the general public who visit, work or live in the locality and are not intended for the exclusive use of those visiting, working or living at the subject development. The City may at some time consider a parking management regime for these bays which could include timed and charged parking.
2. The Panel considers that prior to any further redevelopment of the site a comprehensive master plan needs to be prepared, which appropriately addresses, *inter alia*, proper car parking and access arrangements.

The motion was put and CARRIED UNANIMOUSLY.

REASON: To increase the number of on-site parking bays to cater for staff and visitors and to clarify that the off-street parking is public and able to be used by any person, not just visitors to the property. Clarifies that the



developer shall construct and maintain the public verge parking, and that the parking is not for the exclusive use of the development.

PRIMARY MOTION (AS AMENDED)

Moved by: Mr Neil Foley

Seconded by: Ms Rachel Chapman

Approve DAP Application reference DP12/01183 (City of Fremantle reference DAP0002/12) and accompanying plans dated 18 October 2012, having been received by the City of Fremantle on the 18 October 2012 (Plan references 3D Views, Site & Locality Plans, Elevations (north, south, east, west), Basement, Ground Floor, First Floor, Sections) in accordance with the City of Fremantle Local Planning Scheme No. 4 and the Metropolitan Region Scheme, subject to the following conditions:

1. Prior to occupation of the development hereby approved, the applicant shall submit the following information to the City to the satisfaction of the Chief Executive Officer, City of Fremantle:
 - a) Amended development plans that propose a minimum of fourteen (14) on-site car parking bays in addition to the seven (7) on-site car parking bays currently proposed;
 - b) Amended development plans that propose a maximum of eighteen (18) off-site car parking bays (public verge parking), comprised of the following:
 - (i) Approximately eight (8) public verge car parking bays are to be provided along the Nannine Avenue verge area and parallel to the road, inclusive of three (3) nibs incorporating three (3) verge trees which are to replace the three (3) verge trees that are to be removed; and
 - (ii) Approximately ten (10) public verge car parking bays are to be provided along the Samson Street verge area and parallel to the road, with a clearance distance of at least 3.00 - 3.50 metre from existing verge trees and having regard to safety clearances.

The public verge car parking bays as approved by the Chief Executive Officer, City of Fremantle are to be constructed by the developer to the specifications and satisfaction of the Chief Executive Officer, City of Fremantle prior to the occupation of the development. Such construction shall include planting of replacement trees of reasonable maturity and of a species nominated by the City, as well as their reticulation and maintenance by the developer for a minimum period of three years.

2. The development hereby permitted must substantially commence within four years from the date of the decision letter.
3. The design and construction of the development is to meet the 4 star green star standard (or equivalent) as per Local Planning Policy 2.13. Within 12 months of an issue of a certificate of Building Compliance for the development, the owner is to submit to the Council a copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars.



4. Prior to the occupation of the development, vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the Chief Executive Officer, City of Fremantle.
5. Prior to the occupation of the development any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the Chief Executive Officer, City of Fremantle and at the expense of the owner. The design and materials of construction of any new crossover shall be submitted for approval by the Chief Executive Officer, City of Fremantle.
6. Prior to occupation of the development hereby approved, the car parking area shown on the approved site plan, and those subject to Condition 1)a) to 1)b) of this approval, shall be marked and provided in accordance with Clause 5.7.1(a) of the City of Fremantle Local Planning Scheme No. 4, to the satisfaction of the Chief Executive Officer, City of Fremantle.
7. Prior to occupation, landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the Chief Executive Officer, City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the Chief Executive Officer, City of Fremantle.
8. Prior to occupation, stormwater drainage works must be completed in accordance with the approved plans to the satisfaction of the Chief Executive Officer, City of Fremantle.
9. All storm water discharge shall be contained and disposed of on-site.

Advice

1. The public verge parking bays so constructed as a condition of approval of this application will be for the use of the general public who visit, work or live in the locality and are not intended for the exclusive use of those visiting, working or living at the subject development. The City may at some time consider a parking management regime for these bays which could include timed and charged parking.
2. The Panel considers that prior to any further redevelopment of the site a comprehensive master plan needs to be prepared, which appropriately addresses, *inter alia*, proper car parking and access arrangements.

The motion was put and CARRIED UNANIMOUSLY.



9. Form 2 – Responsible Authority Reports - Amending or cancelling DAP development approval

Nil

10. Appeals to the State Administrative Tribunal

The Presiding Member reported that there were 3 Tribunal applications for development applications within the City of Cockburn that were still before the Tribunal.

11. Meeting Close

There being no further business, the presiding member declared the meeting closed at 3.20pm.

A handwritten signature in blue ink that reads "Neil Foley".



Form 1 - Responsible Authority Report (Regulation 12)

Application Details:	Proposed Freeway Service Centres
Property Location:	Lot 191 Paparone Road and Lot 192 Leary Road, Baldivis
DAP Name:	Metro South-West JDAP
Applicant:	Greg Rowe & Associates
Owner:	BP Australia Pty Ltd
LG Reference:	DD020.2012.00000322
Responsible Authority:	City of Rockingham
Authorising Officer:	Mr Mike Ross, Manager Statutory Planning
Application No and File No:	20.2012.322; DD020.2012.00000322
Report Date:	24th January 2013
Application Receipt Date:	11th December 2012
Application Process Days:	50 days
Attachment(s):	1. Background Information 2. Schedule of Submissions 3. Title Sheet (A100) 4. Overall Site Plan (A101) 5. Site Elevations (A102) 6. Site Plan – Southbound (A103) 7. Site Plan – Northbound (A104) 8. Building Floor Plan (A105) 9. Building Setout Plan (A106) 10. Building Elevations Typical (A107) 11. Building Elevations Typical (A108) 12. Building Elevations Typical (A109) 13. Truck Canopy Elevations (A110) 14. M.I.D Elevation (A111) 15. Site Vehicle Paths (A112) 16. Planning Report (Applicant)

Recommendation:

That the Metro South-West Joint Development Assessment Panel resolves to:

Approve DAP Application reference DP/12/01384 and accompanying plans dated 24/9/2012, DWG No's SK-06745-A100 to SK-06745-A112 in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and subclause 30(1) of the Metropolitan Region Scheme, subject to the following conditions as follows:

1. Prior to applying for a Building Permit, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and

In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all works have been carried out in accordance with the pre-works geotechnical report.

2. An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of

Environment and Conservation and submitted to the City before any development is commenced. Where an acid sulphate soils management plan is required to be submitted, all works shall be carried out in accordance with the approved management plan.

3. All stormwater being contained and disposed of on-site to the satisfaction of the City.
4. Potentially contaminated stormwater must pass through a well maintained litter and silt trap, and then a regularly maintained fuel and oil trap (such as a coalescing plate separator or the equivalent).
5. The construction of an appropriate bunding or damming system to prevent the discharge of stormwater into the Peel Main Drain, to the satisfaction of the City.
6. The ground floor level of the Freeway Service Centre on Lot 192 Leary Road shall be designed to be at least 6.20m AHD.
7. The construction of an alternative emergency access route to the Freeway Service Centre at Lot 192 Leary Road, Baldivis, to link with Leary Road, prior to the occupation of the development.
8. The carpark must:-
 - (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit;
 - (ii) include two car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*; and
 - (iii) be constructed, sealed, kerbed, drained, floodlit and marked prior to the development being occupied and maintained thereafter.

The car park must comply with the above requirements for the duration of the development.

9. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
10. Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays, for the duration of the development.
11. All illumination must be confined to the sites (Lot 191 Paparone Road and Lot 192 Leary Road) in accordance with the requirements of Australian Standard AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, at all times, for the duration of the development.
12. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, *Control of Advertisements*, to the satisfaction of the City,

prior to applying for a Building Permit and implemented as such for the duration of the development.

13. All signs to be erected on the access lanes leading to the Freeway Service Centres shall be provided in accordance with a signage strategy approved by the City and the Western Australian Planning Commission, so as to minimise commercial advertising along the Freeway.

14. Male and female secure hot-water showers and change rooms and must be provided within both Freeway Service Centres.

The showers and change rooms must be constructed prior to the occupation of each development, and must be retained and maintained in good condition at all times.

15. Dining facilities within each Freeway Service Centre shall be provided for a maximum of 150 sit-down customers.

16. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:-

- (i) the location of bin storage areas and bin collection areas;
- (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
- (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
- (iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

17. Design and construction of petroleum storage systems must be consistent with recommendations for sensitive environments given in *Australian Standard 4897: The design, installation and operation of underground petroleum storage systems*.

18. Landscaping is to be established and reticulated in accordance with a detailed Landscape Plan approved by the City, prior to the occupation of the development. Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.

19. An Acoustic Consultant's report shall be submitted for the City's approval, prior to applying for a Building Permit. The report is to indicate the anticipated sound level measurements for all types of noise associated with the development, indicating plant and equipment noise associated with operational activities. The report must also indicate any specific noise attenuation/mitigation measures to be applied to the development in order to ensure noise emissions comply with the Environmental Protection (Noise) Regulations 1997. Upon approval of that report by the City, any modifications required to the development as a result of its recommendations shall be made to the City's satisfaction prior to the occupation of the development.

20. Main Roads approval of the final design documentation for the entry and exit ramps, associated infrastructure, access roads, principal shared path realignment, carparks and Traffic Management Plan - as detailed in the Access Deed for Freeway Service Centres - must be obtained prior to the applying for a Building Permit.
21. As Easement in accordance with Sections 195 and 196 of the Land Administration Act 1997 for the benefit of the public is to be placed on the Certificate of Title for Lot 191 Paparone Road, Baldivis specifying access rights for the redesigned principal shared path. Notice of this Easement is to be included on the Deposited Plan. The Easement is to state as follows:-

“Public Access Easement – Principal Shared Path”
22. Both Freeway Service Centres must be connected to the reticulated sewerage system of the Water Corporation before commencement of of any use.
23. A detailed Dust Management Plan must be submitted to and approved by the City prior to the commencement of any works on-site and all measures identified in the plan shall be implemented to the satisfaction of the City.
24. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.
25. This approval does not authorise or approve the use of the commercial tenancies. A separate Planning Approval must be obtained for the occupation of any tenancy, prior to the occupation of the development.
26. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

Advice Notes

- (i) The applicant shall be responsible for all costs involved in the design and construction of the entry and exit ramps – as detailed in the Access Deed for Freeway Services Centres. These costs include the engagement of a Main Roads nominated surveillance officer for the duration of the entry and exit ramp construction works.
- (ii) The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant should liaise with the Water Corporation in this regard.
- (iii) With respect to Condition No.7, Leary Road is subject to inundation, and thus alternative emergency access routes must be constructed to ensure access in the event of flooding.
- (iv) With respect to Conditions 10, 11, 18 and 19, it is the applicant's responsibility to ensure that the operation of the Western Freeway Service Centre on Lot 191 Paparone Road, will not adversely affect future residential development on the western side of the Kwinana Freeway.
- (v) A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.

- (vi) A separate approval from the City's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City's Health Services in this regard.
- (vii) With respect to Condition No.18, the applicant and owner should liaise with the City's Parks Services to confirm requirements for landscaping plans.
- (viii) The applicant is advised that the development needs to comply with the provisions of the Building Code of Australia.
- (ix) The applicant is advised that the Department of Health has recommended the following:-
 - (a) A sign should be erected in a visible location on both sites incorporating the following message:-

"Visitors and patrons are made aware of the risk of mosquito-born diseases and the potential for nuisance mosquitoes within the vicinity"
 - (b) Built form measures (including screening on doors and windows and screened outdoor enclosures) should be incorporated into the design to protect patrons against mosquitoes.
- (x) The applicant is reminded of the need to comply with the Special Conditions contained within Schedule No.3 (Special Use Zones) of the City's Town Planning Scheme No.2.

Background:

Property Address:	Lot 191 Paparone Road & Lot 192 Leary Road, Baldvis
Zoning	MRS: Urban Deferred & Rural Zone
	TPS: Special Use No's 11 & 12 – Freeway Service Centre
Use Class:	Freeway Service Centre
Strategy Policy:	Planning Policy 3.3.1 – Control of Advertisements
Development Scheme:	City of Rockingham Town Planning Scheme No.2
Lot Size:	5.9ha & 3.8ha
Existing Land Use:	Vacant
Value of Development:	\$40 million

Over the past decade, there has been an extensive history of development proposals and Scheme Amendment requests to facilitate the establishment of two Freeway Service Centres (FSCs) on these Baldvis sites, as detailed in Attachment 1 to this report.

In October 2009, the Council adopted Amendment No.89 to Town Planning Scheme No.2 to rezone portions of Lot 9000 Paparone Road, Baldvis from 'Rural' and 'Special Rural' to 'Special Use – Freeway Service Centre'. Amendment No.89 was approved by the Hon. Minister for Planning in April 2011.

It should be noted that previous development applications provided to the City included a 'Rockingham Traveller's Interpretive Plaza'. The applicant has not proposed such a facility with the current application.

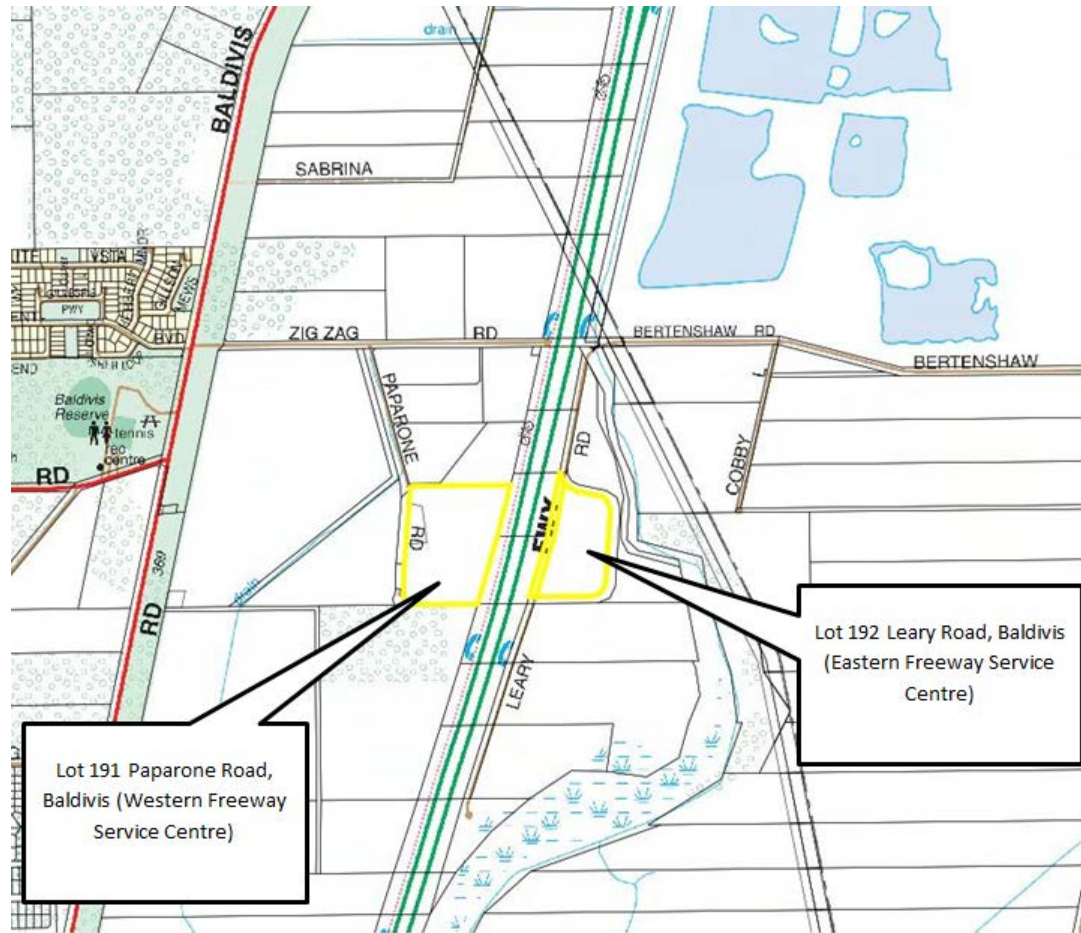


Figure 1 - Location Plan



Figure 2 – Aerial Photo



Figure 3 – MRS Zoning Map

Details: outline of development application

The applicant seeks Planning Approval for two FSCs on either side of the Kwinana Freeway at Lot 191 Paparone Road (western FSC) and Lot 192 Leary Road (eastern FSC) each comprising:-

- Service Station for the refuelling of cars and trucks;
- General convenience store and Café/Restaurant;
- Various 'back of house' facilities/areas (storage, office, preparation);
- Space for up to three commercial tenancies.

The following documents were provided with the application:-

- Planning Report;
- Site Plans and Elevations;
- Traffic Report;
- Acoustic Consultant's Report; and a
- Civil Services Report.

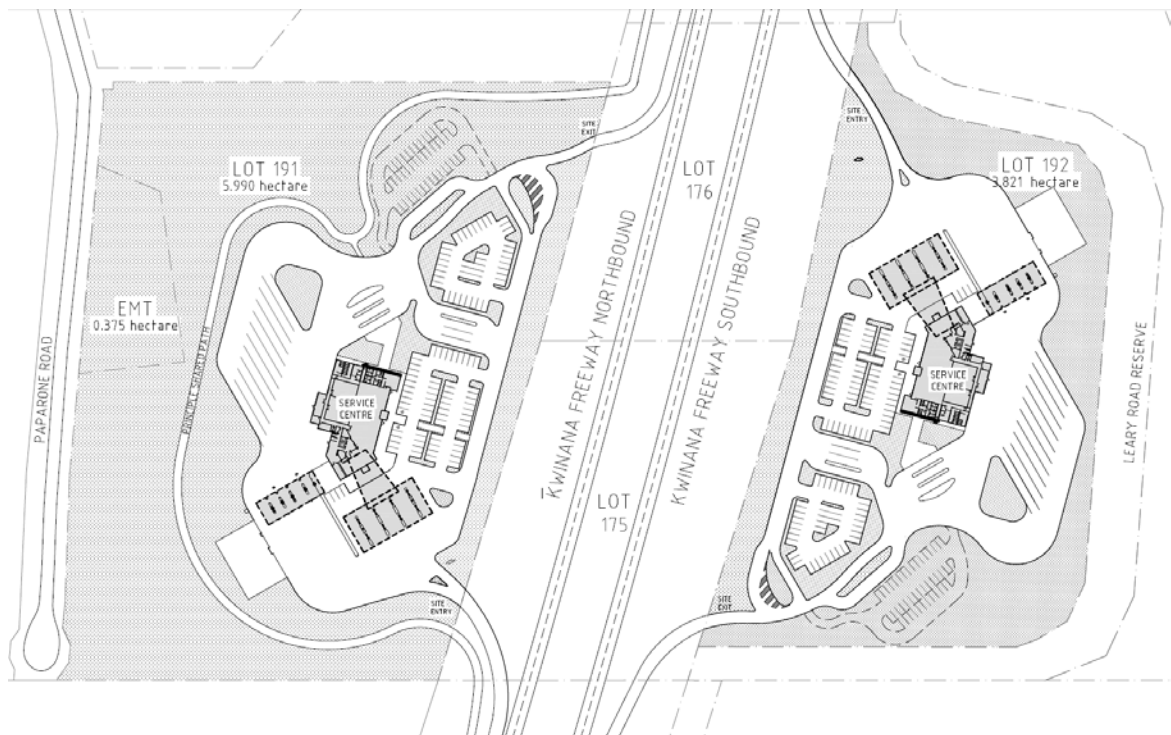


Figure 4 – Site Plan

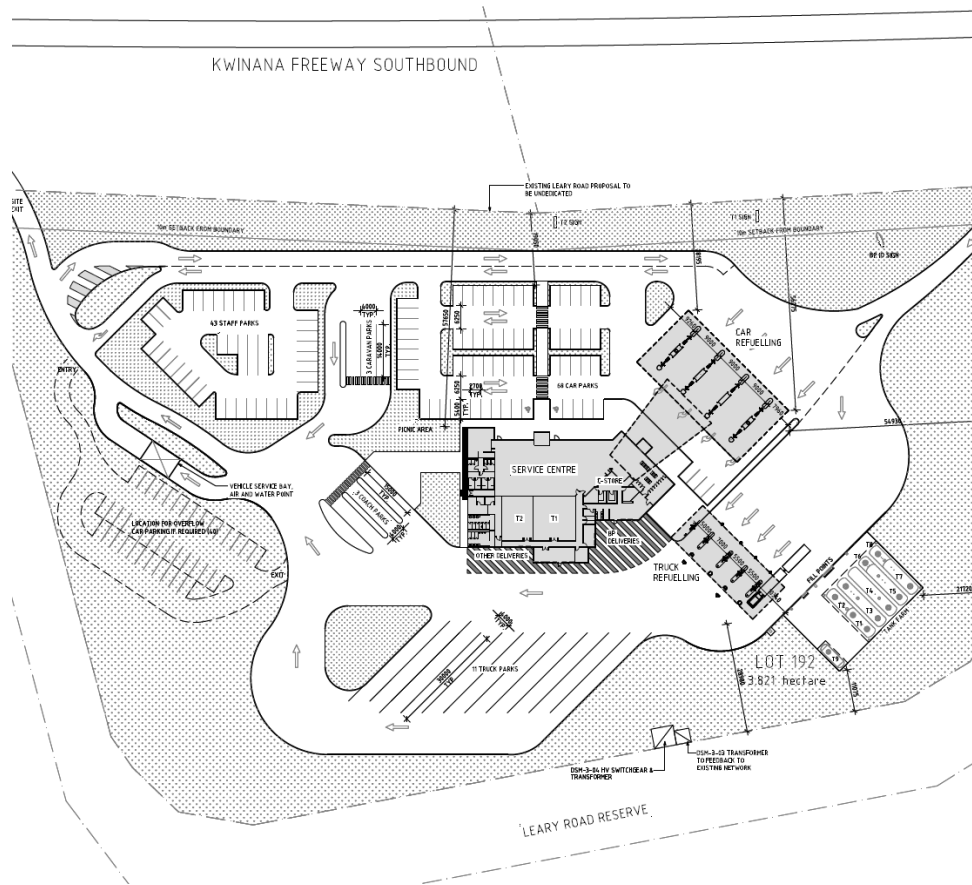


Figure 5 – Eastern Freeway Service Centre

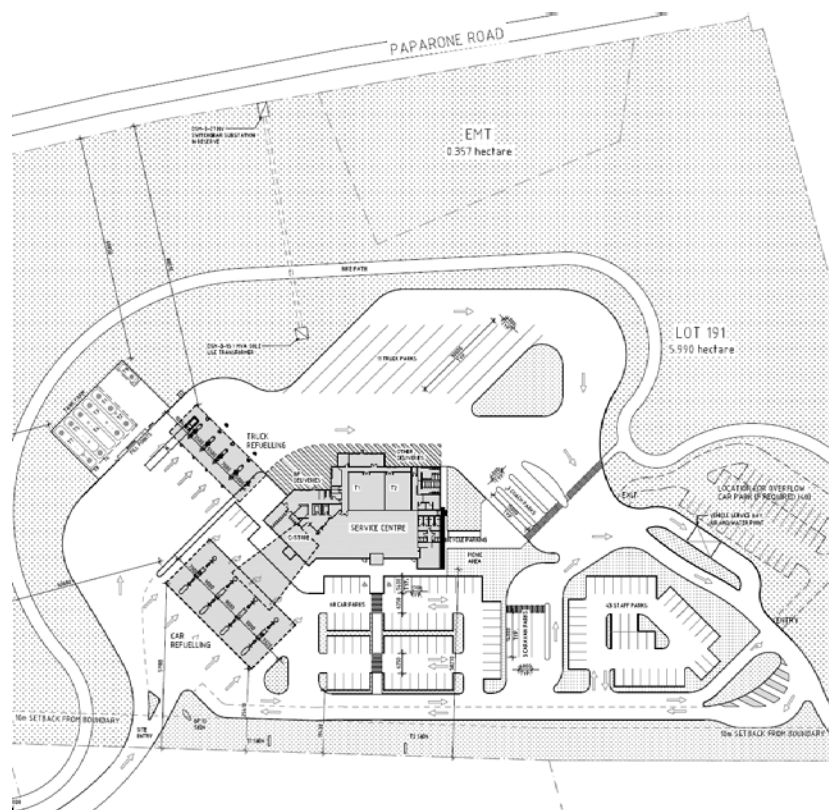


Figure 6 – Western Freeway Service Centre



Figure 9 – Western Freeway Service Centre Site (Looking East)

Legislation & policy:

Legislation

- Metropolitan Region Scheme
- Planning and Development Act 2005
- Town Planning Scheme No.2

Requirement for Planning Approval

Planning Approval is required for the proposed development, pursuant to the following legislation:-

- a. Clause 6.1.1 City of Rockingham Town Planning Scheme No.2.
- b. Subclause 24(1) Metropolitan Region Scheme (MRS).

State Government Policies

Development Control Policy 1.10 – Location and Design of FSCs (DC 1.10)

The intent of the Western Australian Planning Commission's (WAPC) DC 1.10 is to establish under which circumstances FSCs should be supported for development and to establish the criteria in which a FSC may be utilised and developed.

The location criteria of the DC 1.10 has not been discussed in this report because this was reflected in the City's assessment of Amendment No.89 to TPS2. Both sites for the FSCs have since been rezoned to permit the development. The Statutory requirements of DC 1.10 are similarly applied in TPS2 as special conditions.

The fundamental principles on which Freeway Service Centres are based is their contribution to road safety, by providing the opportunity for rest breaks which reduce driver fatigue and the convenience of the travelling public.

The proposed FSCs have been designed in accordance with DC 1.10, in that access will only be available from the Kwinana Freeway and no direct access will be provided to adjacent properties.

Clause 5.15 of DC 1.10 also requires applicants to demonstrate that the proposed FSC *“be located within a locality not identified as a future residential area in a strategy or structure adopted by the Commission or where satisfactory evidence is available to demonstrate that residential amenity will not be jeopardised in the long-term”*.

The proposed western FSC abuts urban land in the Metropolitan Region Scheme, to which the City has received a proposed Structure Plan. The Environmental Protection Authority (EPA) guidance on separation distances suggests a 100m buffer to a FSC for a sensitive land use such as residential. The western FSC will be located 38m and 69m to the southern and western boundaries of the future residential area respectively. The western FSC does not comply with this EPA guideline. The buffer setback to future residential is substantially influenced by noise impacts given that the facility is a 24 hour operation.

The Acoustic Consultant’s Report provided by the applicant does not currently demonstrate that noise associated with the western FSC can be controlled to comply with the Environmental Protection (Noise) Regulations 1997. The applicant should provide a revised Acoustic Consultant’s report to demonstrate that compliance with the Regulations can be achieved. This is important to ensure that there are no adverse impacts on existing and future residents.

Government Sewerage Policy – Perth Metropolitan Region (Sewerage Policy)

The purpose of the Sewerage Policy is to protect public health and environmental impact, reduce the extent of reticulated infill sewerage required in already development areas and to provide flexibility in the control of subdivision or density development for which reticulated sewerage is unlikely to be available for some time.

Both FSC sites are not currently serviced by reticulated sewer. The Sewerage Policy permits density development without sewer in the outer metropolitan area, provided that the applicant can demonstrate the following:-

- “i site conditions allow for the effective on-site disposal of waste water on a long-term basis;*
- ii where in the assessment of the Water Authority of Western Australia it is not economical or practical within the foreseeable future, to provide sewerage that is connected to its reticulated sewerage system”*

The western FSC is located within an existing wastewater reticulation catchment. The applicant has advised that the western FSC will be serviced by extending a sewer pipe 550m from Paparone Road to link with the existing Water Corporation wastewater pumping station, located off Baldivis Road.

The eastern FSC is not within an existing wastewater reticulation catchment. The applicant has advised that the eastern FSC will be serviced via a proposed private pump located on the site, which will pump effluent from this site into the wastewater reticulation catchment on the western side of the Kwinana Freeway via a proposed pressure main under the Kwinana Freeway. Main Roads WA and the Water Corporation are required to grant approval for the development of the pressure main.

State Planning Policy No. 2.1 - Peel-Harvey Coastal Plain Catchment (SPP 2.1)

The purpose of SPP 2.1 is to improve the social, economic, ecological, aesthetic, and recreational potential of the Peel-Harvey Coastal Plain Catchment, whilst balancing land uses changes and economic growth of the catchment as to avoid and minimise environmental damage.

SPP 2.1 provides the following development criteria to minimise the impact of commercial developments within the Peel-Harvey Coastal Plain Catchment:

“New developments must incorporate effluent management systems approved by the Health Department, Environmental Protection Authority and the Water Authority of Western Australia, or connect to an existing reticulated sewerage system if available.”

Both FSCs are proposed to be connected to a reticulated sewerage system. No waste water is proposed to be discharged into the Peel-Harvey Coastal Plain Catchment. In addition, fuel storage is controlled by a Department of Mines and Petroleum Code of Practice and Australian Standard (AS 4898:2008). The fuel tanks are required to be provided in accordance with this standard.

Local Policies

Planning Policy 3.3.1 – Control of Advertisements (PP3.3.1)

The main objective of PP3.3.1 is to minimise the proliferation of advertisements and ensure that advertisements are appropriate for their location.

The applicant has not provided signage details for either FSC and thus it is considered appropriate that the applicant be required to provide a signage strategy to enable the City to assess proposed signage against the requirements of PP3.3.1.

Consultation:

Public Consultation

The proposed development is compliant with the Special Use Zoning – Freeway Service Centre, which permits the development and therefore is not required to be advertised pursuant to clause 6.3.3 of Town Planning Scheme No.2.

Consultation with other Agencies or Consultants

The proposal was referred to the following agencies:

- Main Roads WA
- Department of Water
- Department of Health
- APA Group
- Department of Mines and Petroleum
- Department of Fire and Emergency Services

- Alinta Energy
- Water Corporation
- Department of Environment and Conservation
- Western Power
- Telstra
- Public Transport Authority

Comments received from the above agencies have been included in the Schedule of Submissions contained as Attachment 2. No responses were received from the following agencies:-

- Telstra
- Department of Environment and Conservation
- Public Transport Authority
- Department of Fire and Emergency Services
- Western Power

A summary of the advice received from servicing agencies which had impacts on the potential development of the proposal is as follows:-

Main Roads WA

Main Roads WA supported the application subject to approval being received (from Main Roads WA) for the final design documentation for the entry and exit ramps, associated infrastructure, access roads, carparks and Traffic Management Plan - as detailed in an existing Access Deed between the applicant and Main Roads WA for the FSCs. Main Roads WA also advised that the applicant must be responsible for all costs involved in the design and construction of the entry and exit ramps to be included in the Access Deed.

Department of Water

Department of Water (DoW) advised that the proposal is acceptable in regards to major flooding, however, the subject land is also a water sensitive resources area and thus an Environmental Management Plan should be provided which details how stormwater can be managed. DoW recommended the following design considerations:-

- The eastern FSC should be located a minimum distance of 100m from the Peel Main Drain;
- A minimum vertical separation distance of two metres from the base of the building foundation to the maximum groundwater level should apply for free draining soils. This is to allow for services installation, effective soil filtration and associated aerobic microbial attack on any contaminants released into the soil;
- Design and construction of petroleum storage systems should be consistent with the recommendations for sensitive environments given in *Australian Standard 4897 The design, installation and operation of underground petroleum storage systems*;
- Stormwater that is potentially contaminated should pass through a well maintained litter and silt trap, then an appropriately designed and regularly maintained fuel and oil trap (such as a coalescing plate separator or unit providing equivalent performance).

- Treated stormwater should meet the following criteria:-
 - for sewer disposal, with the written approval of the sewerage service provider;
 - for on-site soakage disposal, see the national guideline criteria for the protection of water resource values and consider local environmental characteristics;
 - guideline criteria to protect the quality of water resources are given in the *Australian and New Zealand guidelines for fresh and marine water quality 2000* and the *Australian drinking water guidelines 2004*.

Department of Health

Department of Health (DoH) advised that the developments must be connected to scheme water and reticulated sewerage, and unless the development is connected to sewer, the unsewered development is limited to a density based on the daily wastewater production and lot size ie 540lt/day /2000m² of lot size, which is equivalent to the wastewater generated single dwelling.

DoH also noted the existence of nuisance and disease carrying mosquitos in the region. To protect patrons, DoH recommended that measures should be taken to advise patrons of the mosquitoes in the area, and the building should be designed to mitigate the effects of the mosquitoes such as insect screening on doors and windows and screened outdoor enclosures.

Water Corporation

Whilst no concerns with the provision of reticulated water to both FSC sites were raised, the Water Corporation advised that it does not have any wastewater planning for the area to the east of the Kwinana Freeway and has not made any allowance to service the eastern FSC. Wastewater provision has been made to the land to the west of the freeway (western FSC), however, the existing conveyance arrangement has a finite capacity and was not designed to service the full development of land in the North Baldivis Area.

The Water Corporation advised that any transfer of wastewater from the eastern FSC into this catchment would detract from the capacity available to service proposed subdivisions in the catchment. Its preference was that the FSCs should not be connected to the Water Corporation's reticulated sewerage system until the proposed East Rockingham Wastewater Treatment Plan is available at the end of 2015.

The Water Corporation has advised, however, that the FSCs can be connected to reticulated sewerage, depending on the availability of a spare capacity at the North Baldivis Waste Water Pumping Station and the discharge point into the Kwinana Sewer district, which would be subject to Water Corporation approval.

Planning assessment:

City of Rockingham Town Planning Scheme No.2 (TPS2)

Definition & Land Use Permissibility

A FSC is a permitted use under Special Use No.11 and Special Use No.12 of TPS2.

TPS2 defines a FSC as follows:-

“premises with access directly from a Freeway used for:-

- (a) The retail sale of petroleum products, motor vehicle accessories and goods or an incidental convenience retail nature; and*
- (b) Emergency breakdown repairs and only one service/lubrication bay for the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles (excluding premises used for a transport depot, panel beating, spray painting, major repairs of wrecking); and*
- (c) The sale of food and drinks for the travelling public and its consumption on the premises and where seating is provided for patrons, but does not include the sale or consumption of alcohol under the Liquor Licensing Act 1988;*
- (d) Advertising road safety messages;*
- (e) Main Roads WA truck safety inspection/monitoring facilities and weighbridge, including Main Roads WA information facilities.”*

Special Conditions

The proposal was assessed against Schedule No.3 of TPS2, which includes Special Conditions that apply to the zone, as follows:-

Special Conditions	Comments
<p><i>a) The eating area shall not be greater than 240m² (equivalent to approximately 150 sit-down customers) with limited take away food retailing contained within a single building without a drive thru fast-food facility.</i></p>	<p>Complies. The eating area is approximately 144m² in each of the FSCs. Dining for only 114 sit down customers has been provided. A condition of Planning Approval can be added to ensure that dining for a maximum of 150 sit-down customers is provided. All food tenancies are contained within each building and there is no drive thru fast-food facility.</p>
<p><i>b) Fuel shall only be sold by retail and there shall be no bulk fuel service.</i></p>	<p>Compliant.</p>
<p><i>(c) Vehicles servicing shall be limited to emergency breakdown repairs and there shall be one only service/lubrication bay for the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles, (excluding premises used for a transport depot, panel beating, spray painting, major repairs or wrecking).</i></p>	<p>Compliant. One vehicle service bay within both FSCs is included and thus this condition has been satisfied.</p>
<p><i>(d) Shower and toilet facilities for both sexes shall be provided.</i></p>	<p>Compliant. The floor plans include Shower and toilet facilities for both sexes.</p>

Special Conditions	Comments
(e) <i>Overnight accommodation is prohibited.</i>	Compliant. No overnight accommodation is proposed.
(f) <i>The aggregate floor space of all retailing facilities shall be no more than 200m².</i>	Compliant. 195m ² of floor space has been provided within each FSC.
(g) <i>Parking for a range of vehicles shall be provided.</i>	Compliant.
(h) <i>All facilities shall be available on a 24-hour basis.</i>	Compliant. Both FSC are proposed to operate on a 24-hour basis.
(i) <i>All signs to be erected on the access lanes leading to the FSC sites shall be provided in accordance with a signage strategy approved by the City of Rockingham and the Western Australian Planning Commission so as to minimise commercial advertising along the Freeway.</i>	Compliant. A condition of Planning Approval can be applied to require the applicant to provide a signage strategy.
(j) <i>Main Roads truck safety inspection/monitoring facilities and weighbridge are permitted, provided it can be demonstrated to the satisfaction of the Council, that the facility will not have any adverse off-site impacts on rural land.</i>	Whilst Main Roads truck safety inspection/monitoring facilities or weighbridge are not proposed, the applicant has advised that there is space on site to accommodate these facilities should Main Roads seek to install them in the future. It should be noted that the provision of these facilities are not a prerequisite to receiving Planning Approval.
(k) <i>The installation of an on-site effluent disposal system to the satisfaction of the Department of Health or if required an effluent holding tank is to be installed for off-site disposal at an approved Water Corporation facility. When a connection is available, the FSC is to be connected to reticulated sewerage.</i>	Compliant. The applicant has advised that both FSCs will be connected to a reticulated sewerage system.

Landscaping

A key criterion of policy DC 1.10 is to ensure that the development is in a location where the landform would enable the development of the facility with a low visual impact. The western FSC also must ensure that there would be minimum noise and light impacts on existing and future residents. The applicant has not addressed this matter but landscaping and screening can assist in ensuring compliance with these requirements. Landscaping can be addressed as a condition of Planning Approval.

Carparking

Each FSC includes provision for 128 carparking spaces, including 66 for the general public, 43 for the exclusive use of staff, 3 for coaches, 3 for caravans, 11 for trucks and 2 bays designated for people with disabilities.

TPS2 provides a minimum carparking requirement for Service Stations. The FSCs provide space for up to 2 tenancies (most likely to be restaurants) and a convenience store – which is included in the retail floorspace component of a Service Station. The TPS2 requirements for these uses are as follows:-

Use	TPS2 Requirement	Proposal	No. Bays Required
Restaurant	1 bay per every 4 persons the building is designed to accommodate.	114 sit down customers.	29 bays
Service Station	1 bay per every service bay; plus	21 service bays	21 bays
	1 bay per employee; plus	15 staff	15 bays
	6 bay per 100m ² NLA of retail floorspace	110m ² NLA	7 bays
		Total Bays Required	72 bays
		Total Bays Provided	128 bays

The number of carparking bays provided for each FSC is considered acceptable. It should also be noted that space for overflow carparking has been provided.

Clause 4.15.8 of TPS2 requires vehicle parking, manoeuvring and circulation areas, including crossovers, to be designed, constructed, sealed, drained, kerbed, marked and landscaped to the City's specifications, being in accordance with Australian Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* and AS/NZS 2890.6:2009 and *Parking facilities, Part 6: Off-street parking for people with disabilities*.

Amenity

Noise

Noise impacts have been discussed in the Development Control Policy 1.1 – Location and Design of FSCs (DC 1.10) section of this report. As previously mentioned, the Environmental Protection Authority guidance on separation distances suggests a 100m buffer to a FSC for a sensitive land use such as residential. The western FSC is setback 38m to its southern lot boundary and 69m to the western lot boundary, which both abut future residential land. As the western FSC does not comply with the recommended 100 metre buffer setback, the applicant will need to demonstrate that noise associated with the FSCs will not jeopardise the amenity of future residential areas.

A condition of Planning Approval requiring the applicant to provide a revised Acoustic Consultant's report demonstrating that the FSCs can comply with the Environmental Protection (Noise) Regulations 1997 should be applied. The report must indicate the anticipated sound level measurements for all types of noise associated with both FSCs, indicating plant and equipment noise associated with operational activities. The report must also indicate any specific noise attenuation/mitigation measures (including any acoustic wall) to be applied to the development in order to ensure noise emissions comply with the Environmental Protection (Noise) Regulations 1997.

Floodlighting

The land directly west and south of the proposed western FSC is zoned Urban. The City has received a Structure Plan for this land which will be considered by Council in the near future. The western FSC itself is setback 38m to the southern lot boundary and 69m to the western lot boundary to ensure an appropriate buffer is achieved between the FSC and the future residential area. Nevertheless, the obtrusive effects of lighting on this future urban area must be controlled by wholly containing all illumination to the land in accordance with Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting. It is considered appropriate that a condition of Planning Approval be imposed to minimise the impact of lighting on existing and future residents.

Mosquitos

The land surrounding the sites contain potential mosquito breeding sites. Given the risk of patrons potentially been affected by mosquito-borne diseases, a condition of Planning Approval that requires the applicant to advise patrons of the risk of mosquito-borne disease and the potential for nuisance mosquitoes should be applied. A condition of Planning Approval should also be added that requires the applicant to use built form design measures to protect patrons from mosquitos.

Land Use Constraints

Flooding

A portion of the eastern FSC is located within the Peel Main Drain floodway. Based on the potential for flooding to occur, a condition of Planning Approval should be imposed to ensure the building floor levels of the eastern FSC achieve a minimum of 6.20m AHD, to ensure adequate flood protection consistent with the DoW's advice.

Water Sensitive Design

Given that both FSC sites are located in areas with high groundwater levels and are located within the Peel-Harvey Catchment, and the eastern FSC is adjacent to the Peel Main Drain, the sites are considered to be water sensitive areas. The DoW recommended that the eastern FSC should be located a minimum distance of 100m from the Peel Main Drain in addition to recommendations regarding the treatment of stormwater at both sites to protect the proposed developments and the Peel Harvey Catchment.

The eastern FSC is setback approximately 50m from the Peel Main Drain and thus does not achieve the recommended 100m setback. For this reason, more information is required from the applicant on stormwater management. In this respect, it is considered appropriate that an Urban Water Management Plan be required as a Condition of Planning Approval.

It should also be noted that the Peel Main Drain discharges directly into the Marramanup Conservation Wetland. For this reason, an appropriately constructed damming or bunding system is needed to prevent stormwater discharge into the Peel Main Drain from the proposed eastern FSC.

Acid Sulphate Soils

The City is aware that during the construction of stages of the Kwinana Freeway, Acid Sulphate Soils were uncovered and the City's mapping indicates Acid Sulphate Soils are present on each site. It is considered appropriate that an Acid Sulphate Soils self-assessment form and, if required as a result of the self-assessment, an Acid Sulphate Soils report and Management Plan, be submitted to and approved by the Department of Environment and Conservation, before any development is commenced.

Site Conditions

The design of the entry and exit ramps will be dependent on the final levels of the site, which will be typically determined in conjunction with the final civil design works. The servicing corridors proposed should also be designed to match in with levels of future urban land to the south of Lot 191 Paparone Road, as the existing road reserves may not remain after urban development has commenced. For these reasons, the City considers it appropriate that a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development is provided.

Servicing

Scheme Water

The development is required to connect to reticulated sewerage and scheme water in accordance with the State Governments Sewerage Policy (*Government Sewerage Policy - Perth Metropolitan Region*). Existing water mains are located adjacent to both sites, with the capacity to provide domestic water supplies to service both sites.

Waste Disposal

Given the large number of patrons which will be associated with such a facility, the City considers it appropriate that the applicant provide a Waste Management Plan, to demonstrate how waste will be stored, collected and managed on site. A condition is recommended accordingly.

Wastewater Disposal

The issue of wastewater disposal has been discussed in the Legislation - Government Sewerage Policy section of this report. The Water Corporation's preference is that the FSCs are not connected to the Corporation's reticulated sewerage system in Baldivis North until a suitable outlet is available to the proposed East Rockingham Waste Water Treatment Plant at the end of 2015.

The proposal presented to Council as part of the previous Scheme Amendment No.89 was for on-site effluent disposal, but this is likely to exceed the Health Department criterion regarding the volume of wastewater disposal. The TPS2 provisions require the applicant to install an on-site effluent or if required, a closed tank system for sewer disposal, and where sewer connection is available to connect to reticulated sewerage. As the proposal now includes provision for a connection to

sewer, the City considers that the FSCs should be connected to reticulated sewerage to ensure waste associated with the FSCs do not detrimentally impact the surrounding water sensitive areas and the Peel Harvey Catchment. For this reason, a condition requiring the applicant connect the FSCs to a reticulated sewerage system is recommended.

Access

No access has been proposed from western FSC to the adjacent future urban area. Access to both FSCs will be directly from entry and exit ramps to the Kwinana Freeway, which requires the approval of Main Roads WA. A condition of Planning Approval can be applied to ensure that Main Roads approval must be obtained for the final design documentation for the entry and exit ramps, associated infrastructure, access roads, carparks and Traffic Management Plan.

The existing principal shared path is proposed to be redesigned to be incorporated onto the western FSC site, and thus a condition of Planning Approval is recommended to ensure an easement is placed on the Certificate of Title for the western FSC site, specifying public access rights for the redesigned principal shared path.

DoW also advised that Leary Road may not be trafficable during major flooding and as such, alternative emergency access routes must be made available to the proposed eastern FSC. An appropriately worded condition will be applied in this respect.

Conclusion:

The FSC sites are appropriately zoned in TPS2 to permit the proposed development. The FSC will provide a service to the travelling public using the freeway in terms of convenience, safety and economy. It is recommended that the DAP application be approved, subject to conditions that are intended to mitigate the impact of the development on the environment and future residential development.

BACKGROUND INFORMATION

Date	Action
April 2001	Development Application for a 'Roadhouse Development' refused by Council.
July 2001	Development Application for a 'Roadhouse Development' refused by Council.
November 2001	Development Application for a 'Roadhouse Development' refused by Minister for Planning.
September 2001	Applicant appealed Council's refusal of July 2001 to Town Planning Appeal Tribunal.
December 2001	Applicant withdrew appeal to Town Planning Appeal Tribunal.
March 2007	Council adopts Amendment No.15 to Town Planning Scheme No.2 to rezone portions of Lot 9000 Paparone Road, Baldivis from 'Rural' and 'Special Rural' to 'Special Use – Service Centre'.
November 2007	Amendment No.15 refused by the Hon. Minister for Planning.
April 2008	Council defers Development Application for 'Rockingham Travellers Plaza and Interpretive Centre'
May 2008	Council defers Development Application for 'Rockingham Travellers Plaza and Interpretive Centre' pending receipt of legal advice from Council's Solicitors on whether or not the Council had the ability, pursuant to the Town Planning Scheme No.2, to consider the proposal.
June 2008	Council defers Development Application for 'Rockingham Travellers Plaza and Interpretive Centre' pending advice from the Hon. Minister for Planning and Infrastructure.
September 2008	Development Application for a 'Rockingham Travellers Plaza and Interpretive Centre' refused by Council.
February 2009	Council initiates Amendment No.89 to Town Planning Scheme No.2 to rezone portions of Lot 9000 Paparone Road, Baldivis from 'Rural' and 'Special Rural' to 'Special Use – FSC'.
October 2009	Council adopts Amendment No.89 to Town Planning Scheme No.2 to rezone portions of Lot 9000 Paparone Road, Baldivis from 'Rural' and 'Special Rural' to 'Special Use – FSC'.
April 2011	Amendment No.89 approved by Hon. Minister for Planning.

ATTACHMENT 2
PROPOSED FREEWAY SERVICE CENTRES
LOT 191 PAPARONE ROAD AND LOT 192 LEARY ROAD, BALDIVIS

No.	Name	Submission				
1.	<p>Ms L Wrigglesworth Main Roads WA PO Box 6202 EAST PERTH WA 6892</p>	<p>Main Roads has been working with the applicant and its predecessors in order to progress the development of these freeway service centres. To that end an Access Deed for Freeway Service Centres has been entered into between the Commissioner of Main Roads and BP Australia Pty Ltd. This Deed contains specific details in relation to the access ramps from and to the Kwinana Freeway.</p> <p>However for the purposes of this development application Main Roads supports the application subject to the following conditions being imposed:</p> <ol style="list-style-type: none"> 1. Main Roads approval of the final design documentation for the entry and exit ramps, associated infrastructure, access roads, carparks and Traffic Management Plan - as detailed in the Access Deed for Freeway Service Centres - must be obtained prior to the commencement of any construction on this site. 2. The applicant shall be responsible for all costs involved in the design and construction of the entry and exit ramps – as detailed in the Access Deed for Freeway Services Centres. These costs include the engagement of a Main Roads nominated surveillance officer for the duration of the entry and exit ramp construction works. <p>Should Council disagree with or resolve not to include as part of its recommendation to the Joint Development Assessment Panel (JDAP) any of the above conditions would you please inform Main Roads.</p> <p>Also, would you please forward a copy of JDAP's final determination on this proposed development quoting file reference 04/10555-09 (D13#13819).</p> <p>If you require any further information please contact Planning Information Officer Lynne Wrigglesworth on (08) 9323 4544.</p>				
2.	<p>Mr B Dunn Department of Water PO Box 332 MANDURAH WA 6210</p>	<p>The Department of Water (DoW) has reviewed the proposal and wished to provide the following advice.</p> <p><u>Flood Protection</u></p> <p>The DoW, in carrying out its role in floodplain management, provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage. Lot 192 Leary Road is subject to flooding from the adjacent Peel Main Drain in the 100 year Average Recurrence Interval (ARI) storm event.</p> <p>The Serpentine River Flood Study shows that the general area is affected by major flooding with the following flood levels expected</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>100 year ARI</td> <td>5.7 m AHD</td> </tr> <tr> <td>25 year ARI</td> <td>4.5 m AHD</td> </tr> </table>	100 year ARI	5.7 m AHD	25 year ARI	4.5 m AHD
100 year ARI	5.7 m AHD					
25 year ARI	4.5 m AHD					

No.	Name	Submission
2.	Cont...	<p>A portion of the proposed development for this site is located within the floodway. When development is proposed within the floodway the Department assesses each proposal based on its merits and the factors examined include depth of flooding, velocity of flow, its obstructive effects on flow, possible structural and potential flood damage, difficulty in evacuation during major floods and its regional benefit. For this particular proposal, the following comments are provided:</p> <ul style="list-style-type: none"> • the obstruction caused by the proposed development is not considered to significantly impact the general flooding regime of the area; • building floor levels of 6.20 m AHD will provide adequate flood protection; • the proposed realignment of Leary Road is not inundated during the 25 year ARI event but may not be trafficable during major flooding as the maximum depth of flooding during a 100 year ARI event is expected to be ~ 0.9m over the quoted minimum road centerline (~4.8m AHD); • Alternative emergency access routes must be available to proposed developments that are accessed by the proposed Leary Road realignment. <p>Consequently, the proposal is acceptable with regard to major flooding.</p> <p><u>Water Quality Protection Note 49 - Service Stations</u></p> <p>In accordance with <i>Water Quality Protection Note 49 – Service Stations (DoW,2009)</i> the proponents should forward a notice of intent (NOI) with details of their proposal to the local government authority (council) and the resources safety division of the Department of Mines and Petroleum for assessment.</p> <p>The proposed sites are considered sensitive water resource areas, due to high groundwater levels, close proximity to Peel Main Drain (and thus downstream sensitive receptors) and their location within the Peel-Harvey Catchment. Within sensitive water resource areas, the NOI for any proposed or upgraded service station should be sent to the DoW for assessment and written response prior to any commitment to development of the project. As such the NOI should include an Environmental Management Plan with the following details:</p> <ol style="list-style-type: none"> a) A site location plan. b) A layout plan showing all key infrastructure including: <ul style="list-style-type: none"> • underground fuel storage and associated pipe-work and venting; • paved forecourts and fuel dispenser areas; • tank fill point sites; • other paved areas such as car parks, wash down areas and driveway facilities; • any unpaved areas with poorly draining soils; • any vehicle wash facilities or cafe facilities; • all goods and waste holding and/or treatment facilities; • the stormwater management system for the site. c) A detailed description of how site stormwater will be managed. This could include the installation of petrol and oil separators, any fuel/ chemical containment or treatment facilities proposed.

No.	Name	Submission
2.	Cont...	<p>d) Details of any nearby environmental features, such as bores, waterways or wetlands, likely to be affected by discharges from the site.</p> <p>e) A proposal for the interim storage and disposal of workshop wastes;</p> <p>f) Detailed descriptions of the wastewater management system for any vehicle wash facilities, see <i>Water Quality Protection Note 68 - Mechanical Equipment Washdown</i>;</p> <p>g) A contingency plan for chemical spills and emergencies. For more information see the <i>Departments Water Quality Protection Note 10 Contaminant spills - emergency response</i>.</p> <p>Also consistent with the aforementioned <i>Water Quality Protection Note 49 - Service Stations (DoW, 2009)</i>, the following design considerations are recommended:</p> <ul style="list-style-type: none"> • The service station proposed for Lot 192 Leary Road should be located a minimum distance of 100m from the Peel Main Drain; • A minimum vertical separation distance of two metres from the base of the building foundation to the maximum groundwater level should apply for free draining soils. This is to allow for services installation, effective soil filtration and associated aerobic microbial attack on any contaminants released into the soil; • Design and construction of petroleum storage systems should be consistent with the recommendations for sensitive environments given in <i>Australian Standard 4897 The design, installation and operation of underground petroleum storage systems</i>; • Stormwater that is potentially contaminated should pass through a well-maintained litter and silt trap, then an appropriately designed and regularly maintained fuel and oil trap (such as a coalescing plate separator or unit providing equivalent performance). • Treated stormwater should meet the following criteria: <ul style="list-style-type: none"> - for sewer disposal, with the written approval of the sewerage service provider; - for on-site soakage disposal, see the national guideline criteria for the protection of water resource values and consider local environmental characteristics; - guideline criteria to protect the quality of water resources are given in the <i>Australian and New Zealand guidelines for fresh and marine water quality 2000</i> and the <i>Australian drinking water guidelines 2004</i>. <p>If you wish to discuss the above further please contact the undersigned at the DoW's Mandurah Office on (08) 9550 4202.</p>
3.	<p>Mr V Andrich Department of Health PO Box 8172 PERTH BC 6849</p>	<p>The DOH provides the following comment:</p> <p><u>1. Water and Sewerage</u></p> <p>All proposed developments are required to connect to scheme water and to reticulated sewerage in accordance with the <i>Government Sewerage Policy - Perth Metropolitan Region</i>. Therefore, unless the development is connected to sewer, the unsewered development is limited to a density based on the daily</p>

No.	Name	Submission
3.	Cont...	<p>wastewater production and lot size ie 540lt/day /2000m² of lot size.</p> <p><u>2. Mosquito-borne Disease Control Programs and Services</u></p> <p>The subject land is in a region that regularly experiences significant problems with nuisance and disease carrying mosquitoes. These mosquitoes can disperse several kilometres from breeding sites and are known carriers of Ross River (RRV) and Barmah Forest (BFV) viruses. 17 Human cases of RRV disease in Baldivis were notified to the Department of Health during the 2011-2012 season.</p> <p>The subject land is within a few kilometres of mosquito dispersal distance from potential mosquito breeding sites. Mosquitoes will disperse from these sites to the subject land under favourable environmental conditions. There may also be seasonal freshwater mosquito breeding habitat within close proximity to the subject land.</p> <p>Recommendation:</p> <ul style="list-style-type: none"> • Visitors and patrons should be warned of the risk of mosquito-borne disease and the potential for nuisance mosquitoes via an appropriately worded notification. • The proponent should use built form design measures in the construction of accommodation and recreational areas to protect future residents from mosquitoes including: <ul style="list-style-type: none"> - Built form design measures (insect screening on doors and windows and screened outdoor enclosures) are recommended to be included as part of the local government conditions of approval. <p>3. Health Impact Assessment</p> <p>You may also wish to consider incorporating Health Impact Assessment (HIA) and/or Public Health Assessment (PHA) principles in your decision making process. For your information and guidance, you may access the relevant information at the following sites:</p> <p>HIA- http://www.public.health.wa.gov.au/2/1400/2/health_risk_assessment.pm</p> <p>PHA- http://www.public.health.wa.gov.au/2/1399/2/public_health_assessment.pm</p> <p>Should you have queries or require further information please contact Vic Andrich on 9388 4978 or victor.andrich@health.wa.gov.au.</p>
4.	<p>Ms J Dash APA Group Eastpoint Plaza Level 5, 233 Adelaide Terrace PERTH WA 6000</p>	<p>APA Group's (APA) the Parmelia high pressure natural gas transmission pipeline is situated within a 40 foot (12.192m) easement running in a north/south alignment and traverses the Baldivis Central Public Open Space (POS). The closest portion of Lot 191 Paparone Rd is approximately 2.2 kilometres to the east of the Parmelia pipeline.</p> <p>The proposal is outside the guidelines of the WAPC 'Planning Bulletin 87' notification zone.</p> <p>We confirm the proposal does not affect our high pressure pipeline and APA has no objections or comments to offer.</p>

No.	Name	Submission
5.	Mr R Rogerson Department of Mines and Petroleum Mineral House 100 Plain Street EAST PERTH WA 6004	The Geological Survey of Western Australia has assessed this proposal on behalf of the Department of Mines and Petroleum with respect to access to mineral and petroleum resources, geothermal energy and basic raw materials, and has no comment to make in this regard.
6	Mr B Coombes Water Corporation 629 Newcastle Street LEEDERVILLE WA 6007	<p>Thank you for your letter of 17 December 2012 requesting advice from the Water Corporation regarding the above proposed development.</p> <p><u>Amendment No.89</u></p> <p>The sites for the proposed freeway service centres have been rezoned from 'Rural' to 'Special Use – Freeway Service Centre' through Amendment No.89 to the Council's scheme, which was gazetted in May 2011. At the time of the public advertising of the amendment, the Water Corporation advised that it did not support the proposal because of limitations on the available wastewater conveyance and treatment capacity to serve this and other urban developments in Baldivis until the proposed East Rockingham Waste Water Treatment Plant is commissioned around the end of 2015. It is understood that the Corporation's concerns have been dismissed by the finalisation of the amendment.</p> <p><u>Water</u></p> <p>The sites for the proposed freeway service centres have since been created through the subdivision process (WAPC Ref 143329). The WAPC's approval of the subdivision was subject to a range of conditions including the need to provide a water service to each site. The applicant has fulfilled this requirement through the construction of a new water reticulation main along Leary Road to serve the eastern site and upgrading of the existing water main along Paparone Road to serve the western site.</p> <p><u>Wastewater</u></p> <p>Wastewater from developments in South Baldivis is currently transferred via a temporary wastewater conveyance system to the Point Peron Waste Water Treatment Plant (WWTP). Wastewater from developments in North Baldivis is currently transferred via a temporary wastewater conveyance system northwards into the catchment of the Kwinana WWTP. The Water Corporation has planned to build a new WWTP in the East Rockingham industrial area by the end of 2015. The wastewater from Baldivis will be diverted to the East Rockingham plant when this outlet is available.</p> <p>The existing Baldivis North Waste Water Pump Station (WWPS) that transfers wastewater into the Kwinana sewer catchment is a temporary wastewater pump station that has a limited capacity. The WWPS currently transfers wastewater from its catchment northwards via a temporary wastewater pressure main that discharges into the Kwinana Sewer District near the Corporation's Betram Road WWPS. This conveyance arrangement has a finite capacity and has not been designed to service the full development of land in the North Baldivis area. Any additional, out of catchment transfer of wastewater into this temporary conveyance system will detract from the capacity available to service existing and proposed residential subdivisions in the</p>

legitimate catchment of the WWPS.

In view of the wastewater conveyance and treatment constraints outlined above, the Corporation's preference is that the proposed freeway service centre developments are not connected to the Corporation's reticulated sewerage system in Baldivis North until a suitable outlet is available to the proposed East Rockingham Waste Water Treatment Plant at the end of 2015.

The WAPC subdivision approval that created Lots 191 and 192 for the proposed service centres did not include a requirement to provide a reticulated sewerage service to the sites. It is noted that Amendment 89 to the Council's scheme inserted special development conditions for these sites including Condition 'K' which reads as follows:

"The installation of an on-site effluence disposal system to the satisfaction of the Department of Health or if required an effluence holding tank is to be installed for off-site disposal at an approved Water Corporation facility. When a connection is available, the Freeway Service Centre is to be connected to reticulated sewerage."

The Water Corporation has adopted a long-term, conceptual wastewater conveyance plan for the servicing of the North Baldivis Sewer District covering the urban area immediately to the west of the Kwinana Freeway. This planning includes a flow allowance for the development of the land that will be occupied by the western service centre (Lot 191). However, the Corporation does not have any wastewater planning for the area to the east of the freeway and has not made any allowance to accept wastewater from the proposed eastern service centre into the North Baldivis sewer catchment.

The proponent's servicing report indicates that the proposed western service centre will be serviced via a proposed 225mm gravity reticulation sewer that will be constructed up to the Water Corporation's existing North Baldivis Wastewater Pump Station (WWPS) adjacent to Baldivis Road. This arrangement is largely consistent with the Corporation's long-term conveyance planning for the North Baldivis area.

The servicing report also outlines a proposal to construct a private pump station to service the proposed eastern service centre and a private wastewater pressure that will traverse the freeway and other private properties to discharge into the end of the proposed 225mm gravity sewer.

In the event that the service centres are granted approval on the basis of a connection to the Corporation's sewerage system, instead of the alternative arrangements described at provision K in Amendment No.89, the ability to accept additional wastewater into the North Baldivis system will be subject to further approval from the Corporation. This will depend on the availability of a spare capacity at the North Baldivis WWPS and the discharge point into the Kwinana Sewer district, at the time the proponent applies to the Corporation for connection.

Drainage

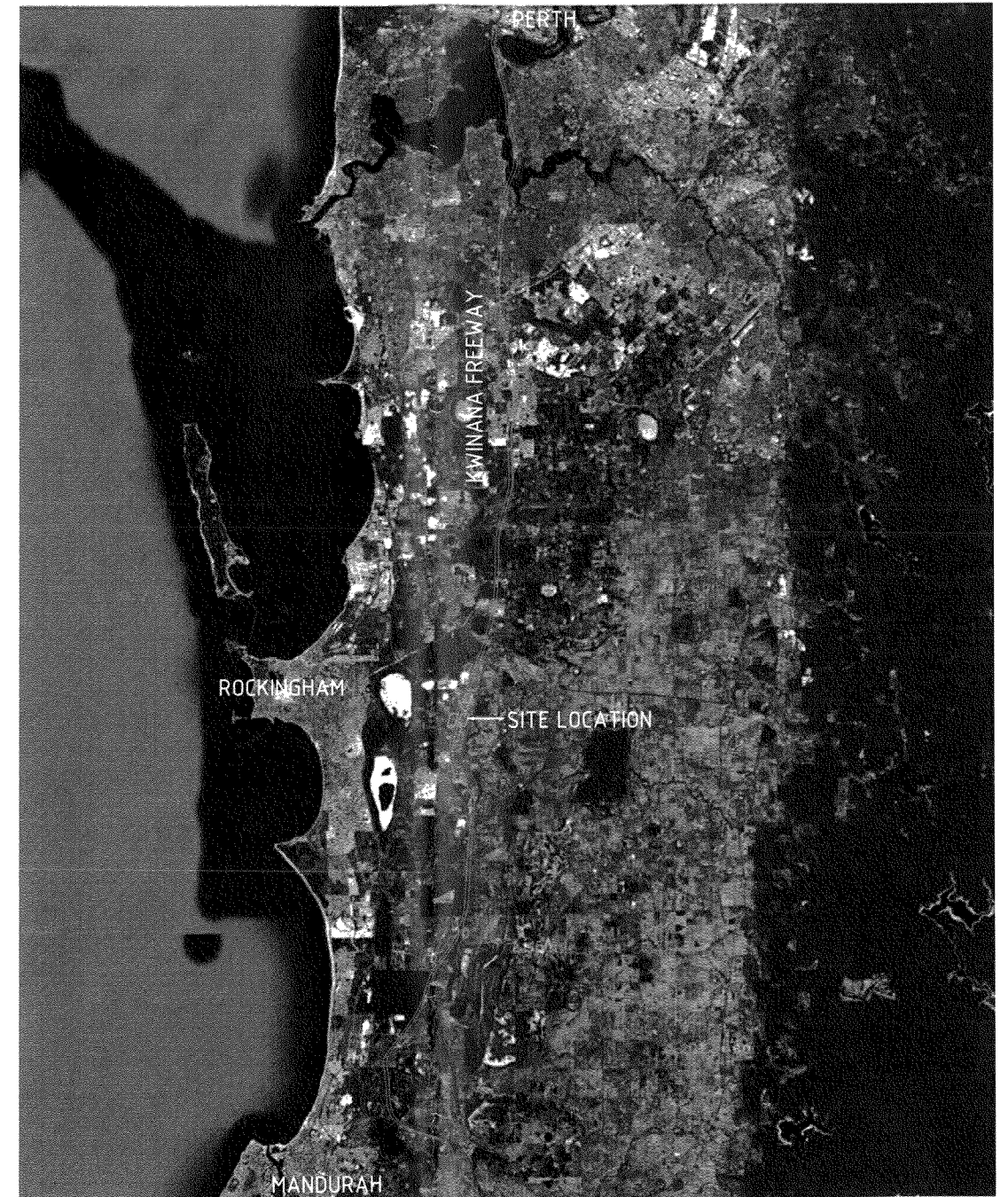
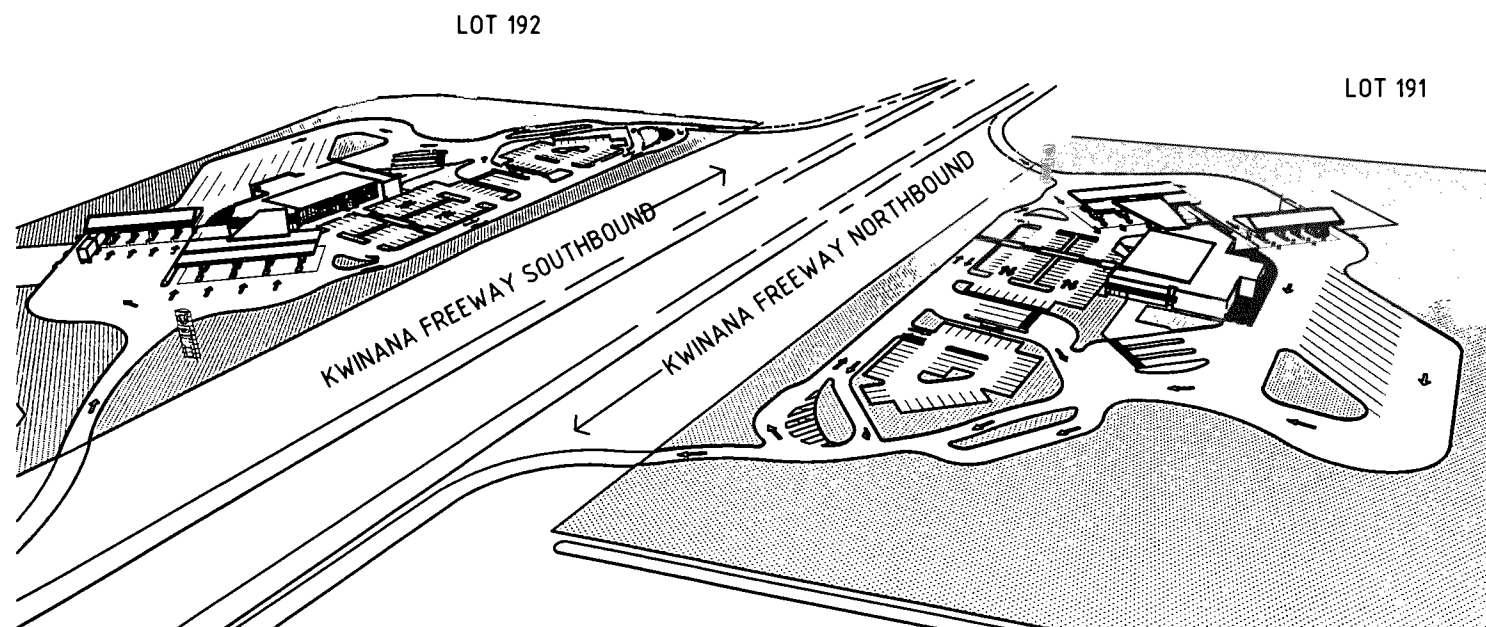
The sites for the proposed freeway service centres are situated at the western edge of the Mundijong Rural Drainage District, which the Water Corporation administers under a licence issued by the Economic Regulation Authority. The conditions of the rural drainage licence include an allowance that land in the rural drainage catchment may be inundated for a period of up to 72 hours during high runoff events.

The Mundijong Rural Drainage area controls the groundwater levels of large tracts of rural and agricultural land from Keysbrook in the south to Byford in the north and west to the Kwinana Freeway. The runoff from this catchment ends up in the Peel Main Drain, which abuts the boundary of the proposed eastern service

		<p>centre.</p> <p>As per of the subdivision to create Lot 192, the proponent undertook some minor drainage design and works to the Corporation's satisfaction, including formalising drainage connection between Lot 192 and the adjacent Peel Main Drain. Arrangements for the drainage and flood protection of the proposed eastern service centre development should be to the City's satisfaction and should address the following considerations:</p> <ul style="list-style-type: none">- The design 100 year ARI flood level in the locality being confirmed with the Department of Water using the revised flood levels from the SKM Serpentine River Flood Study.- The minimum building and fill levels to be determined based on the flood level provided by the Department of Water with an acceptable freeboard.- Post-development runoff being detained on-site to the predevelopment levels. <p>The land between the Kwinana Freeway and Baldivis Road including the western site (Lot 191) is also situated within the Mundijong Drainage District. Runoff from this area is presently channelled into a system of minor rural branch drains that flow through culverts under the freeway and then discharge into the Peel Main Drain to the east of the freeway. These branch drains will be transferred to the City of Rockingham and their function will change from rural drains to urban drains as a consequence of the future urban development of this area.</p> <p>In the interim, arrangements for the drainage and floor protection of the western service centre development should be to the City's satisfaction having regard to District and Local Water Management Strategies that have previously been considered by the Department of Water for this area, as well as the anticipated fill levels for the adjacent urban development sites. As a minimum requirement, a post-development runoff from the site must be detained on-site to predevelopment levels.</p>
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BP KWINANA SERVICE CENTRE

DRAWING LIST		
SHEET NUMBER	SHEET NAME	REVISION NUMBER
SK-06745-A100	TITLE SHEET	3
SK-06745-A101	OVERALL SITE PLAN	3
SK-06745-A102	SITE ELEVATIONS - TYPICAL	2
SK-06745-A103	SITE PLAN - SOUTHBOUND	3
SK-06745-A104	SITE PLAN - NORTHBOUND	3
SK-06745-A105	BUILDING FLOOR PLAN - NORTHBOUND/SOUTHBOUND TYPICAL	3
SK-06745-A106	BUILDING SETOUT PLAN - TYPICAL	1
SK-06745-A107	BUILDING ELEVATIONS - TYPICAL	1
SK-06745-A108	BUILDING ELEVATIONS - TYPICAL	1
SK-06745-A109	BUILDING SECTIONS	1
SK-06745-A110	TRUCK CANOPY ELEVATIONS - TYPICAL	1
SK-06745-A111	M.I.D ELEVATIONS	2
SK-06745-A112	CIRCULATION PLAN - TYPICAL	2



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					1	23/03/12	PRELIMINARY ISSUE	JC	

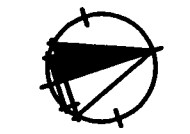
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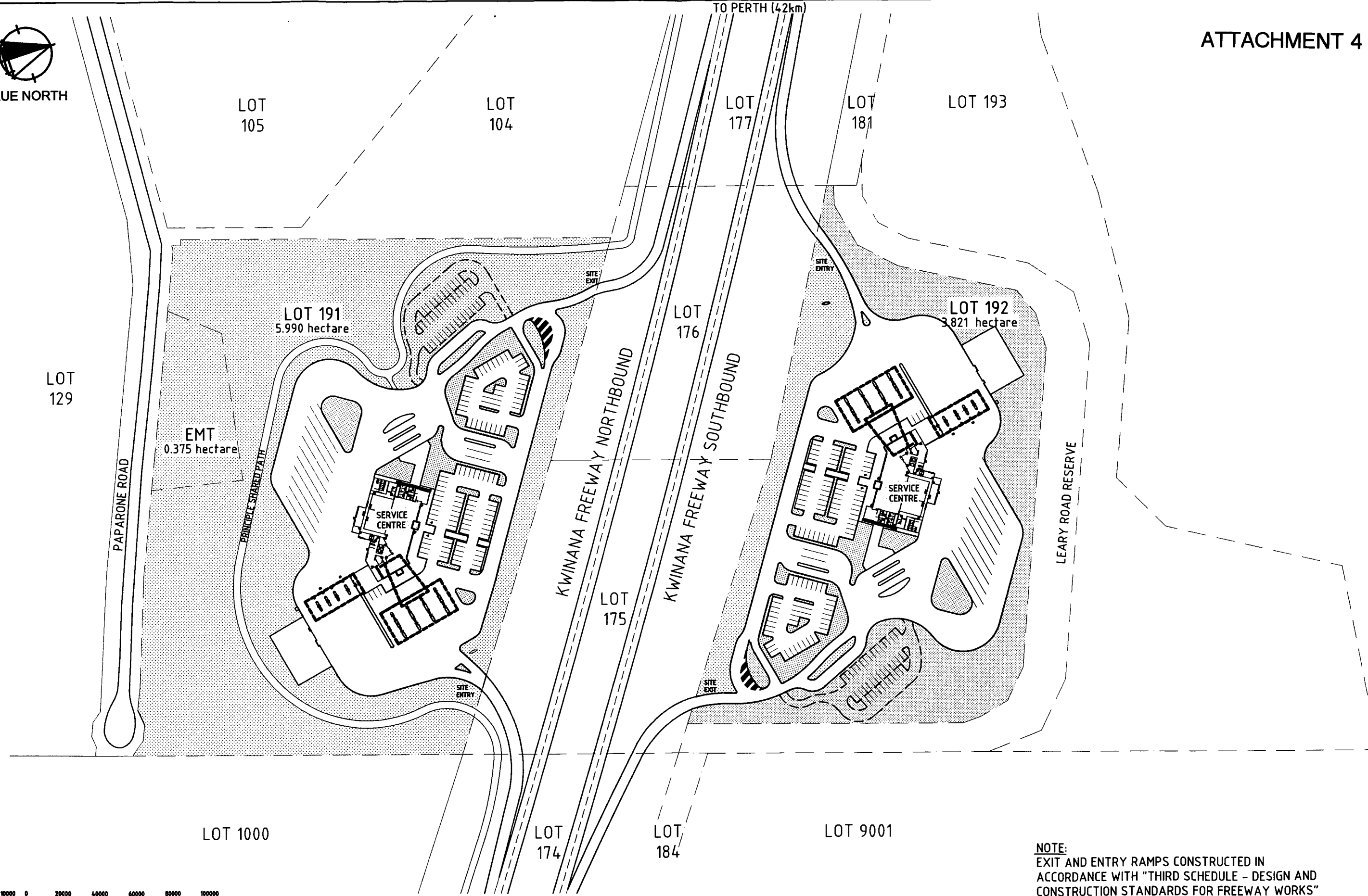
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**BP KWINANA SERVICE CENTRE
 KWINANA, WA
 GREENSITE DEVELOPMENT
 TITLE SHEET**

DRAWN CADWAY	DATE 24/09/2010	CHECKED WL	APPROVED WL	DWG No SK-06745-A100	ISSUE 3
SCALE 1:1	PLOT 1:1				



TRUE NORTH



NOTE:
EXIT AND ENTRY RAMPS CONSTRUCTED IN ACCORDANCE WITH "THIRD SCHEDULE - DESIGN AND CONSTRUCTION STANDARDS FOR FREEWAY WORKS" OF ACCESS DEED

TO MANDURAH (30km) & BUNBURY (132km)

TO PERTH (42km)

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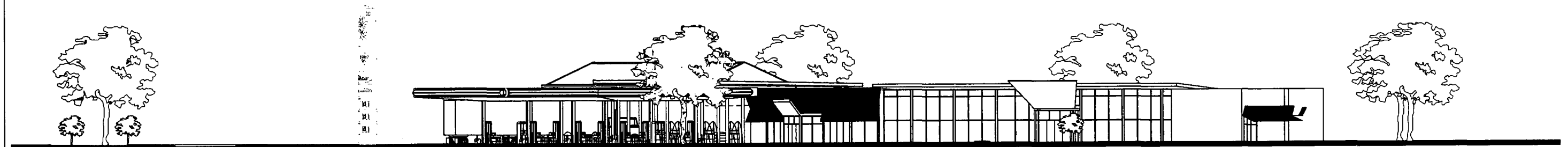
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BP KWINANA SERVICE CENTRE
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 GREENSITE DEVELOPMENT
 OVERALL SITE PLAN

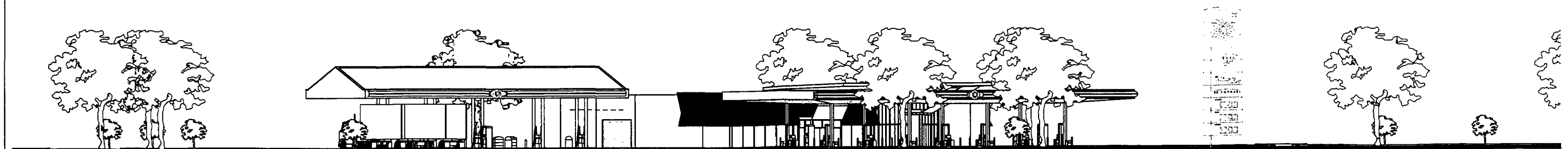
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SCALE 1:1000	PLOT 51				



CONCEPT INICATIVE SITE PERSPECTIVE 1
SCALE 1:100



CONCEPT INICATIVE SITE ELEVATION 1 2
SCALE 1:200



CONCEPT INICATIVE SITE ELEVATION 2 3
SCALE 1:200

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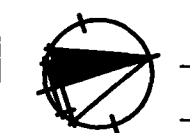
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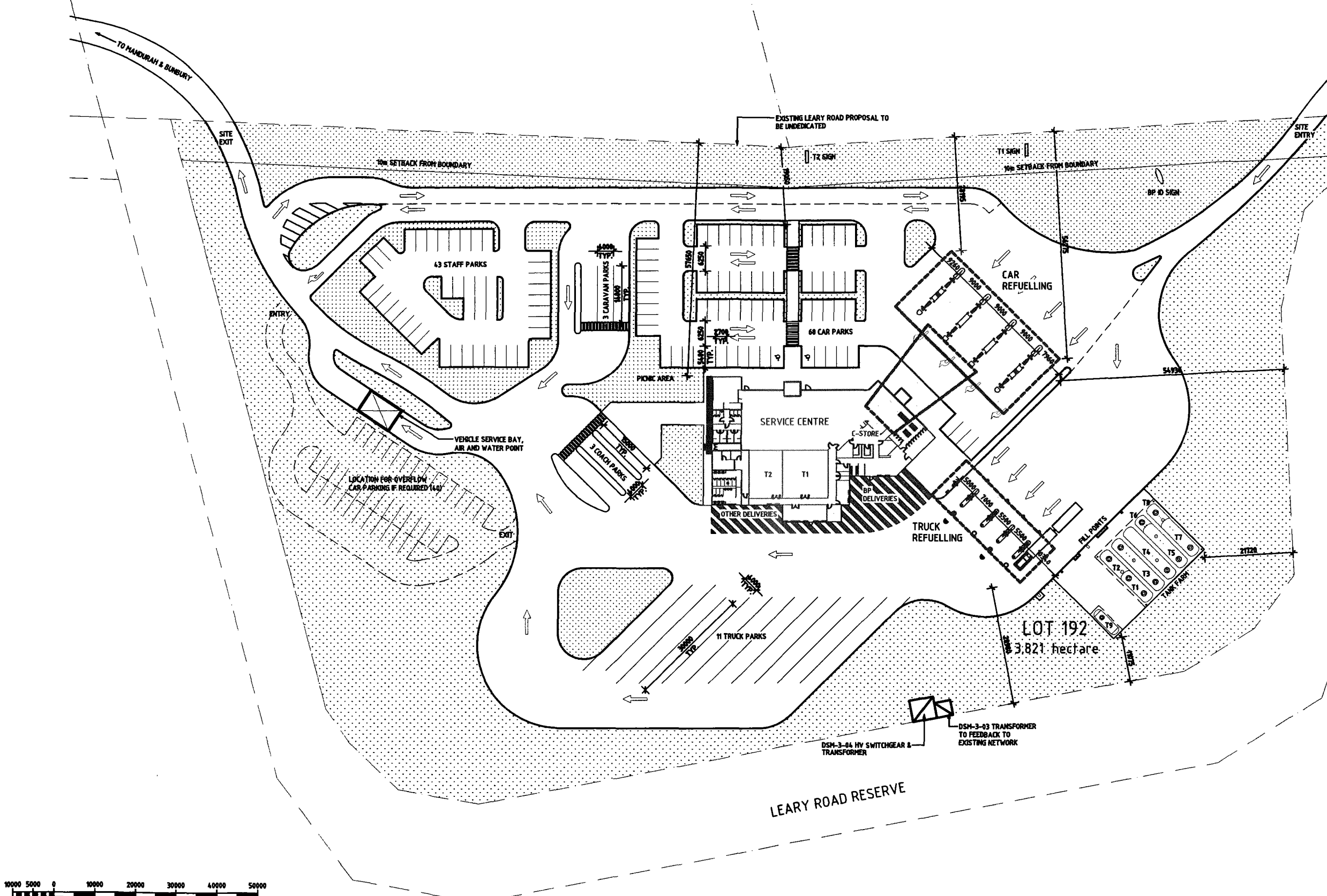
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KWINANA, WA
GREENSITE DEVELOPMENT
SITE ELEVATIONS - TYPICAL**

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SCALE 1:1000	PLOT 1:1			SK-06745-A102	2



TRUE NORTH

KWINANA FREEWAY SOUTHBOUND



REAL PROPERTY DESCRIPTION

LOT 192 ON DP 64567
 DISTRICT OF PEEL ESTATE
 LOCAL AUTHORITY OF ROCKINGHAM
 LOCALITY OF BALDIVIS

SITE AREA: 3.821 ha

LANDSCAPED AREA: 1.887 ha

CAR PARKING TOTAL: 68
 TRUCK PARKING TOTAL: 11
 COACH PARKING TOTAL: 3
 CARAVAN PARKING TOTAL: 3
 STAFF PARKING: 43
 OVERFLOW PARKING: 40

DANGEROUS GOODS STORED ONSITE			
TANK NO.	PRODUCT	CLASS/PG	CAPACITY
T1	ULTIMATE DIESEL	C1	55,000 LITRES
T2	DIESEL	C1	55,000 LITRES
T3	DIESEL	C1	110,000 LITRES
T4	UNLEADED (ULP)	3/PG II	110,000 LITRES
T5	UNLEADED (ULP)	3/PG II	90,000 LITRES
T6	ADBLUE	-	20,000 LITRES
T7	ULTIMATE UNLEADED (ULT)	3/PG II	75,000 LITRES
T8	PREMIUM UNLEADED (ULP)	3/PG II	35,000 LITRES
T9	LPG	2.1	30,000 LITRES
TOTAL DANGEROUS GOODS BULK STORAGE CAPACITY			580,000 LITRES

10000 5000 0 10000 20000 30000 40000 50000
 SCALE 1:500

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BP KWINANA SERVICE CENTRE
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 GREENSITE DEVELOPMENT
 SITE PLAN - SOUTHBOUND

BP logo

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SCALE 1:500	PLOT 51				



TRUE NORTH

PAPARONE ROAD

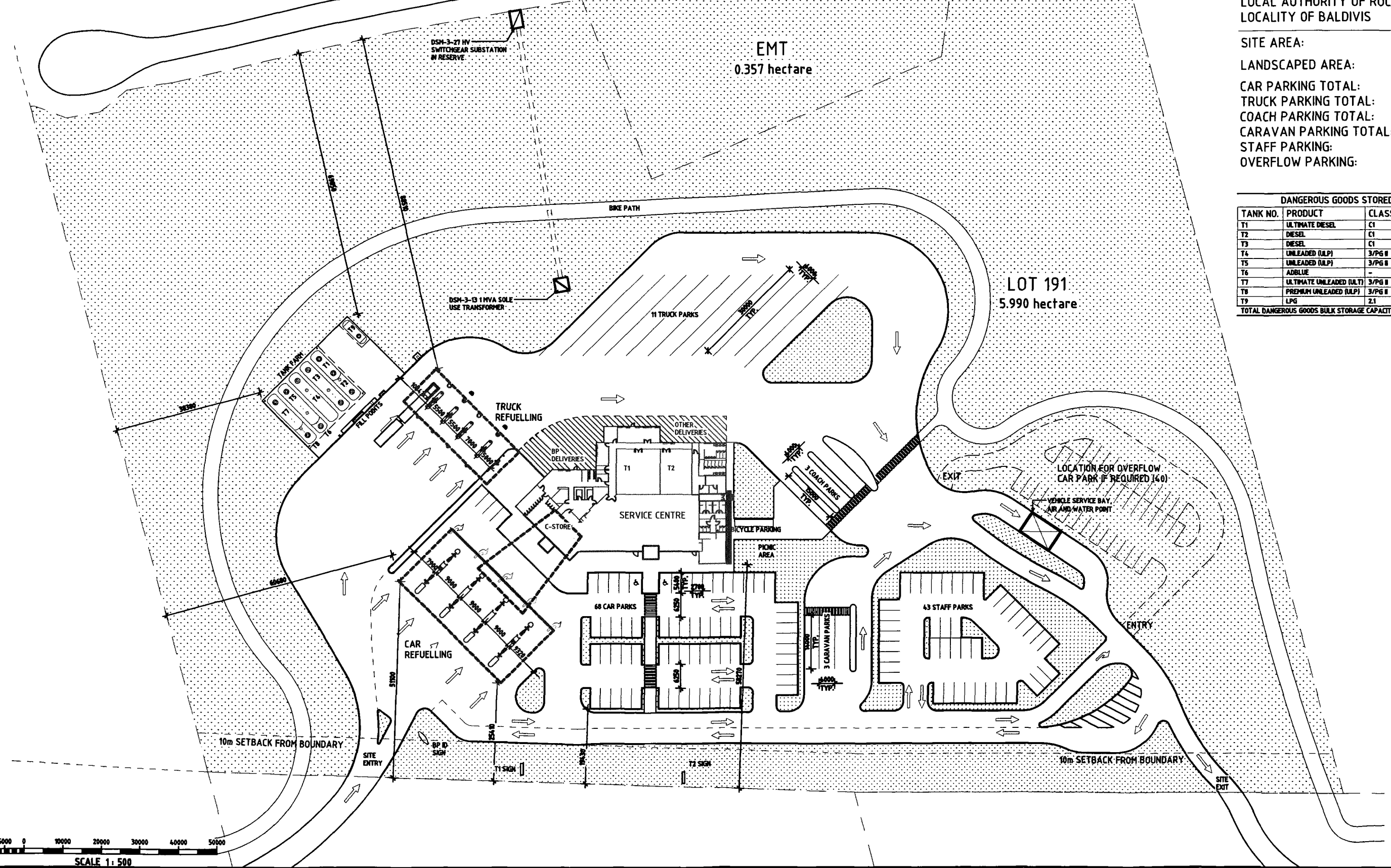
EMT
0.357 hectare

LOT 191
5.990 hectare

REAL PROPERTY DESCRIPTION
LOT 191 ON DP 64567
DISTRICT OF PEEL ESTATE
LOCAL AUTHORITY OF ROCKINGHAM
LOCALITY OF BALDIVIS

SITE AREA:	5.990ha
LANDSCAPED AREA:	4.076ha
CAR PARKING TOTAL:	68
TRUCK PARKING TOTAL:	11
COACH PARKING TOTAL:	3
CARAVAN PARKING TOTAL:	3
STAFF PARKING:	43
OVERFLOW PARKING:	40

DANGEROUS GOODS STORED ONSITE			
TANK NO.	PRODUCT	CLASS/PG	CAPACITY
T1	ULTIMATE DIESEL	C1	55,000 LITRES
T2	DIESEL	C1	55,000 LITRES
T3	DIESEL	C1	110,000 LITRES
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T6	ADBLUE	-	20,000 LITRES
T7	ULTIMATE UNLEADED (ULT)	3/PG II	75,000 LITRES
T8	PREMIUM UNLEADED (ULP)	3/PG II	35,000 LITRES
T9	LPG	Z1	30,000 LITRES
TOTAL DANGEROUS GOODS BULK STORAGE CAPACITY			580,000 LITRES



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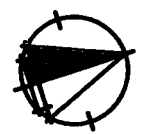
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BP KWINANA SERVICE CENTRE
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 GREENSITE DEVELOPMENT
 SITE PLAN - NORTHBOUND

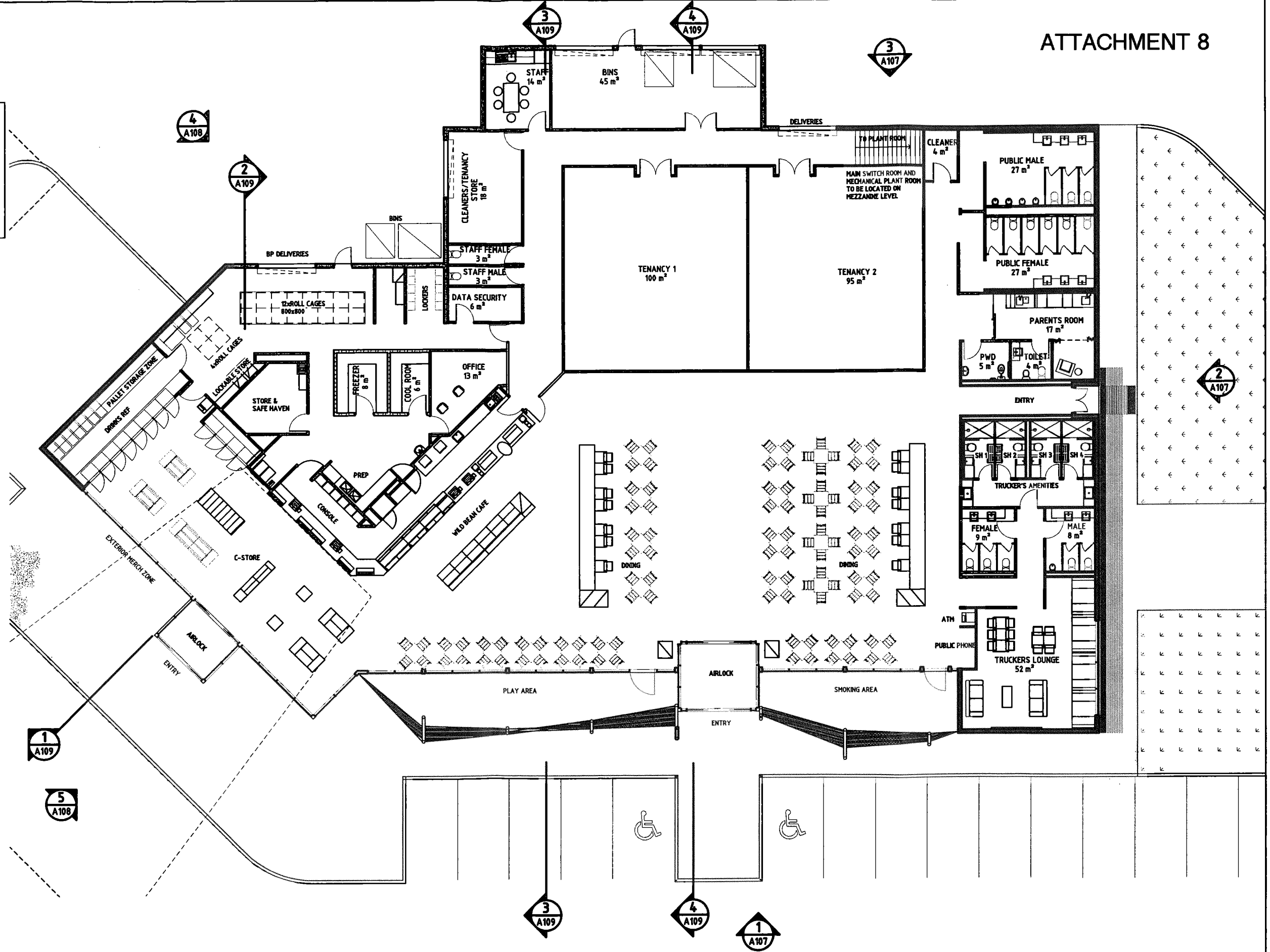
DRAWN CADWAY DATE 24/09/2010 CHECKED WL APPROVED WL DWG No SK-06745-A104 ISSUE 3



TRUE NORTH

BUILDING AREA SCHEDULE	
C-STORE	200m ²
TENANCY 1 - FOOD	100m ²
TENANCY 2 - FOOD	95m ²
COMMON AMENITIES	125m ²
COMMON SEATING	24.0m ²
OTHER	583m ²
TOTAL BUILDING AREA (GFA)	1385m²

FOOD COURT SEATING	114
TRUCKERS DINING SEATING	26
TOTAL SEATING	140



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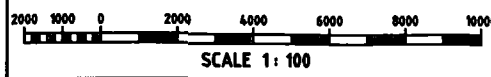
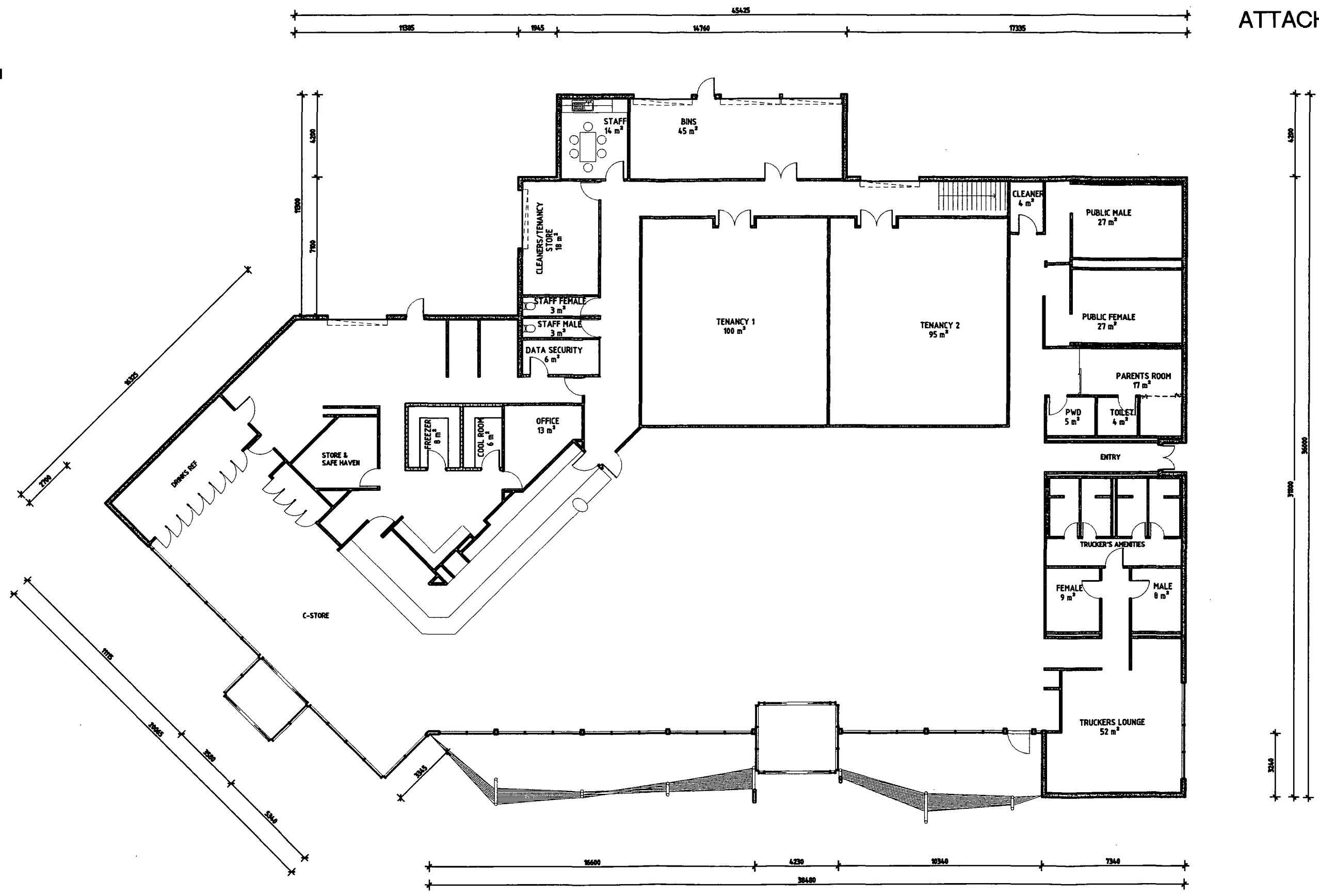
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BUILDING FLOOR PLAN - NORTHBOUND/SOUTHBOUND TYPICAL

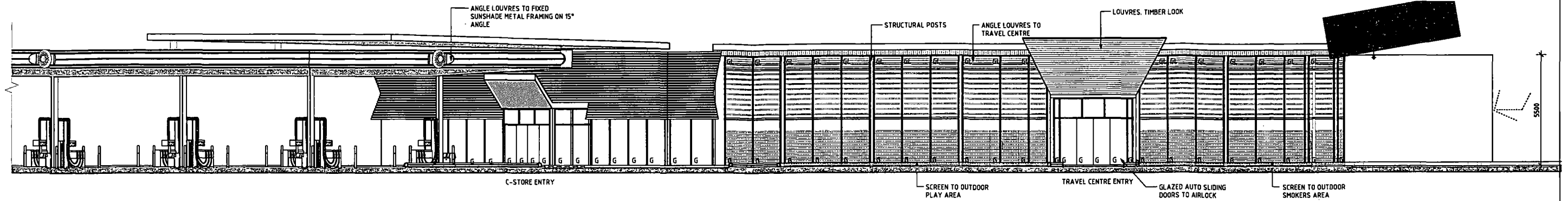
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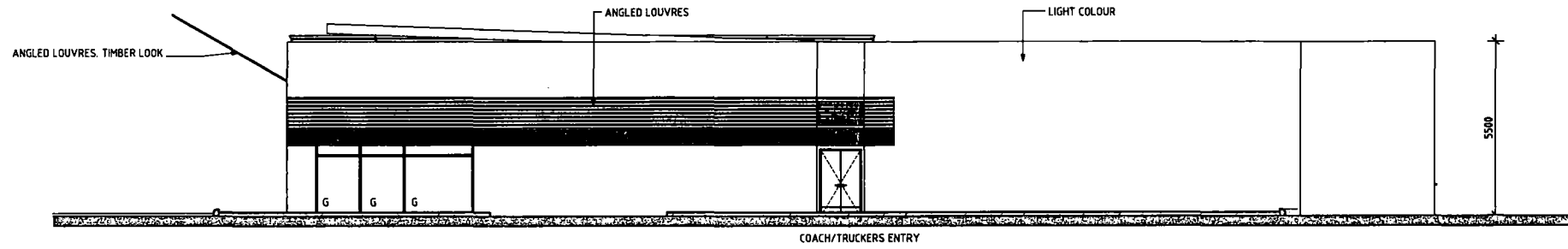
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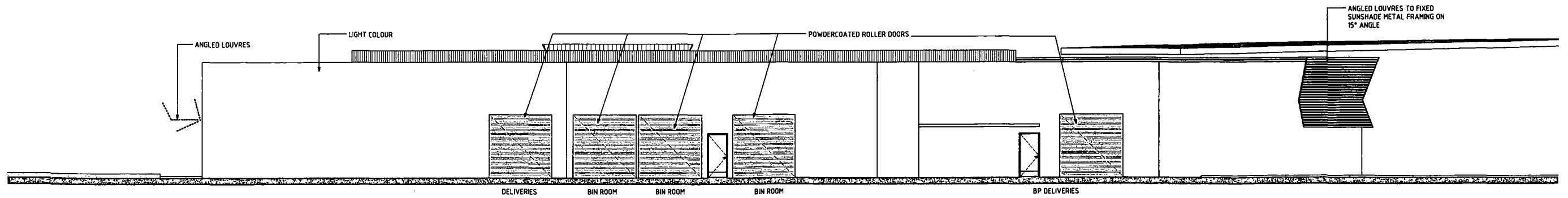
<h1>PRELIMINARY ISSUE</h1>	CADWAY PROJECTS <small>Cadway Pty Ltd 15 Wickham Street PO Box 426 Perth WA 6000 T 08 9437 2255 F 08 9437 2282 www.cadway.com.au info@cadway.com.au</small>					DIMENSIONS IN MM DRAWING PRACTICE TO AS1100	BP AUSTRALIA PTY LTD. <small>BP Office 0222, MELBOURNE VIC 3001 MIB 03 024 050 610 TEL (03) 8288 4111</small>	BP KWINANA SERVICE CENTRE KWINANA, WA GREENSITE DEVELOPMENT BUILDING SETOUT PLAN - TYPICAL							
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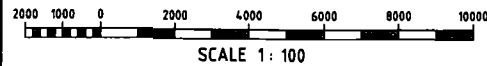
ELEVATION 1
SCALE 1:100
A105



ELEVATION 2
SCALE 1:100
A105



ELEVATION 3
SCALE 1:100
A105



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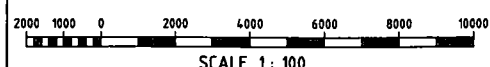
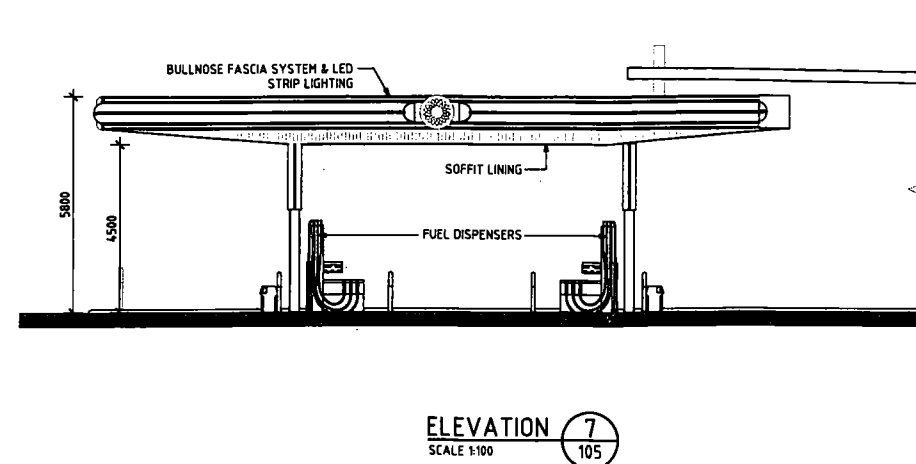
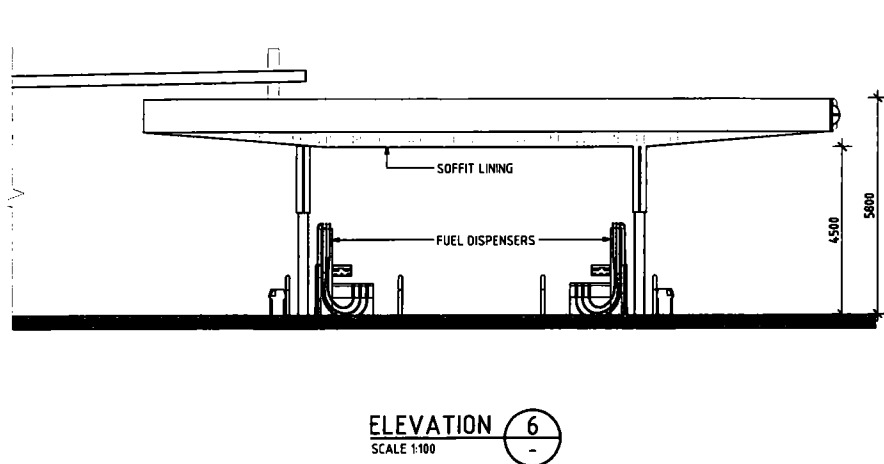
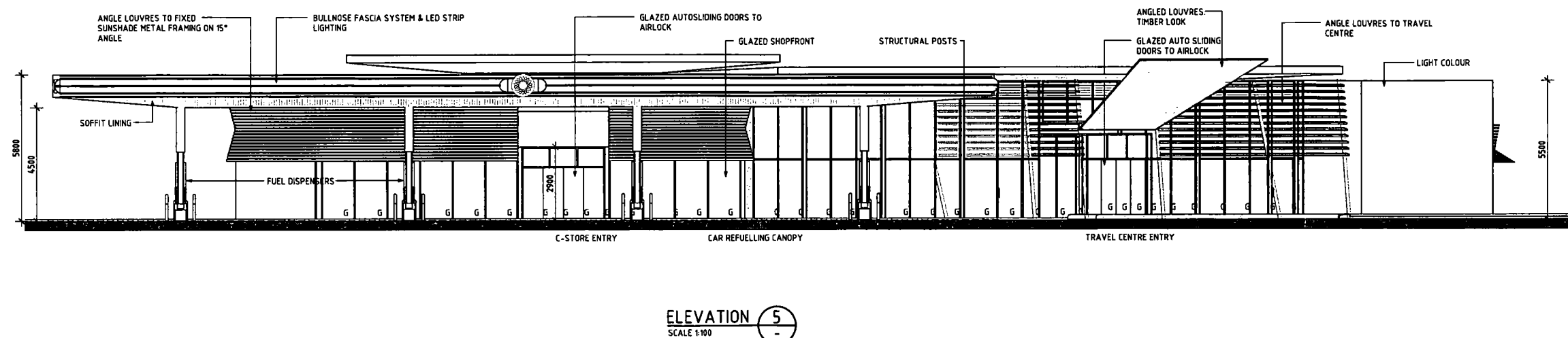
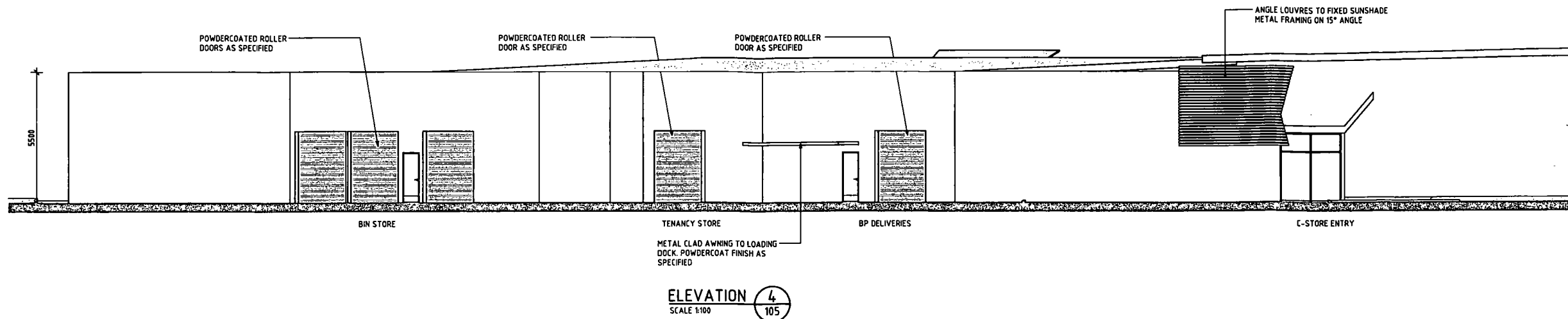
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KWINANA, WA
GREENSITE DEVELOPMENT
BUILDING ELEVATIONS - TYPICAL

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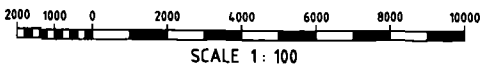
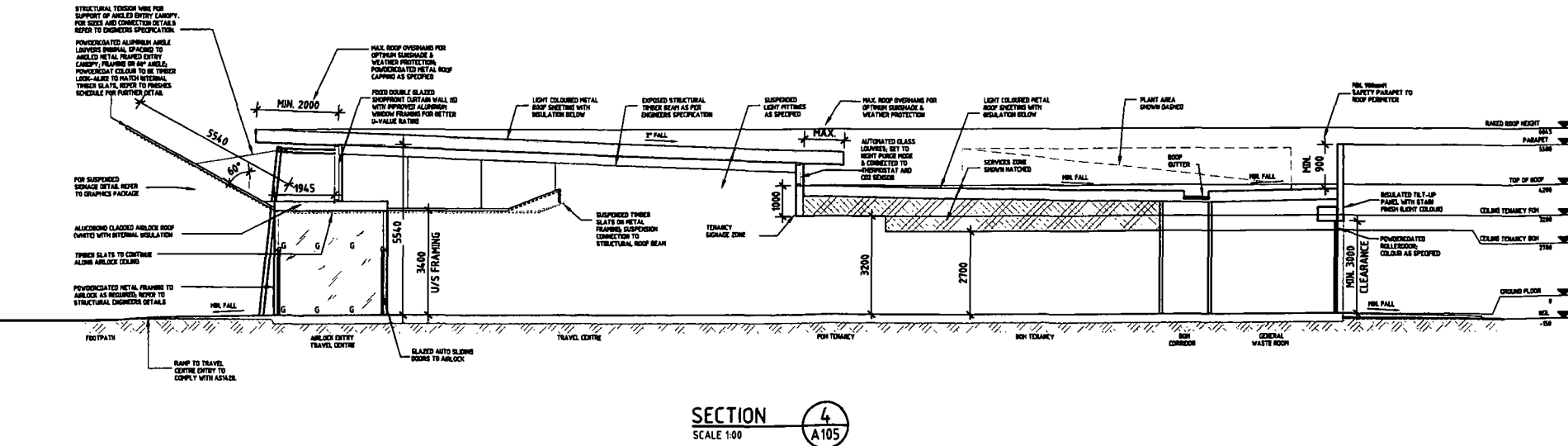
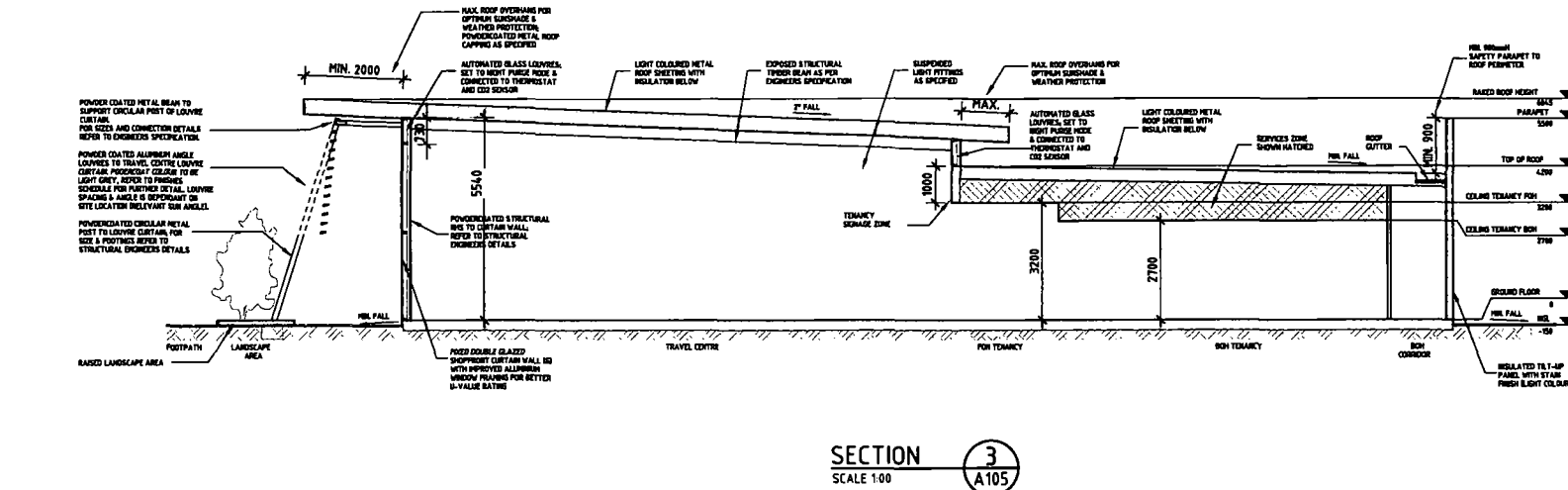
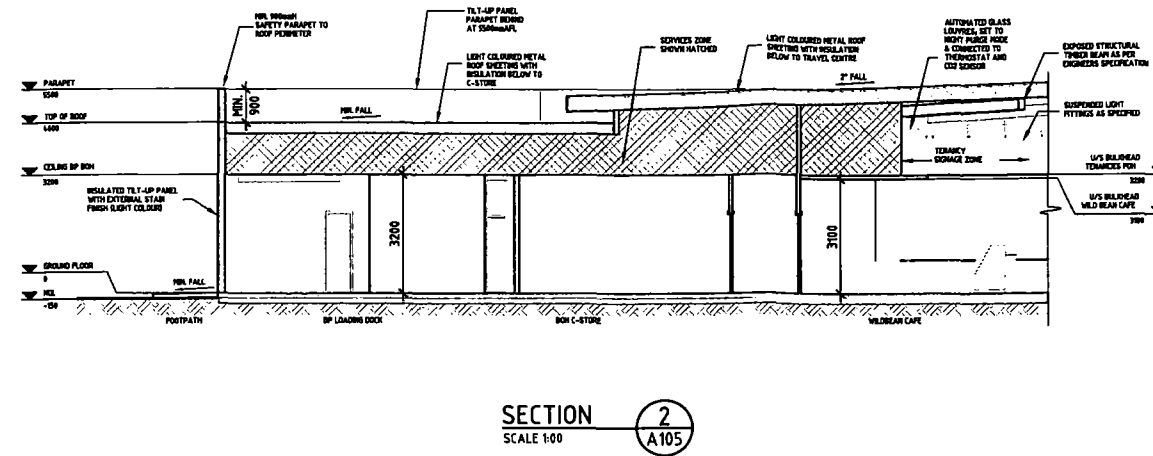
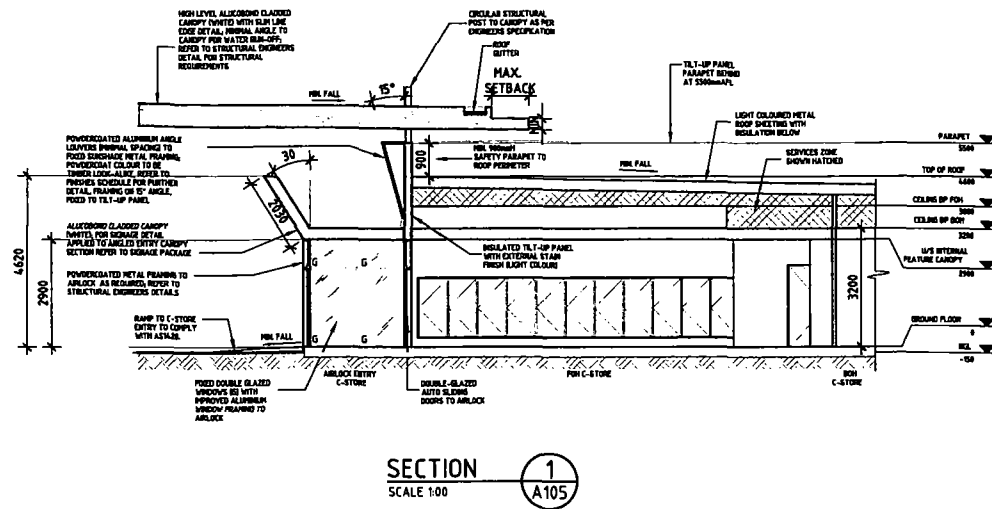
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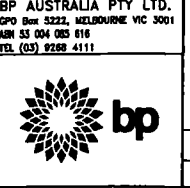
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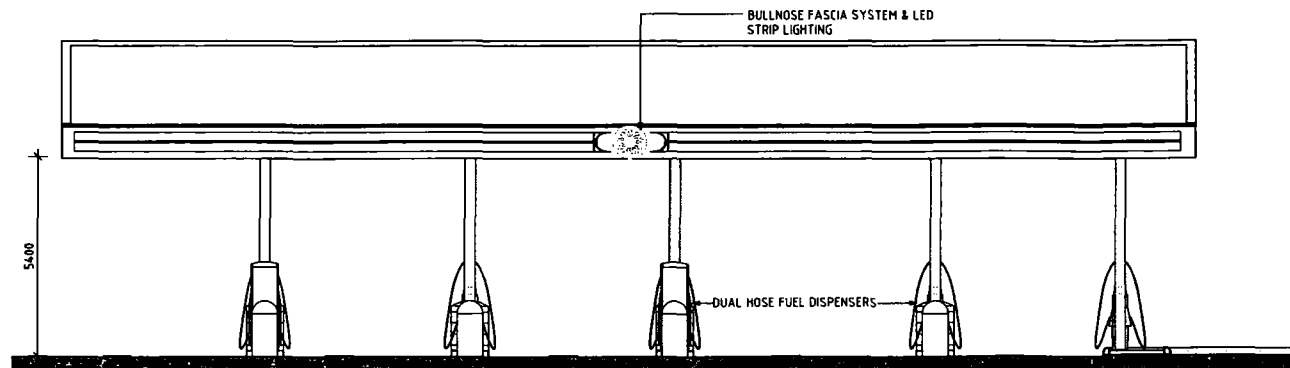
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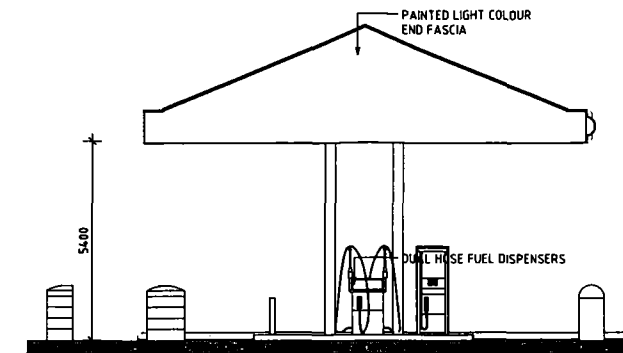
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 BUILDING ELEVATIONS - TYPICAL

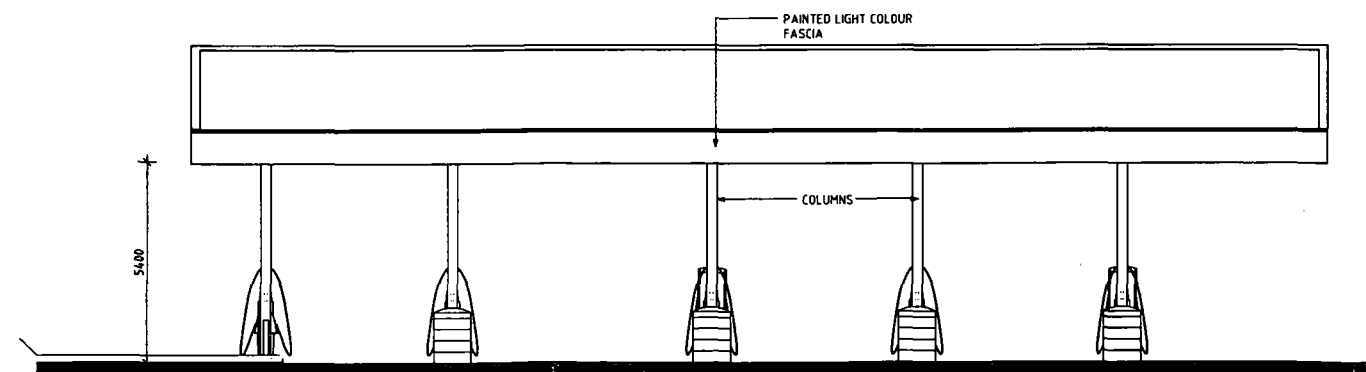
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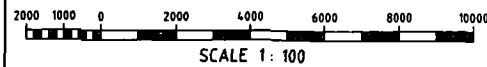
ELEVATION 1
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ELEVATION 2
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ELEVATION 3
SCALE 1:100



SCALE 1:100

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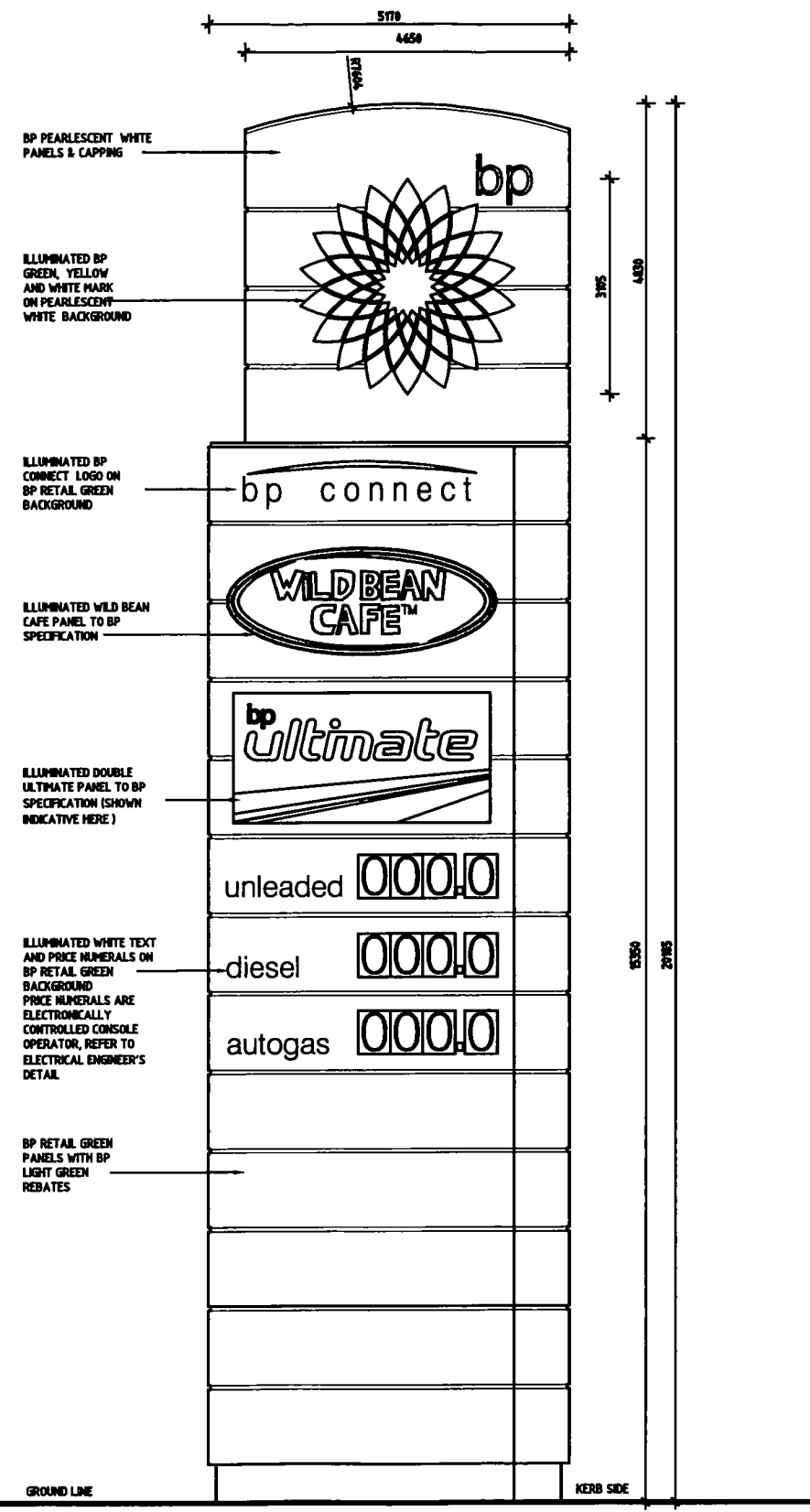
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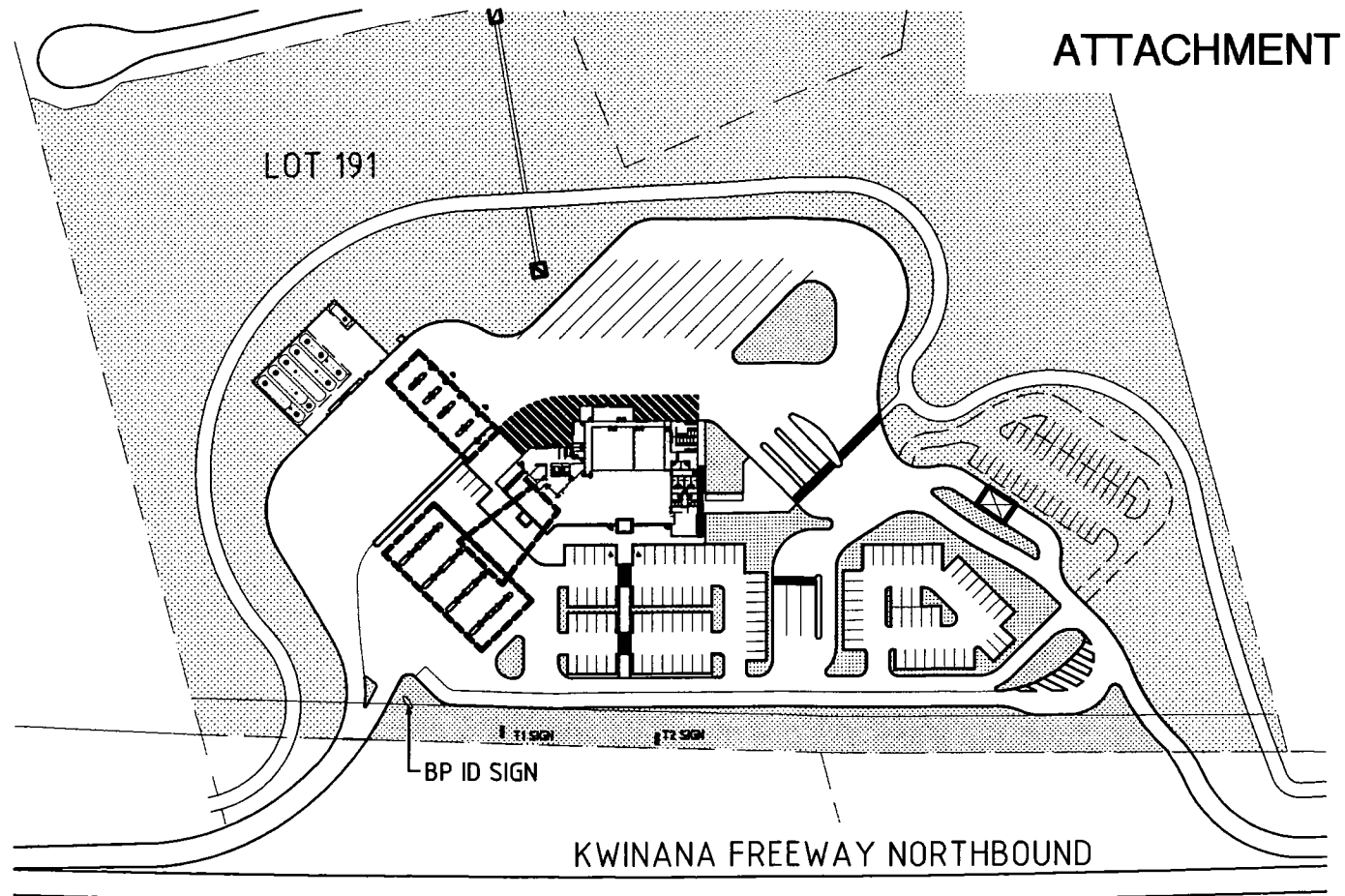


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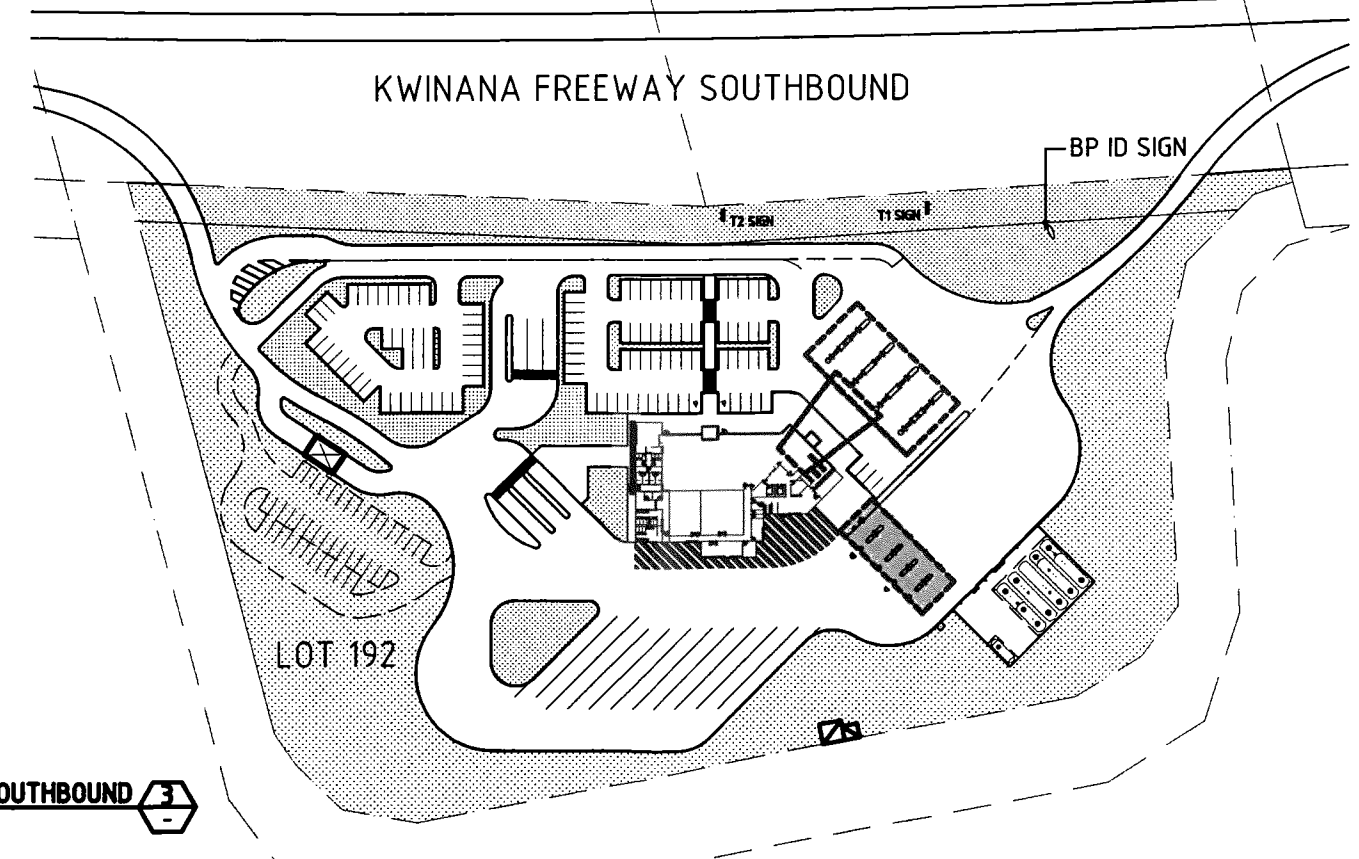
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ID SIGN - 20M ①
SCALE 1:50



SITE M.I.D SIGN LAYOUT - NORTHBOUND ②
SCALE 1:1000



SITE M.I.D SIGN LAYOUT - SOUTHBOUND ③
SCALE 1:1000

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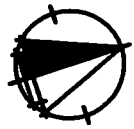
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**BP KWINANA SERVICE CENTRE
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M.I.D ELEVATION**

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SCALE As Indicated PLOT 51



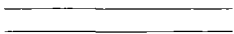



TRUE NORTH

PAPARONE ROAD

ATTACHMENT 15

EMT

VEHICLE PATH LEGEND

-  B-DOUBLE
-  BUS
-  CAR
-  CAR/CARAVAN

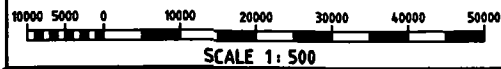
LOT 191

SERVICE CENTRE

VEHICLE SERVICE BAY
AIR/RELIABLE WATER POINT

SITE ENTRY

SITE EXIT



SCALE 1: 500

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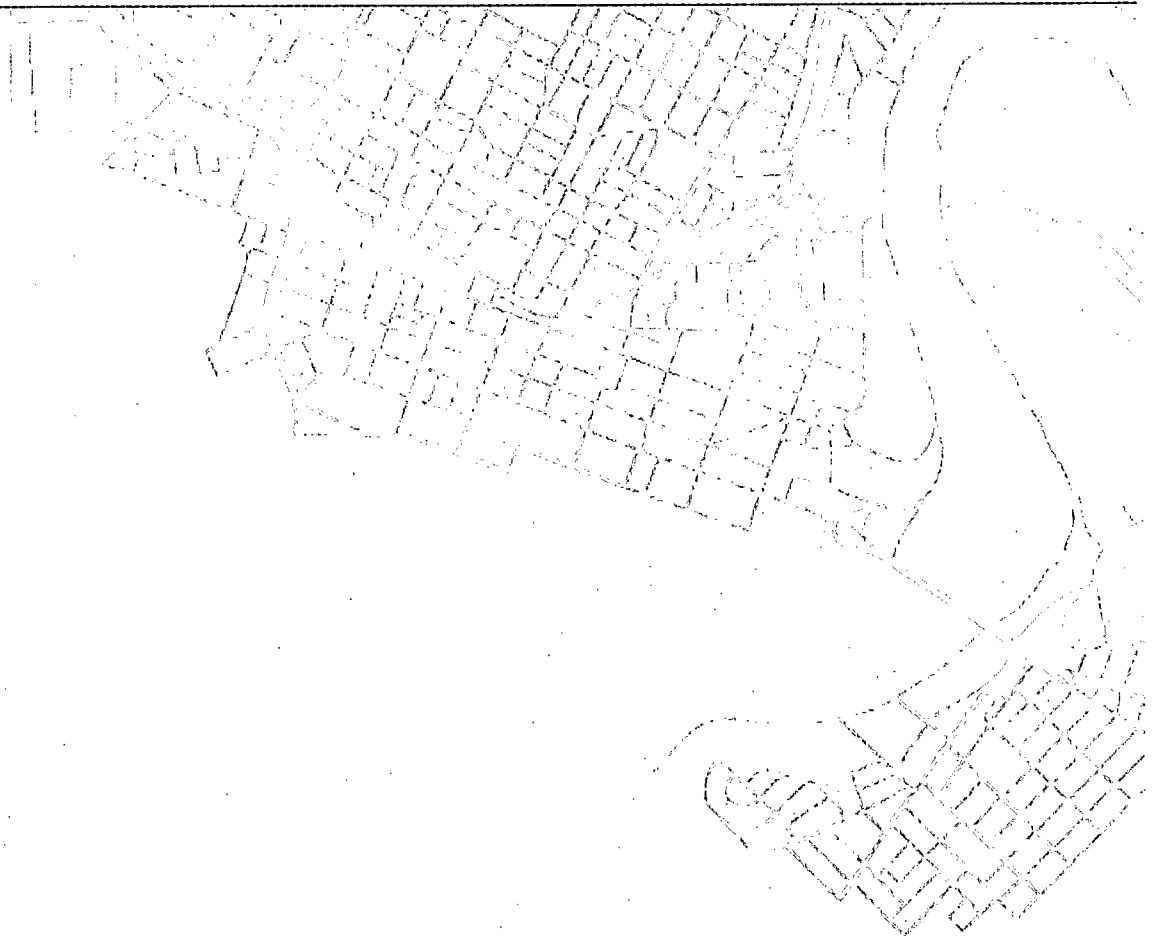


BP KWINANA SERVICE CENTRE
KWINANA, WA
GREENSITE DEVELOPMENT
SITE VEHICLE PATHS

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DEVELOPMENT APPLICATION – FREEWAY SERVICE CENTRES

LOT 191 PAPARONE ROAD AND LOT 192 LEARY ROAD,
BALDIVIS




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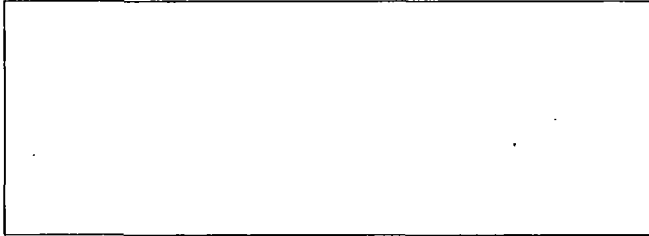
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Printed 10 December 2012

Lynden Semmens Town Planner



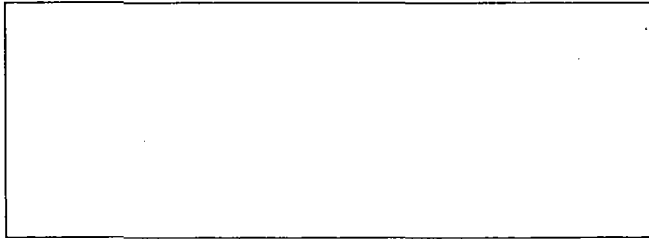
7/12/12

Sean Fairfoul Team Leader



7/12/12

Melissa Willis Quality Control



7/12/12

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DEVELOPMENT APPLICATION – FREEWAY SERVICE CENTRES – BALDIVIS » GRA REF 6410 » 6410_12DEC02R_LS

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APPENDIX 3 TRAFFIC IMPACT ASSESSMENT
APPENDIX 4 ENVIRONMENTAL ACOUSTIC ASSESSMENT
APPENDIX 5 CIVIL SERVICES REPORT

1.0 Introduction

Greg Rowe and Associates acts on behalf of BP Australia Pty Ltd, the owners of Lot 191 Paparone Road and Lot 192 Leary Road, Baldivis (herein referred to the 'subject site').

This report has been prepared in support of an application to develop two (2) 'Freeway Service Centre's at the subject site, located adjacent each other on both the western and eastern sides of the Kwinana Freeway.

This report includes a description of the following matters:

- » Location of the subject site;
- » Description of the existing land use;
- » Overview of relevant planning and design issues;
- » Detailed explanation of the proposed development;
- » Justification for the proposed development; and
- » Sub Consultant reports.

The following consultants assisted in the preparation of the Application:

- » Greg Rowe and Associates - Town Planning
- » Wood and Grieve Engineers - Civil Servicing
- » Herring Storer Acoustics - Acoustics
- » BG&E - Traffic

2.0 Description of Site

2.1 Regional Location

The subject site is located in the Municipality of the City of Rockingham, approximately 40 kilometres south of the Perth Central Area and approximately 30km north of Mandurah, making it approximately halfway between these two major strategic centres.

In addition, the subject site is located approximately 10km east of the Central Rockingham area.

Refer Figure 1 – Regional Location.

2.2 Local Location

The subject site(s) are both situated in Baldivis and separated by the Kwinana Freeway.

Lot 191 is serviced by Paparone Road at the rear (western side) of the site while Lot 192 has frontage to Leary Road which surrounds the site on all sides except where it abuts the Kwinana Freeway.

The northbound side of the Freeway contains a Principle Shared Path (PSP) which is integrated into the reserve running parallel to the subject site.

Refer Figure 2 – Local Location.

2.3 Cadastral Information

The subject site comprises two (2) land parcels, being:

- » Lot 191 on Deposited Plan 64567 Certificate of Title Volume 2781 Folio 466; and
- » Lot 192 on Deposited Plan 64567 Certificate of Title Volume 2781 Folio 466

The subject site at Lot 191 has a total land area of 5.99 hectares, with frontages of 295 metres to the Kwinana Freeway and 274 metres to Paparone Road. Lot 192 has a total land area of 3.82 hectares with frontage of 305 metres to the Kwinana Freeway and frontage to Leary Road on all other sides.

Refer Figure 3 – Site Plan and Appendix 1 – Certificates of Title.

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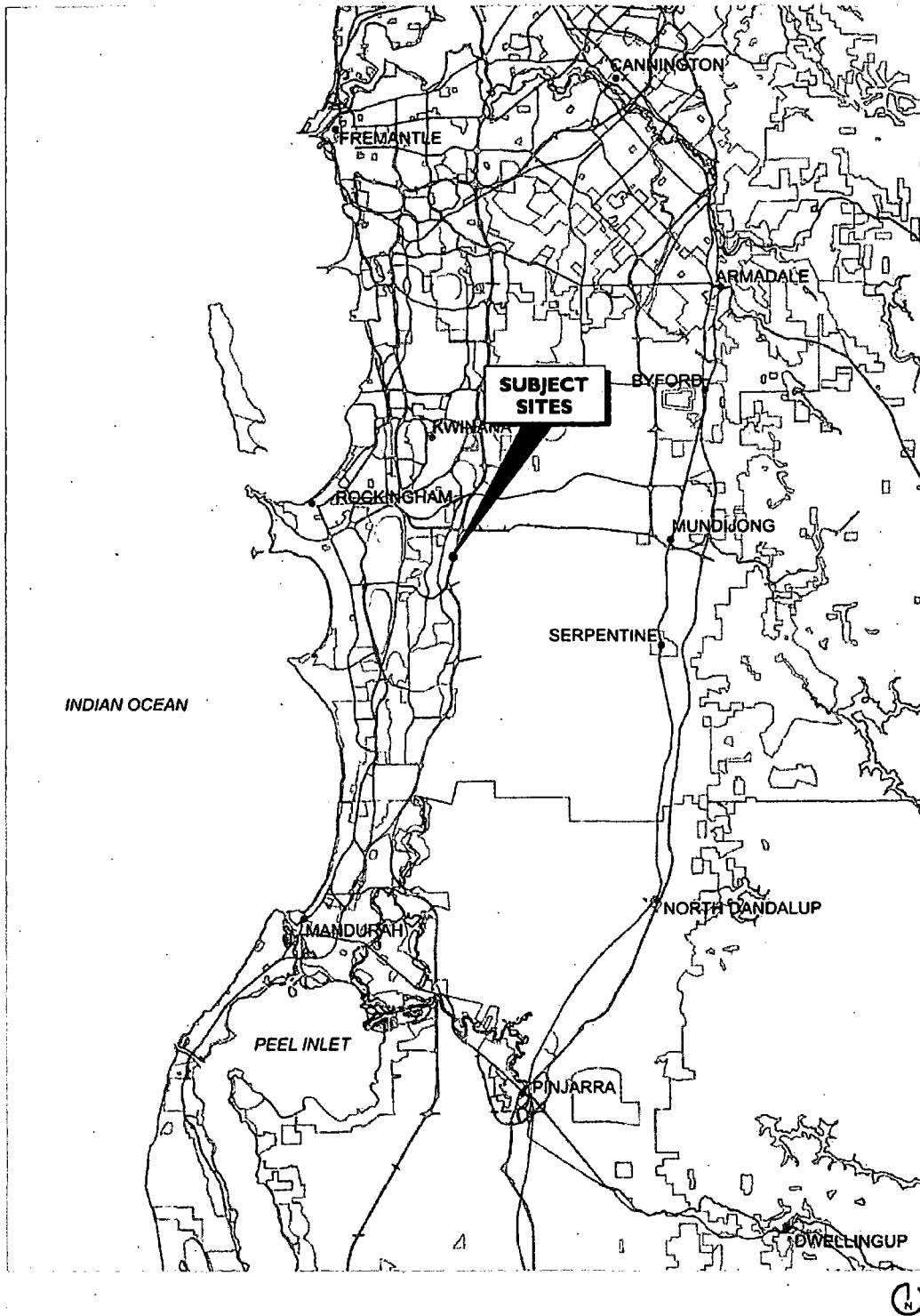


FIGURE 1 REGIONAL LOCATION PLAN

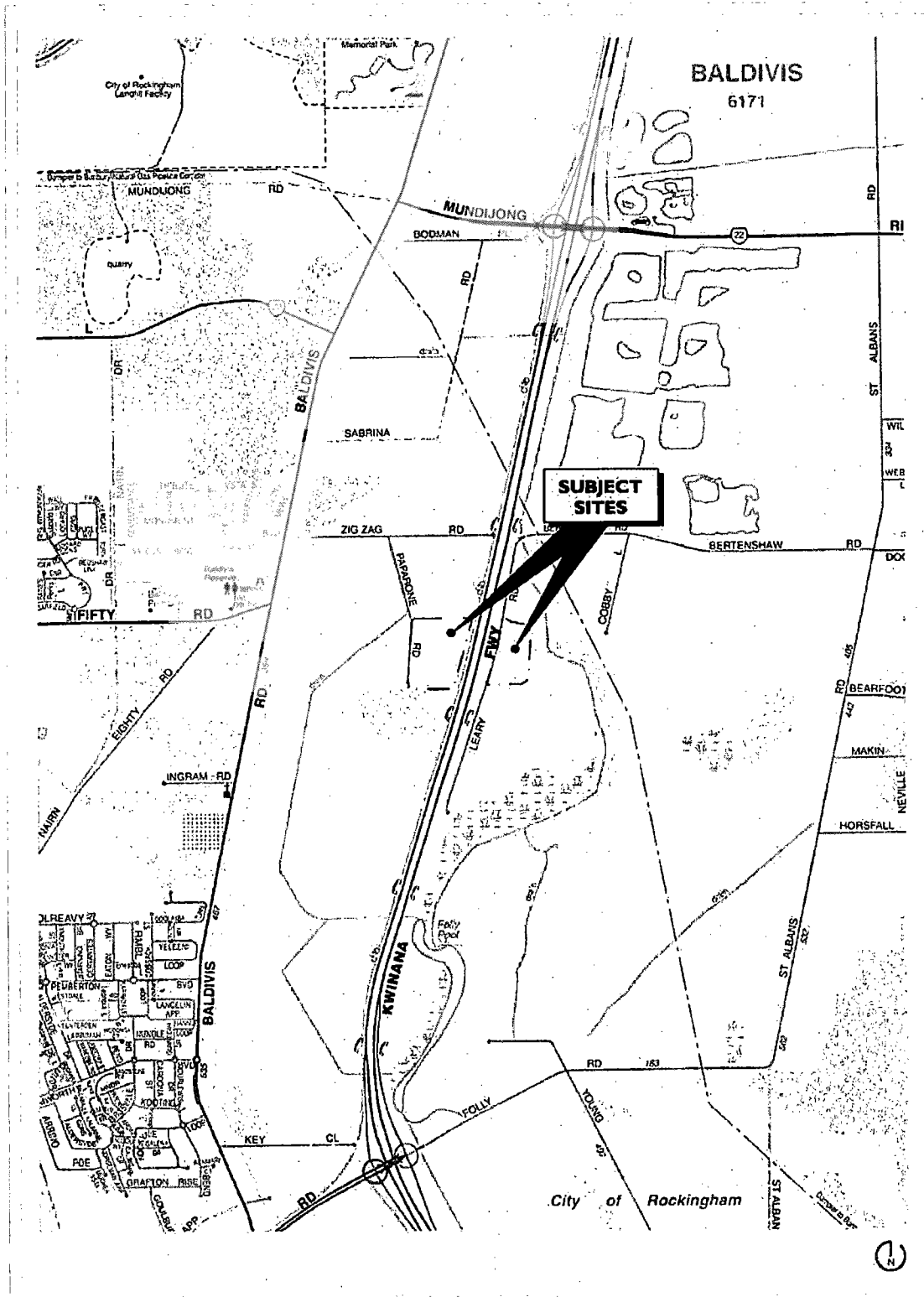


FIGURE 2 LOCAL LOCATION PLAN

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DEVELOPMENT APPLICATION - FREEWAY SERVICE CENTRES » BALDIVIS » GRA REF 6410 » 6410_12DEC02R_LS

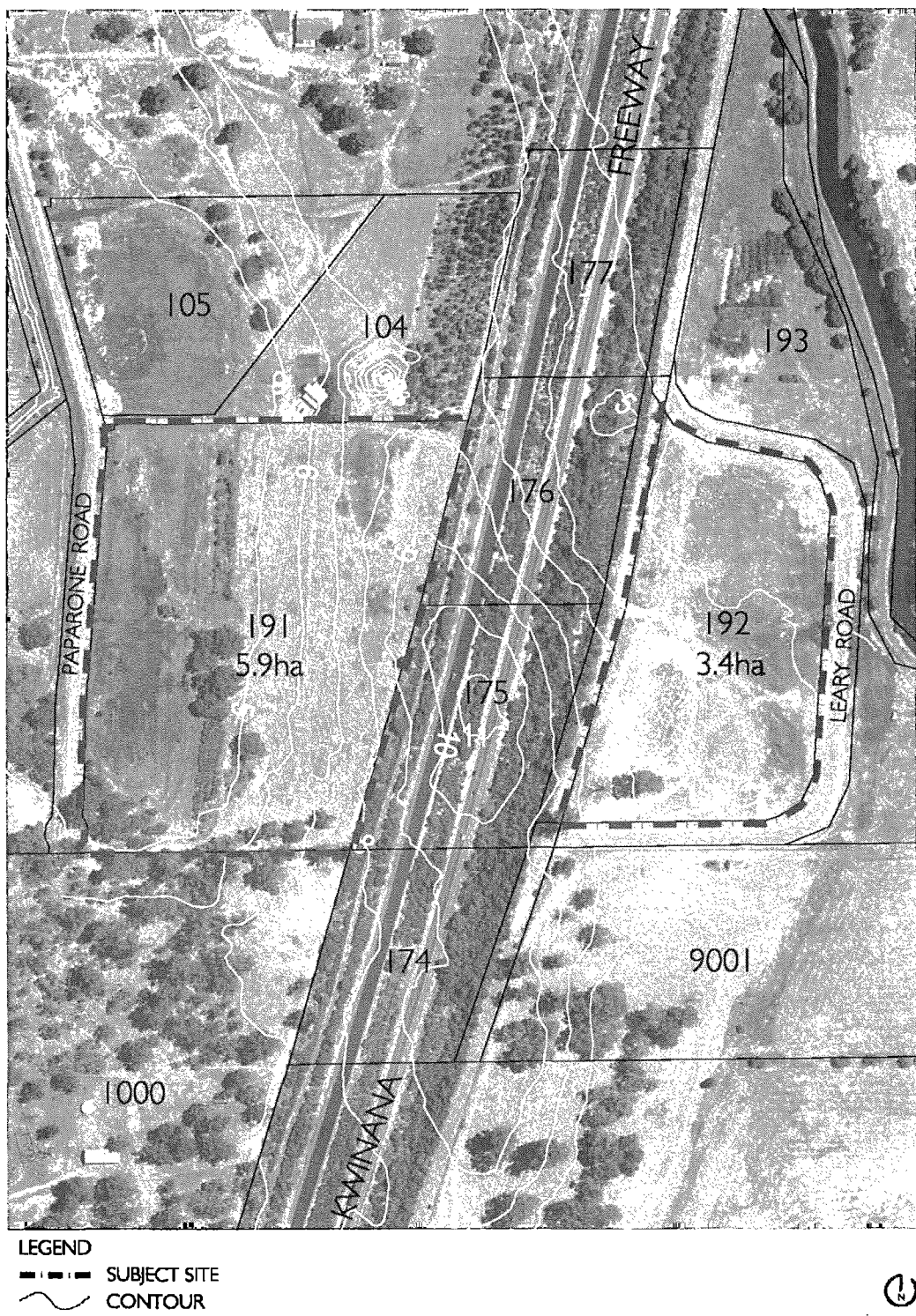


FIGURE 3 SITE PLAN

2.4 Existing Improvements

Both lots are rural paddocks, void of any man-made improvements. Historically the subject land has been cleared and used for the grazing of cattle. As a result, all native vegetation has been removed and replaced by open grass paddocks. Lot 191 however contains a band of existing trees running centrally through the site in a north-south direction.

3.0 Description of Proposal

3.1 General

This application seeks planning approval to develop two (2) 'Freeway Service Centre's in Baldvis. The Freeway Service Centres are similar to a typical service station with refuelling and general convenience items available for sale. The Service Centres are designed to specifically cater for regional motor travellers including heavy and light motor vehicles.

Each station although located on opposite sides of the freeway is essentially configured in the same arrangement – one to serve northbound traffic and the other to serve southbound traffic. Once established, each Freeway Service Centre will employ up to approximately 15 staff members. The Service Centres intend to operate 24 hours a day.

Space has been provided within each Service Centre to locate up to three (3) retail tenancies. These will be subject to separate planning applications being lodged with the City of Rockingham. Notwithstanding, it is anticipated that up to approximately 30 additional staff could be employed for these tenancies. More than adequate onsite parking has been provided to cater for these expected staff numbers.

3.2 Improvements

The Development Proposal includes several components within the 'Freeway Service Centre'. This configuration comprises the following improvements:

- » Service Station used for the retail sale of petroleum products with an associated Convenience Store and Cafe / Restaurant
- » Various back of house facilities / areas (storage, preparation, office etc).
- » Retailing or other food and beverage opportunities for additional tenants (suitable tenants to be identified at a later date)

Refer Appendix 2 – Development Application Plans.

3.3 Services and Amenities

In addition to the above improvements, each Service Centre offers regional travellers the following services and amenities:

- » Designated parking for a variety of cars, trucks and coaches
- » Undercover fuel sales area
- » Food and refreshment facilities, including sit-down eating areas

- » Convenience (retail) area
- » Toilets / Amenities for Truck Drivers including:
 - Female WC's
 - Male WC's and Urinal
 - Unisex cubicles with Shower, WC and Washbasin
 - Truckers Lounge
- » Separate toilets / Amenities for the Public including:
 - Female WC's
 - Male WC's and 4 Urinals
 - Parents Room with WC, feeding room
 - Disabled WC / Powder room
- » Public telephone
- » Local and regional tourist information
- » Outdoor eating area

The above facilities and services are to be made available 24 hour a day, seven days a week.

Seating is provided internally for up to 150 patrons. Informal seating arrangements will also be provided to some external areas including picnic areas.

Parking and Access

Parking is provided for a range of vehicle types, with parking numbers as follows:

- » 11 x Truck parking bays;
- » 3 x Coach parking bays;
- » 3 x Caravan parking bays;
- » 43 x Staff parking bays;
- » 66 x typical public parking bays; and
- » 2 x disabled parking bays.
- » **Total = 128 parking bays**

Notwithstanding the above parking numbers, we understand that typically Service Centres experience a high turnover of vehicles which stop only for refuelling purposes (ie. temporarily). Accordingly, there is likely to be some 'stacking' of vehicles occurring which will not necessarily result in usage of any of abovementioned parking bays. An overflow area for 40 additional car bays has also been provided should it be needed in the future (shown for indicative purposes only on the plans).

Access and egress to the Freeway Service Centres is provided solely from Kwinana Freeway

Truck movements into the Service Centres are designed so that they are able to move through in a forward gear at all times. Several civil engineered and traffic management mechanisms are used to slow down traffic (coming off the freeway) and integrate traffic back onto Kwinana Freeway so that traffic flow is unaffected.

Refer to Appendix 4 - Traffic and Transport report

Additionally, direct access from the Principle Shared Path (PSP) to the Service Centre at Lot 191 is included as part of this proposal. In order to negate any potential conflict with pedestrians/cyclists, the PSP is to be redirected around the Service Centre. Being roughly halfway between Perth and Mandurah provides the subject site with opportunity to act as a 'rest stop' for those people utilising the PSP. A zebra crossing is provided through the car park area to support safe passage from the PSP to the Service Centre.

3.4 Signage

A full signage strategy will be prepared to the satisfaction of the City of Rockingham and Main Roads WA subsequent to the successful approval of this Development Application. Signage will generally consist of signs affixed to the Service Centre facades, with a pylon sign and advertising of road safety messages where appropriate at each facility.

3.5 Landscaping

Both lots achieve a significant landscaping area surrounding the development site (buffer area).

A fully integrated landscaping design will be prepared to the satisfaction of the City of Rockingham and Main Roads WA subsequent to the successful approval of this Development Application.

4.0 Town Planning Considerations

4.1 Zoning

4.1.1 Metropolitan Region Scheme

Under the provisions of the Metropolitan Region Scheme ('MRS'), Lot 191 is zoned 'Urban' while Lot 192 is zoned 'Rural'. Additionally, the Kwinana Freeway is reserved as a 'Primary Regional Road'.

Refer Figure 4 – MRS Zoning Plan.

4.1.2 City of Rockingham Town Planning Scheme No. 2

Under the provisions of Town Planning Scheme No.2 (TPS 2), both Lots 191 and 192 are zoned 'Special Use' and are assigned the Special Use No's 12 and 11 respectively.

The intent of the "Special Use" zone, as stated in TPS 2 is:

- 3.4.1 *Special Use Zones are set out in Schedule No.3 and are in addition to the zones in the Zoning Table.*
- 3.4.2 *A person shall not use any land, or any building or structure on land in a Special Use Zone, except for the purpose set out against that land in Schedule No.3 and subject to compliance with any conditions set out in Schedule No.3 with respect to that land.*
- 3.4.3 *Each Special Use Zone will be numbered on the Scheme Map and cross-referenced to Schedule No.3.*

Refer Figure 5 – TPS Zoning Plan.

4.1.3 Scheme Amendment No. 89

Scheme Amendment No. 89 (gazetted 06/05/11) introduced definitions for 'freeway' and 'freeway service centre' into 'Schedule 1 – Interpretations' of the City of Rockingham's TPS 2. Additionally, the Scheme Amendment 89 introduced the Special Use No's 11 and 12 into 'Schedule 2 – Special Use Zones'.

The definition of 'freeway' under TPS 2 is as follows:

Means a road classed as a Primary Regional Road in the Metropolitan Region Scheme or a regional planning scheme and which is planned to a freeway standard with grade separated interchanges where direct access is restricted from adjacent property.

While 'freeway service centre' is defined under TPS 2 is as follows:

Means premises with access directly from a Freeway used for:

- (a) *The retail sale of petroleum products, motor vehicle accessories and goods of an incidental convenience retail nature; and*

- (b) *Emergency breakdown repairs and only one service/lubrication bay for the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles, (excluding premises used for a transport depot, panel beating, spray painting, major repairs of wrecking); and*
- (c) *The sale of food and drinks for the travelling public and its consumption on the premises and where seating is provided for patrons, but does not include the sale or consumption of alcohol under the Liquor licensing Act 1988;*
- (d) *Advertising road safety messages;*
- (e) *Main Roads WA truck safety inspection/monitoring facilities and weighbridge, including Main Roads WA information facilities.*

4.1.4 Special Conditions within Schedule 3

Schedule 3 of TPS 2 states the following Special Conditions which apply to both Special Use sites No. 11 and 12:

- a) *The eating area shall not be greater than 240m² (equivalent to approximately 150 sit-down customers) with limited take-away food retailing contained within a single building without a drive thru fast-food entry facility.*
- b) *Fuel shall only be sold by retail and there shall be no bulk fuel service.*
- c) *Vehicles servicing shall be limited to emergency breakdown repairs and there shall be one only service / lubrication bay for the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles, (excluding premises used for a transport depot, panel beating, spray painting, major repairs or wrecking).*
- d) *Shower and toilet facilities for both sexes shall be provided.*
- e) *Overnight accommodation is prohibited.*
- f) *The aggregate floor space of all retailing facilities shall be no more than 200m².*
- g) *Parking for a range of vehicles shall be provided.*
- h) *All facilities shall be available on a 24-hour basis.*
- i) *All signs to be erected on the access lanes leading to the Freeway Service Centre sites shall be provided in accordance with a signage strategy approved by the City of Rockingham and the Western Australian Planning Commission so as to minimise commercial advertising along the Freeway.*
- j) *Main Roads truck safety inspection/monitoring facilities and weighbridge are permitted, provided it can be demonstrated to the satisfaction of the Council, that the facility will not have any adverse off-site impacts on rural land.*
- k) *The installation of an on-site effluent disposal system to the satisfaction of the Department of Health or if required an effluent holding tank is to be installed for off-site disposal at an approved Water Corporation facility. When a connection is available, the Freeway Service Centre is to be connected to reticulated sewerage.*

These provisions are directly related the States 'Development Control Policy 1.10 – Freeway Service Centre' provisions as outlined in subsequent section of this report.

DEVELOPMENT APPLICATION - FREEWAY SERVICE CENTRES » BALDIVIS » GRA REF 6410 » 6410_12DEC02R_LS

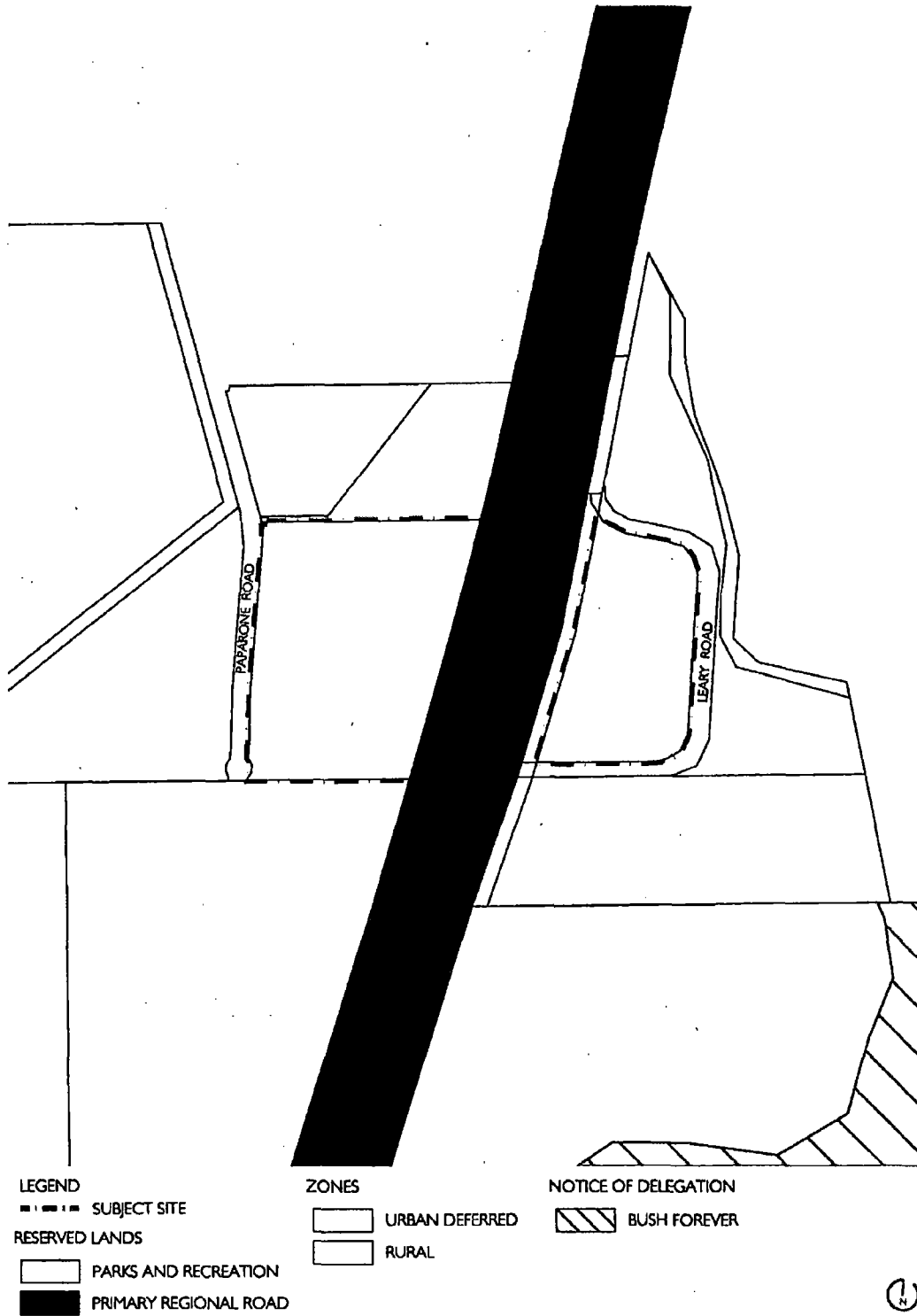


FIGURE 4 MRS ZONING PLAN

DEVELOPMENT APPLICATION – FREEWAY SERVICE CENTRES » BALDIVIS » GRA REF 6410 » 6410_12DEC02R_LS

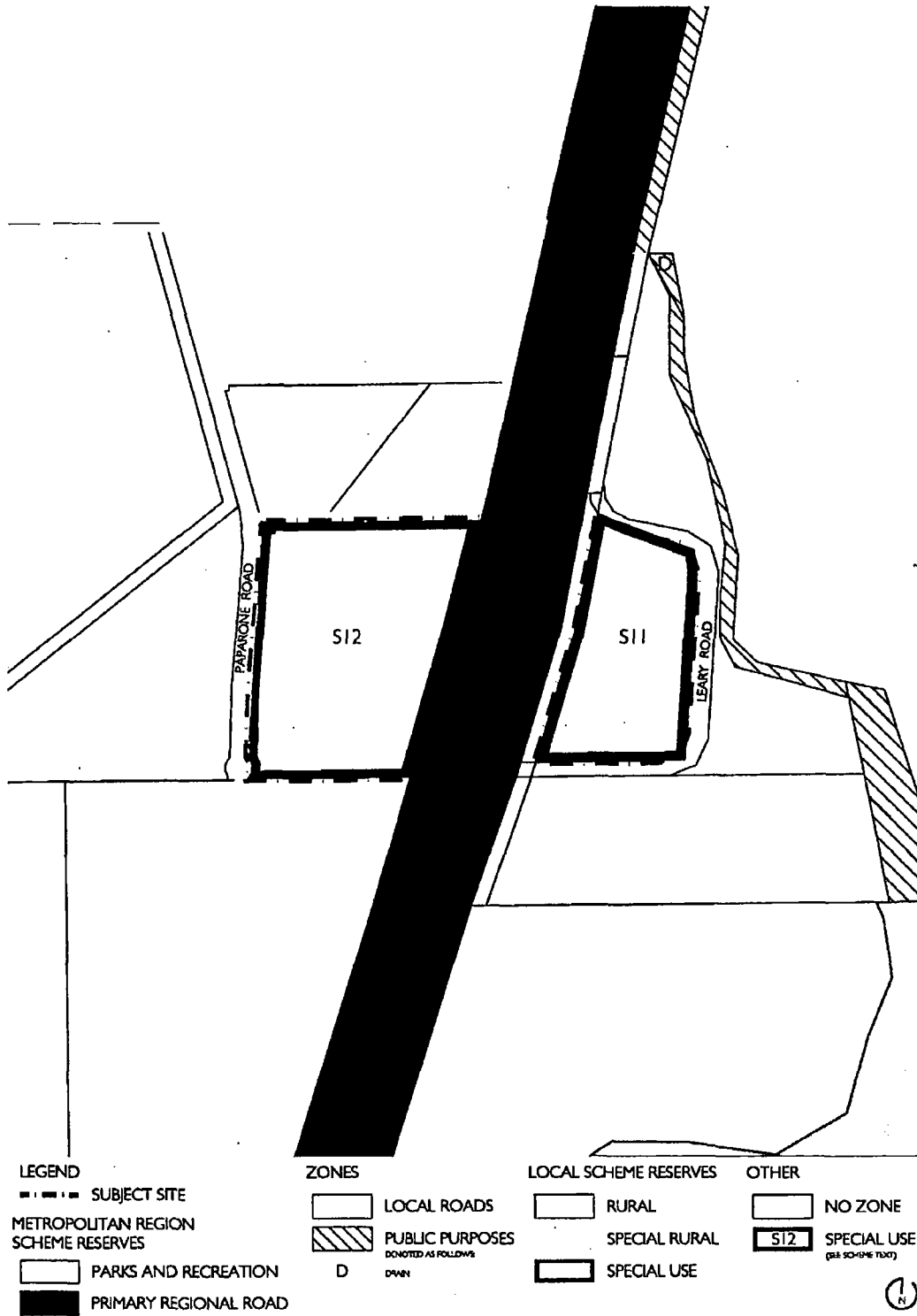


FIGURE 5 TPS ZONING PLAN

4.2 Land Use Permissibility

The Development Proposal is entirely consistent with the 'Freeway Service Centre' land use classification definition. Schedule 3 -- Special Use Zones of TPS 2 lists 'Freeway Service Centre' as the only 'permitted' ("P") land use within Special Use zones No. 11 and 12.

4.3 Development Standards

The Scheme does not contain any specific Development Standards which apply to 'Special Use' zones. Rather the development proposal is subject to compliance with any conditions set out in Schedule No. 3 with respect to that land. Please refer section 4.1.4 of this report.

Notwithstanding, Development Control Policy 1.10 – Freeway Service Centres (DC 1.10) establishes a set of applicable development requirements. See Section 4.4.1 of this report.

4.3.1 Parking

While there is no specific parking requirement for the land use 'Freeway Service Centre', the proposal is closely related to that of a typical 'Service Station'. Accordingly for the purposes of calculating the minimum car parking requirements (specified under Table No. 2 of TPS 2) we have applied this requirement. The following table summarises the minimum parking requirements of each Service Centre:

Land use	Minimum Car parking Requirement	Parking Bays Required	Parking Provided
Freeway Service Centre (Proposed)	N/A	N/A	128 Bays
Service Station	1 bay for every service bay,	3	3
	plus 1 bay per employee, and	45	45
	6 bays per 100m ² NLA of retail floorspace	Convenience Store - 200m ² Tenancy 1 - 130m ² Tenancy 2 - 94m ² Tenancy 3 - 13m ² Total - 437m ²	78

In light of the above, each Freeway Service Centre achieved a two (2) bay parking excess. As previously noted, we understand that typically Service Centres experience a high turnover of vehicles which stop temporarily for refuelling purposes only. This results in a principle of "stacking" where the cars only use the 'fuel pump' bays with no use of the on-site bays specific for visitors for the site. Although the "Stacking" bays have not been calculated in the above summary table, this principle indicates that the proposed on site car parking provision will suitably cater for the car parking required to service the site.

4.4 State Planning Policies

4.4.1 Development Control Policy 1.10 - Freeway Service Centres

The Western Australian Planning Commission (WAPC) Development Control Policy 1.10 (DC 1.10) provides guidance on the development of Freeway Service Centres. The proposed development has been developed in accordance with this document.

DC 1.10 establishes a range of core rationale and objectives for the location of Freeway Service Centres accessible from regionally significant roads within Western Australia. One of the key factors for consideration of a Freeway Service Centre proposal is the level of convenience such a facility would provide to the travelling motorist with respect to goods and services and safety associated with regional motor vehicle travel. This is based on a lack of facilities directly available to travelling motorists along major highways and freeways throughout the State, with an emphasis on the Metropolitan and South West Regions (i.e. Mitchell and Kwinana Freeways, and Forrest Highway).

Whilst the availability of goods and services is an intrinsic component of Freeway Service Centres, the ability to utilise rest and passive recreation areas is equally important. The Freeway Service Centres demonstrate an understanding of the needs of motorists by providing a high level of choice to motorists by way of rest and passive recreation areas without the requirement for them to purchase products from the facilities.

DC 1.10 acknowledges that Freeway Service Centres can provide a place for drivers to rest during long vehicle trips. It is evident however, that the intent of DC 1.10 is to provide the opportunity for rest, and access to goods and services as part of the freeway corridor, so as to avoid "spillover" of regional traffic volumes into surrounding lower hierarchy road networks. A lack of services contributing to regional traffic volume "spillover" into the surrounding localities places pressure on the surrounding road networks - a potential safety concern.

DC 1.10 states the following policy objectives:

- To establish the circumstances under which freeway services may be supported for development.
- To establish the criteria under which a freeway service centre may be used and developed.

DC 1.10 contains provisions relating to the strategic, local, and statutory requirements. Compliance with these requirements is outlined in the following table:

DC 1.10 Policy Requirement	Proposed Balddivis Freeway Service Centres
Strategic Locational Requirements	
Located on land abutting Primary Regional Road Reservation	Compliant.
Generally be located on land zoned "Rural" under the provisions of the MRS	Eastern site zoned "Rural", western portion recently rezoned to "Urban Deferred" under the MRS. Both sites historically zoned "Rural".
Be located on land zoned "Special Use – Freeway Service centre" under the relevant Local Planning	Compliant. "Special Use - Freeway Service Centres" zone under the City of Rockingham.

Scheme	Town Planning Scheme No. 2 (TPS 2).
Be a minimum distance of 40 kilometres from another Freeway Service Centre	Compliant. The nearest planned Freeway Service Centres are located 42 kilometres south of the proposed Freeway Service Centres in Baldvis.
Provide a facility which would not otherwise be provided in terms of safety, convenience and economy	Compliant. There are presently no other Freeway Service Centres within the Perth Metropolitan area of this nature. In addition to required facilities and components included within the proposed Freeway Service Centres, rest and passive recreation areas are also provided.

Local Planning Requirements

Duplicate facilities, located either side of a Primary Regional Road reservation	Compliant.
Sites between 2-5ha in area	Combined area of 9.5ha for both sites as per subdivision approval.
Accessible from both carriageways of the Freeway	Compliant.
Distance between the Freeways Service Centres and access / egress points sufficient for safety	Compliant. Designed in consultation with Main Roads WA to acceptable standards.
Access must not be provided from the Freeway Service Centres to the local road network	Compliant.

Statutory Operational Requirements

Restaurant facilities contained to a maximum eating area of 240m ² for each site, and not contain a drive through facility	Compliant.
Fuel sales restricted to retail sales	Compliant.
Breakdown and emergency vehicle service facilities	Compliant. Included within proposed Freeway Service Centres.
Shower and toilet facilities available to both sexes.	Compliant. Facilities included within proposed Freeway Service Centres.
Facilities for overnight accommodation prohibited.	Compliant.
Retail facilities contained to 200m ² aggregate floorspace per Freeway Service Centre.	Compliant - 195m ²

The prohibition of liquor sales.

Compliant.

Facilities available on a 24 hour basis.

Compliant. Incorporated into operational intentions for proposed Freeway Service Centres.

4.4.1.1 Development Requirements of DC 1.10

DC1.10 states the following development requirements:

In addition to any requirements imposed by virtue of a development approval issued under a Town Planning Scheme, approval from other authorities may be required in respect of:

- *impact of lighting on freeway, signage, design of deceleration and acceleration lanes and general access arrangements to the satisfaction of Main Roads;*
- *need to satisfy Main Roads Western Australia WA that appropriate physical barriers exist or can be provided within the freeway median to prevent "U" turns;*
- *effluent disposal and water supply to the satisfaction of the Water and Rivers Commission and the service provider;*
- *groundwater pollution, contamination, risk from fuel storage and effluent disposal to be dealt with to the satisfaction of the EPA;*
- *waste disposal and landscaping requirements to the satisfaction of the local government; building design; and*
- *parking and access provision to the satisfaction of the local government and Main Roads Western Australia.*

The Development Proposal has been prepared to be accordance with the above development requirements.

4.4.2 Development Control Policy 5.1 – Regional Roads (Vehicular Access)

Development Control Policy (DC 5.1) states the following with regard to Development Requirements:

- 3.3.1 *In considering applications for access on regional roads, the effects of the proposals on traffic flow and road safety will be the primary consideration. The more important the regional road, the greater the importance attached to these factors. In general, the Commission will seek to minimise the creation of new driveways on regional roads and rationalise existing access arrangements.*
- 3.3.2 *Where regional roads are constructed or planned to freeway standards, no access to frontage development is permitted. On regional roads not constructed or planned to freeway standards, there is a general presumption on traffic and safety grounds against the creation of new driveways or increased use of existing accesses to these roads. Where alternative access is or could be made available from side or rear streets or from rights of way, no access shall be permitted to the regional road unless special circumstances apply.*

- 3.3.3 *An arrangement whereby adjoining owners enter into cross-easement agreements to provide reciprocal rights of access across adjacent lots may be required as a means of rationalising access to the regional road.*
- 3.3.4 *The types of development that would be allowed access to a regional road include large traffic generators such as major shopping, recreation or community centres. These would justify either a local distributor or access road, leading from a junction with the regional road to car parks servicing the centre.*
- 3.3.5 *In determining applications for development involving the formation, laying out or alteration of a means of access to regional roads, the following must be considered:*
- i) the effects of the development on traffic flow and safety, the character and function of the road, the volume and speed of traffic, the width of the carriageway and visibility; and*
 - ii) the volume and type of traffic generated by the development.*
- 3.3.6 *Where access is permitted, conditions may be imposed prescribing the location and width of the junction or driveway to ensure adequate visibility and to provide for the safe and convenient movement of vehicles both entering and leaving the traffic stream. In determining design requirements for junctions and driveways, the Commission has regard to standards recommended by both the National Association of State Road Authorities and Main Roads Western Australia.*

The subject site is located approximately 2km to the south of the freeway intersections with Mundijong Road and approximately 2km north of the Safety Bay Road intersection to the south. The proposal does not include crossovers to the Freeway Service Centre, but rather slip-lane's into and out of the subject sites to ensure that any effect on the traffic flow of Kwinana Freeway is negligible. The development proposal provides safe and convenient access and egress to Kwinana Freeway and is therefore deemed to be consistent with the above development requirement.

5.0 Sub-consultants Summary

5.1 Traffic and Transport

BG&E have been appointed by BP Australia to undertake a detailed traffic analysis, consistent with MRWA's access requirements. BG&E have been in continued contact with MRWA in the preparation of the Traffic Impact Assessment. All traffic related matters concerning Site Location and Access, Internal layout, Traffic Impact Analysis and Pedestrian and Cyclist accessibility have been considered in detail within the Traffic Impact Assessment report. Given the complexity and importance of the Traffic Impact Assessment, a summary has not been provided within the body of this report.

Please refer to Appendix 3 for a full copy of Traffic Impact Assessment report.

5.2 Acoustics

Herring Storer Acoustics were appointed to assist in the assessment and modelling of the acoustic output from the proposed Freeway Service Centre. The modelling breaks down the assessment into both north and south bound sites. The following will provide a summary of the acoustics analysis.

5.2.1 South Bound

Modelling of the noise propagation from the mechanical services was carried out using an environmental noise modelling computer program, "SoundPlan". Calculations were carried out using the EPA standard weather conditions as stated in the Environmental Protection Authority's "Draft Guidance for Assessment of Environmental Factors No.8 - Environmental Noise".

We note that as the neighbouring residence could be double storey, noise received at the first storey would be considered the critical location for compliance. Therefore, calculations were carried out to both the ground and first storey.

Noise received at the neighbouring premises from the mechanical services or LA10 source sources are listed in Table 6.1.

Table 6.1 – Results for Mechanical

Location	Calculated Noise Level (dB(A))
North	29 (34)
East	33 (38)
South	31 (36)

() Includes +5 dB(A) penalty for a tonal component.

Given the location of the development, it is highly unlikely that at the calculated noise levels, any penalties would be applicable. However, noise received from the mechanical services could be tonal and to be conservative have included the +5 dB(A) penalty for a tonal component.

The resultant noise level received at the worst case locations for the above scenarios are listed in Table 6.1. Table 6.1 also list the characteristics that should be included and the assessable noise levels.

Table 7.1 summarise the applicable Assigned Noise Levels, and assessable noise level emissions for each identified noise.

Table 7.1 –Assessment of L_{A10} Noise Level Emissions (Mechanical Services)

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable Assigned Noise Level (dB)	Exceedance to Assigned Noise Level (dB)
North	34	Night Period	38	Complies
East	38	Night Period	38	Complies
South	36	Night Period	38	Complies

From the above analysis, noise emissions from the mechanical services would comply with the requirements of the Environmental Protection (Noise) Regulations 1997 at all times, even with the inclusion of a +5 dB(A) penalty for a tonal component.

5.2.2 North Bound

Modelling of the noise propagation from the mechanical services was carried out using an environmental noise modelling computer program, "SoundPlan". Calculations were carried out using the EPA standard weather conditions as stated in the Environmental Protection Authority's "Draft Guidance for Assessment of Environmental Factors No.8 - Environmental Noise".

We note that as the neighbouring residence could be double storey, noise received at the first storey would be considered the critical location for compliance. Therefore, calculations were carried out to both the ground and first storey.

Noise levels received at the neighbouring premises from the mechanical services are listed in Table 6.1.

Table 6.1 – Results for Mechanical

Location	Calculated Noise Level (dB(A))
North	30 (35)
South	32 (37)
West	29 (34)

() Includes +5 dB(A) penalty for a tonal component.

Given the location of the development, it is highly unlikely that at the calculated noise levels, any penalties would be applicable. However, noise received from the mechanical services could be tonal and to be conservative have included the +5 dB(A) penalty for a tonal component has been included in the assessment.

The resultant noise level received at the worst case locations from the mechanical services are listed in Table 6.1. Table 6.1 also list the characteristics that should be included and the assessable noise levels.

Table 7.1 summarise the applicable Assigned Noise Levels, and assessable noise level emissions for each identified noise.

Table 7.1 –Assessment of LA10 Noise Level Emissions (Mechanical Services)

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable Assigned Noise Level (dB)	Exceedance to Assigned Noise Level (dB)
North	35	Night Period	38	Complies
West	37	Night Period	38	Complies
South	34	Night Period	38	Complies

From the above analysis, noise emissions from the mechanical services would comply with the requirements of the Environmental Protection (Noise) Regulations 1997 at all times, even with the inclusion of a +5 dB(A) penalty for a tonal component.

Please refer to Appendix 4 for a full copy of both the north and south bound acoustics modelling reports.

5.3 Civil Servicing

A civil servicing report was prepared and forms Appendix 5 of this report. The report from Wood and Grieve Engineers confirms the ability and requirements of the subject site to connect and utilise all critical services to the site, including sewer, water, power, telecommunications and gas.

The report has been prepared to provide clarification the site can be serviced by all critical services, with full design and connections to follow in the documentation and design phase, which will culminate in the relevant building licence.

Please refer to Appendix 5 for a full copy of the Civil Servicing Report.

6.0 Conclusion

The proposal includes the development of two (2) 'Freeway Service Centres' located at Lot 191 Paparone Road and Lot 192 Leary Road, Baldivis.

The proposed use is permissible under "Schedule No. 3 – Special use zones" of TPS 2 and adheres to its respective Special Conditions for sites No. 11 and 12.

The proposed development satisfies the relevant statutory provisions of the City of Rockingham Town Planning Scheme No.2 (TPS2) and maintains consistency with the relevant State Planning Policies, in particular DC 1.10 – Freeway Service Centre.

The Freeway Service Centres provide a high level of safety and amenity for travelling motorists whilst accessing the sites. The provision of facilities and services reflects this intent, something that is incorporated with the proposed Freeway Service Centres.

The proposal achieves a high standard of integration into the region given that it caters for a range of different motor vehicles utilising the Mitchell, Kwinana Freeway and Forrest Highway corridor for regional travel.

The Freeway Service Centres contribute positively to the use, activity and employment opportunities for Baldivis.

The Freeway Service Centres provide a level of convenience with respect to goods and services and safety which caters specifically to regional motor vehicle travellers. In addition and of equal importance, is the ability to utilise much needed rest and passive recreation areas. Such services and amenities are not currently present along this stretch of the Kwinana Freeway.

For the reasons outlined above, we respectfully request that Main Roads WA and the City of Rockingham recommend that the Joint Development Assessment Panel favourably determine this Application.



Form 1 - Responsible Authority Report (Regulation 12)

Application Details:	Construction of CETO wave energy technology within coastal waters
Property Location:	Lot 401 and Part Lot 4551 Unallocated Crown Land, Coastal Waters, south-west of Garden Island, Rockingham
DAP Name:	Metro South-West Joint Development Assessment Panel
Applicant:	Carnegie Wave Energy Ltd.
Owner:	State of Western Australia
LG Reference:	City of Rockingham 20.2012.331.1 - AD13/1723
Responsible Authority:	Department of Planning
Authorising Officer:	Executive Director Perth and Peel Planning
Application No. and File No:	DoP Ref 28-50154-1, DAP Ref DP/13/00002
Report Date:	29 January 2013
Application Receipt Date:	18 December 2012
Application Process Days:	42 days
Attachment(s):	Attachment 1 - Community Information Sheet Attachment 2 - Location Plans Attachment 3 - Development Plans Attachment 4 - Local Government recommendation Attachment 5 - EPA recommendation Attachment 6 - DOT recommendation 1 Attachment 7 - DOT recommendation 2 Attachment 8 - Summary of Environmental Impact Assessment and Approvals

Recommendation:

That the Metro South-West Joint Development Assessment Panel resolves to:

Approve DAP Application reference DP/13/00002 and accompanying plans date stamped 18 December 2012 by the Department of Planning in accordance with the provisions of the Metropolitan Region Scheme (MRS), subject to the following conditions and advice notes:

Conditions

1. Satisfactory arrangements being entered into with the Department of Transport to indemnify the Department against any property damage or personal injury in relation to the development.
2. A construction and management plan is to be prepared, approved and implemented on the advice of the Department of Transport. The plan is to address construction details, on-going monitoring and maintenance requirements and emergency response proposals to address any potential hazard or safety risks associated with the development.

3. The CETO units are to be delineated by navigational buoys which conform to the guidelines for cardinal marks laid down by the IALA Maritime Buoyage System. The cardinal marker buoys are to be a minimum of 2 metres in height, placed at the north, east, south and west corners of the closure area and equipped with a rhythmic lighting system with a range of two nautical miles.
4. A Temporary Notice to Mariners (TNTM) must be promulgated at a minimum of 28 days prior to the scheduled installation of the CETO units and ocean floor pipelines.
5. The CETO units and pipeline infrastructure shall be removed by the end of February 2018.

Advice notes

1. With regard to Conditions 1, 2, 3 and 4, the applicant is advised to liaise with the Department of Transport on 9431 1025.

Background:

This application relates to the CETO units and pipeline infrastructure within the 'Waterways' reservation west of Garden Island. The development on Garden Island comes under the jurisdiction of the Federal Government, namely the Department of Defence and is not subject to the provisions of the MRS.

Property Address:	Lot 401 and Part Lot 4551 Unallocated Crown Land, Coastal Waters, south-west of Garden Island, Rockingham
Reserved	MRS: Waterways
	TPS: Waterways
Lot Size:	Lot 401 - Approximately 157.68 hectares Part Lot 4551 - Approximately 28.13 hectares
Existing Land Use:	Waterways
Value of Development:	\$24.5 million

Carnegie Wave Energy Limited (the applicant) is an Australian listed company, and the inventor and owner of the patented CETO wave energy technology. CETO is designed to extract energy from ocean waves to generate clean, renewable and emission-free electricity.

CETO is a unique, fully submerged, pump based technology whereby a submerged buoy moves with the ocean's waves 1-2 metres below the surface of the ocean, driving a seabed mounted pump. As the buoy oscillates with wave motion, the pump propels high pressure water based fluid ashore via a subsea pipeline. The high pressure fluid then powers a hydroelectric turbine to generate zero-emission renewable electricity. The same fluid is then returned to the offshore CETO units through a second pipeline creating a closed loop .

The application proposes to install five submerged CETO units attached to the sea floor by a tether rope, pump and foundation pile. An associated Pod is connected to each individual CETO unit on the ocean floor and will facilitate the transportation of wave energy between the CETO units and an onshore power generation facility (to

be constructed on Garden Island and not part of this development application) via two small diameter pipelines running along the ocean floor (**Attachment 1** - Community Information Sheet).

The subject area was selected for the proposed development following the Department of Defence entering into an agreement with Carnegie Wave Energy to purchase the electricity generated by the proposal (**Attachment 2** - Location Plans). The electricity will be used for naval base operations located on the east coast of Garden Island.

Details: Outline of Development Application (Attachment 3: Development Plans)

The proposal comprises of two offshore components, namely the CETO units and the ocean floor pipelines. The installation of the CETO units and ocean floor pipelines via trenching, drilling and grouting will be undertaken over an estimated 12 month period. The CETO units and ocean floor pipelines comprise as follows:

(a) CETO units

CETOS Buoyant Actuator	A subsurface energy collection unit of approximately 11 metres in diameter and 5 metres in height. The CETOS Buoyant Actuator captures wave energy and by pulling on a flexible tether, drives the seabed mounted pumps.
BA Connector	A steel component connecting the tether rope to the CETOS Buoyant Actuator.
Tether Rope	Transfers energy from the CETOS Buoyant Actuator to the pump. The rope is approximately 7.5 metres in height.
Pump Connector	A steel component connecting the tether rope to the pump.
Pump	A high pressure rated subsea hydraulic cylinder that converts wave energy into useful and transportable hydraulic energy, The pump is approximately 3 metres in height.
Attachment	Attaches the pump to the foundation and provides the CETO unit the required flexibility to move with the wave motion and to operate equally well irrespective of wave direction.
Foundation Pile	A drilled and grouted pile foundation of approximately 1.5 metres in diameter and 15.5 metres in height. The purpose of the foundation pile is to anchor the CETO unit to the ocean floor.
Pod	A 4.6 metre long by 2.5 metre wide by 2.8 metre high valving module proposed to facilitate the transportation of wave energy between the CETO units and an onshore power generation facility

(b) Ocean floor pipelines

This component of the proposal comprises of two small diameter pipelines of approximately 200 millimetres in diameter running along the ocean floor. The two pipelines will be constructed from carbon steel and installed via trenching

and burial and will be stabilised on the ocean floor using concrete mattresses and grout bags. In addition to the pipelines, a 19.3 millimetre diameter communications cable will be laid alongside of the pipelines and will allow for active monitoring and control of the CETO units and hydraulic system.

Legislation & Policy:

Legislation

Planning and Development Act 2005

Metropolitan Region Scheme 1963

WAPC State Planning Policy

State Planning Policy (SPP) 2.6 State Coastal Planning Policy

Consultation:

City of Rockingham

The City of Rockingham raises no objection to the proposal as per **Attachment 4**.

Environmental Protection Authority

The applicant has liaised directly with Environmental Protection Authority (EPA) with the EPA providing a 'Not Assessed - Public Advice Given' comment contained within **Attachment 5** - EPA recommendation. This recommendation is provided to the Department of Planning from the applicant for consideration as a part of the planning assessment.

EPA is of the view that potential impacts are not significant and can be managed under the Marine Environmental Management Plan and through other government processes. EPA confirms that no appeals were received for the proposal.

Department of Transport

The applicant has liaised directly with the Department of Transport (DOT) with the DOT providing the applicant with two separate recommendations both dated 25 October 2012. The separate recommendations relate to the separate components of the proposal, namely the CETO units and the ocean floor pipelines (**Attachments 6** DOT recommendation 1) (**Attachment 7** - DOT recommendation 2). These recommendations are provided to the Department of Planning from the applicant for consideration as a part of the planning assessment.

The DOT raise no objections to the proposal subject to the imposition of conditions. Conditions 1 to 5 (inclusive) of both recommendations are the same while Conditions 6 to 10 (inclusive) differ slightly in their requirements. The intent of Conditions 6 to 10 (inclusive) in both recommendations generally remain the same as they relate to safety requirements and a time limited approval.

The following recommendation is made with respect to the conditions recommended by the DOT:

Condition Number	Recommendation
Condition 1 (Attachments 6 and 7)	Should be imposed but worded as follows: 'Satisfactory arrangements being entered into with the Department of Transport to indemnify the Department against any property damage or personal injury in relation to the development'.
Condition 2 (Attachments 6 and 7)	This should not be imposed as the seabed will remain as unallocated crown land.
Condition 3 (Attachments 6 and 7)	This should not be imposed. It is the applicant's obligation to be aware of and obtain all relevant approvals for the project.
Condition's 4, 5 and 6 (Attachments 6 and 7)	These conditions cover matters that are best responded to by way of a comprehensive construction and management plan to be worded as a condition as follows: 'A construction and management plan is to be prepared, approved and implemented on the advice of the Department of Transport. The plan is to address construction details, on-going monitoring and maintenance requirements and emergency response proposals to address any potential hazard or safety risks associated with the development'.
Condition 7 (Attachment 6)	This should be imposed with minor modification as follows: 'The CETO units (object) are (must be) to be delineated by navigational buoys which conform to the guidelines for cardinal marks laid down by the IALA Maritime Buoyage System. The cardinal marker buoys are (must be) to be a minimum of 2 metres in height, placed at the north, east, south and west corners of the closure area and equipped with a rhythmic lighting system with a range of two nautical miles'.
Conditions 8 and 9 (Attachments 6 and 7)	This should be responded to as follows: 'The CETO units and pipeline infrastructure shall be removed by the end of February 2018'.
Condition 10 (Attachment 6)	This condition should be imposed but modified as follows: 'A Temporary Notice to Mariners (TNTM) must be promulgated at a minimum of 28 days prior to the scheduled installation of the CETO units and ocean floor pipelines'.

The DoT has been consulted on the above and did not raise any objection to the proposed recommended conditions. The applicant has also been consulted and raised no objections.

Planning Assessment:

The subject land is reserved for 'Waterways' under the MRS. The 'Waterways' reservation is recognised by 'permanent inland and coastal waters including many rivers and reservoirs'.

The proposed development would ordinarily require the determination of the Western Australian Planning Commission (WAPC) under the Metropolitan Region Scheme (MRS) by virtue of the application of Clause 13.

Clause 30 (1) of the MRS sets out the following factors when determining a development application:-

1. the purpose for which the land is zoned or reserved under the Scheme;
2. the orderly and proper planning of the locality; and
3. the preservation of amenities of the locality.

Assessment against Clause 30 (1) is informed by the following:

- The proposal is consistent with the site's 'Waterways' reservation under the MRS.

The development plans depict two possible routes (approximately 250 metres apart at the widest point) within the 'Waterways' reservation. There are no objections to either route on the basis that the routes are wholly contained within the subject land and the lease and easement areas. The applicant has entered into a lease agreement with the Department of Regional Development and Lands to use the subject land for the development and to extinguish the native title claim over Lot 401.

- In accordance with SPP 2.6, the proposal is demonstrably dependent on the proposed location as the offshore components are required to connect to the onshore power generation facility at Garden Island where the generated electricity will be used.

The onshore power generation facility does not require the approval of the WAPC as development on Garden Island is governed by the Commonwealth Government and is subsequently exempt from the provisions of the Metropolitan Region Scheme. The Department of Defence has issued an Environmental Clearance Certificate (dated November 2012) for the onshore power generation facility component.

- The applicant has undertaken an assessment of potential environmental impacts with the proposal deemed as having a low potential of risk to the wider environment which includes flora, fauna and recreational activities. (**Attachment 8** - Summary of Environmental Impact Assessment and Approvals).

Any potential risk to maritime recreational activities can be managed through the imposition of appropriate conditions, including the implementation of a construction and management plan and the installation of navigational buoys.

Conclusion:

The proposed development is consistent with the planning framework for the area.
Conditional approval is recommended.

Project Activities



Milestones and Current Activities

The Project has been under development for three years and is now in the detailed design phase which is due to be completed by late 2012. Construction is expected to commence in early 2013 with first power towards the end of 2013.

In parallel with detailed design, Carnegie is currently completing a series of environmental impact assessments to support the regulatory approvals required to construct and operate the Project. Carnegie is undertaking extensive community consultation to seek feedback on all aspects of the Project which will inform the environmental impact assessments. Carnegie's goal is to build and operate the Project without causing any significant negative impacts on the environment.



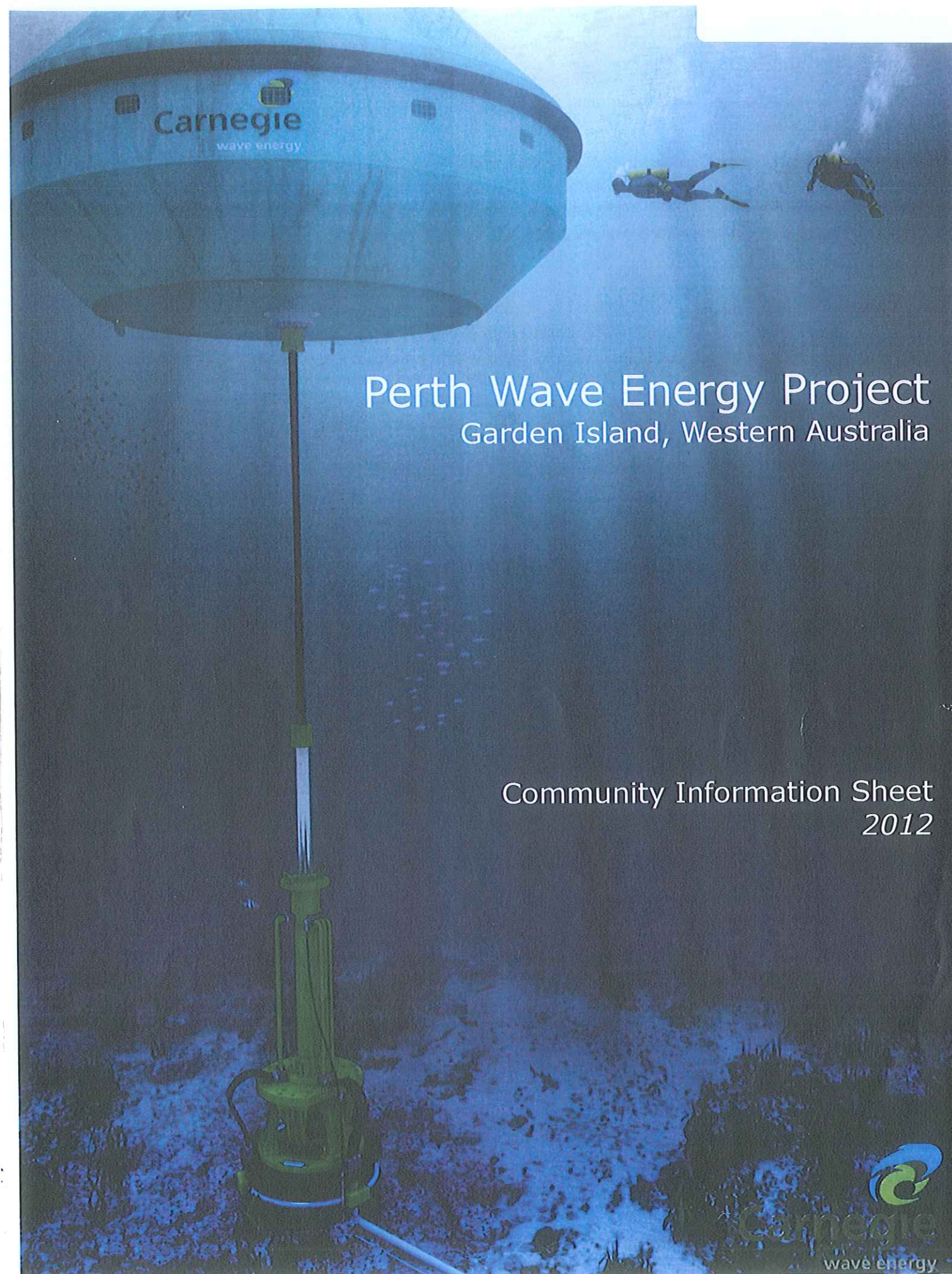
Getting Involved

Carnegie is committed to continuing its engagement and consultation with the community and other stakeholders for the Perth Wave Energy Project. Through Carnegie's Community Consultation Program, all interested stakeholders will have the opportunity to:

- Learn about the Perth Wave Energy Project, including its timeline and approvals process.
- Express their thoughts on benefits and any concerns about the Project.
- Understand how the Perth Wave Energy Project may benefit local communities and Western Australia.

To learn more about the Perth Wave Energy Project, please visit our website, www.carnegiewave.com or contact:

Carnegie Wave Energy
Tel: +61 (08) 9486 4466
Email: enquiries@carnegiewave.com



Perth Wave Energy Project
Garden Island, Western Australia

Community Information Sheet
2012



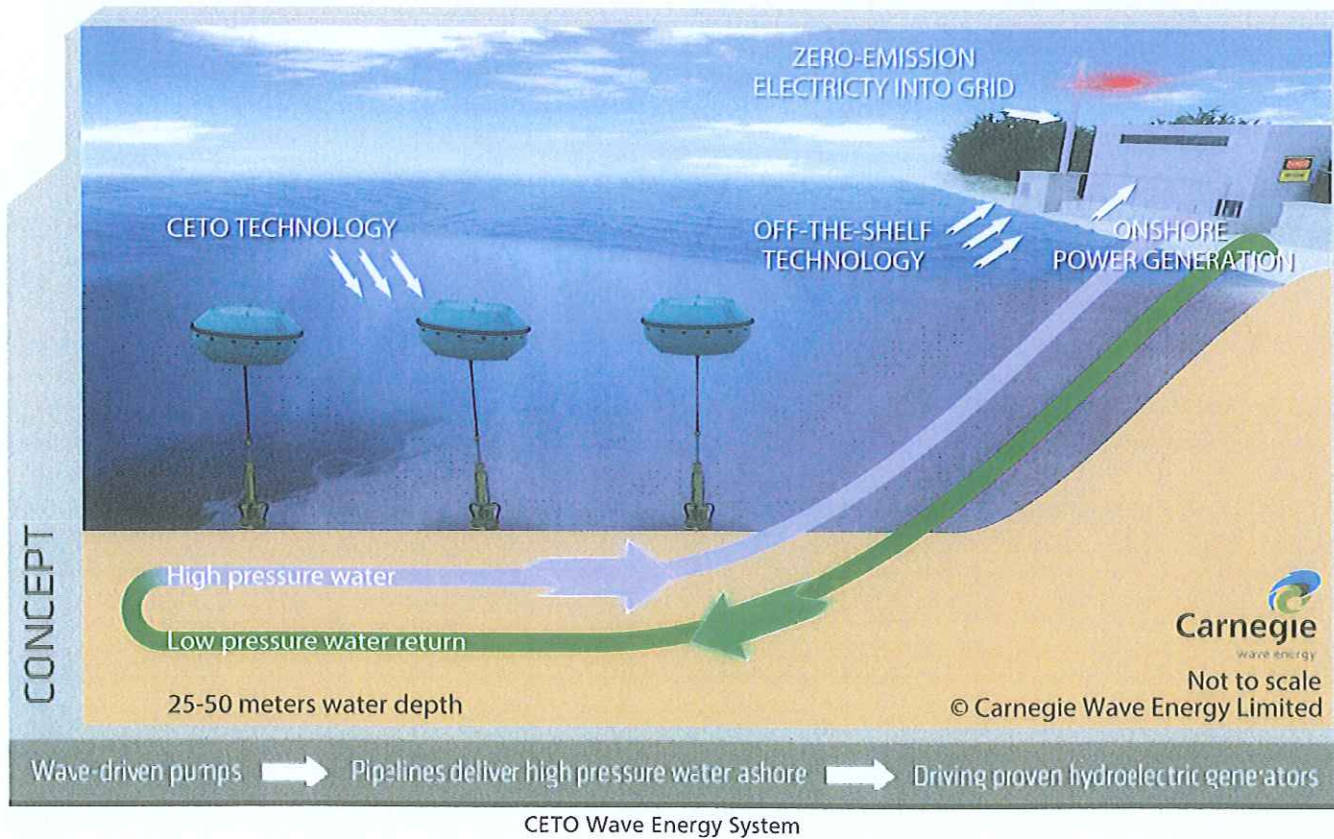
Who Are We?

Carnegie Wave Energy Limited is the inventor, developer and 100% owner of the CETO wave energy technology. CETO is designed to extract energy from ocean waves to generate clean, renewable and emission-free electricity. Carnegie is based in North Fremantle, Western Australia and is publically listed on the Australian Stock Exchange.

What is CETO?

CETO is a unique, fully submerged, pump-based technology whereby a submerged buoy moves with the ocean's waves, 1-2 metres below the surface of the ocean, driving a seabed-mounted pump. As the buoy oscillates with wave motion, the pump propels high pressure, water-based fluid ashore via a subsea pipeline. This high pressure fluid then powers an hydroelectric turbine to generate zero-emission renewable electricity. The same fluid is then returned to the offshore CETO units through a second pipeline creating a closed loop.

The CETO technology has been under development for over 10 years from initial concept to demonstration of a single commercial scale CETO unit in the open ocean in 2011. Carnegie is now focussed on the design, installation and operation of a commercial CETO power generation plant delivering electricity to the power grid.

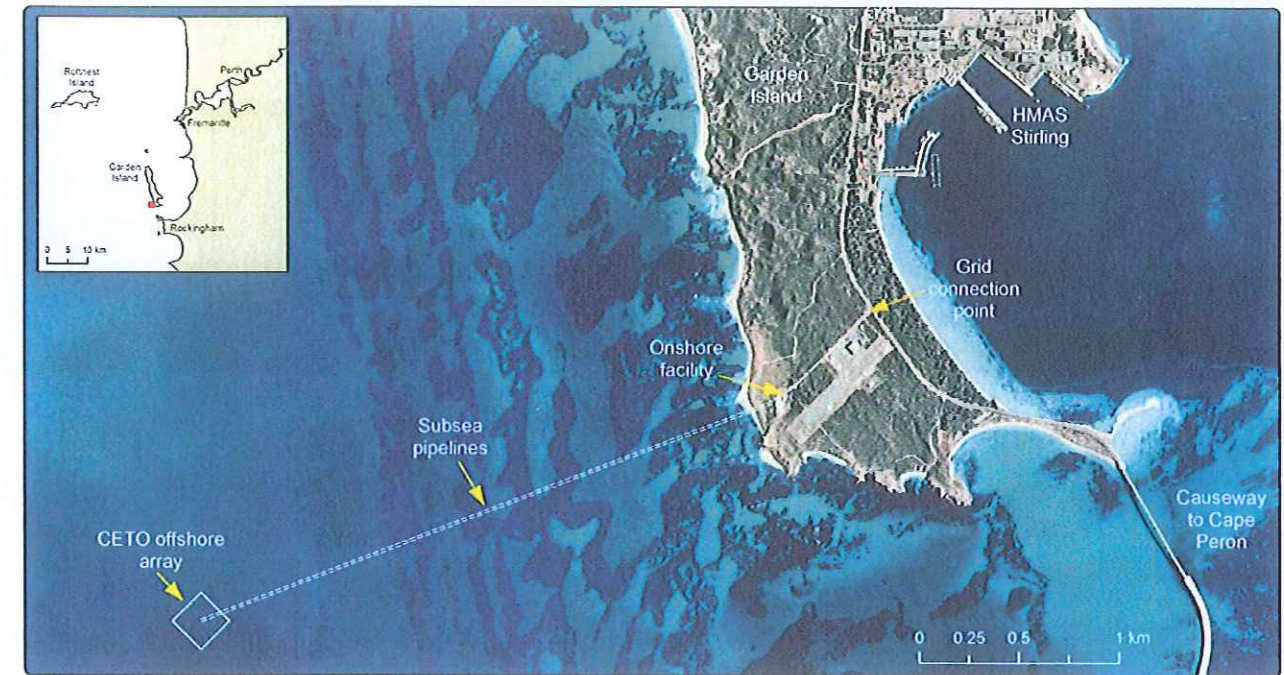


Project Details

The Perth Wave Energy Project will be the first grid-connected wave energy project to use Carnegie's CETO wave energy technology. The Project will be located at Garden Island, Western Australia, home to HMAS Stirling, Australia's largest naval base.

The Project will involve the installation and operation of four to eight submerged CETO units attached to the sea floor. These are connected to two small diameter pipelines, laid on the seabed, that run back to a shore-based power generation facility located on Garden Island.

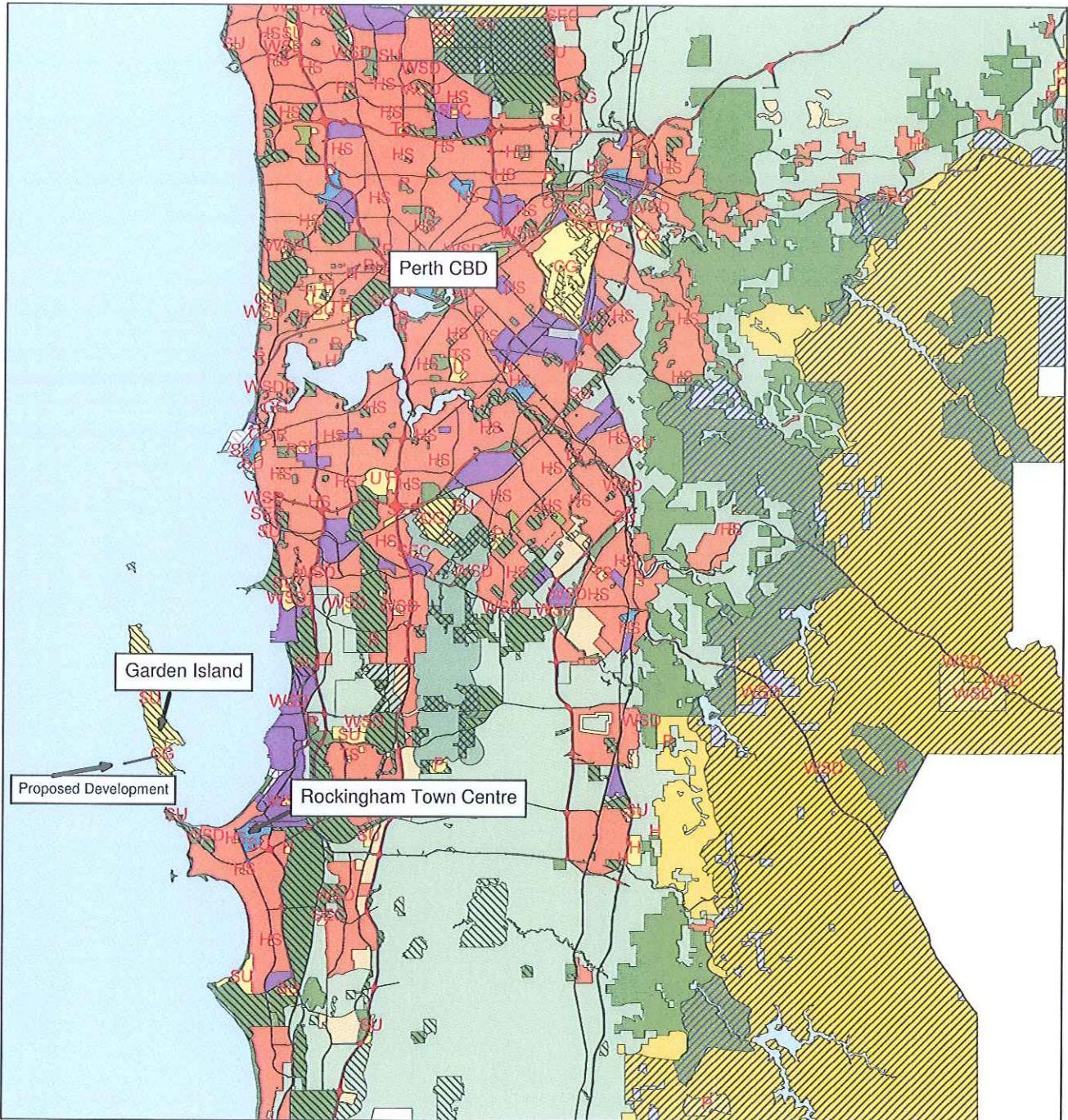
The \$31.2m Project is supported by Australian Federal Government funding through the *Emerging Renewables Program*, and the Western Australian State Government through the *Low Emissions Energy Development* fund. The Australian Department of Defence will buy the electricity generated by the Project to supply HMAS Stirling.



Aerial view of the Perth Wave Energy Project, Western Australia

Benefits of the Project

- The first commercial scale grid-connected wave energy project in Australia.
- Up to 2 MW of clean, renewable electricity to Australia's largest naval base, HMAS Stirling, enough to power the equivalent of up to 1,000 households.
- Reduce carbon dioxide emissions by up to approximately 3,500 tonnes per annum.
- Enable future commercial CETO wave energy projects in Australia and internationally.
- Encourage Australian investment and jobs in manufacturing, engineering and infrastructure sectors.
- Pioneer Australia's journey to being a global leader in the wave energy field.



Bushforever Area	SPECIAL INDUSTRIAL	RAILWAYS	PP - COMMONWEALTH GOVERNMENT
MRS - Ministerial Approval Required	PRIVATE RECREATION	PORT INSTALLATIONS	PP - STATE ENERGY COMMISSION
Redevelopment and Act Areas	RURAL	STATE FORESTS	PP - SPECIAL USES
WATER CATCHMENT	RURAL - WATER PROTECTION	CIVIC & CULTURAL	PP - WATER AUTHORITY OF W A
URBAN	PRIMARY REGIONAL ROADS	PP - HOSPITAL	PP - PRISON
PUBLIC PURPOSES	OTHER REGIONAL ROADS	PP - HIGH SCHOOL	
URBAN DEFERRED	WATERWAYS	PP - TECHNICAL SCHOOL	
CENTRAL CITY AREA	PARKS & RECREATION	PP - CAR PARK	
INDUSTRIAL	PARKS & RECREATION RESTRICTED	PP - UNIVERSITY	

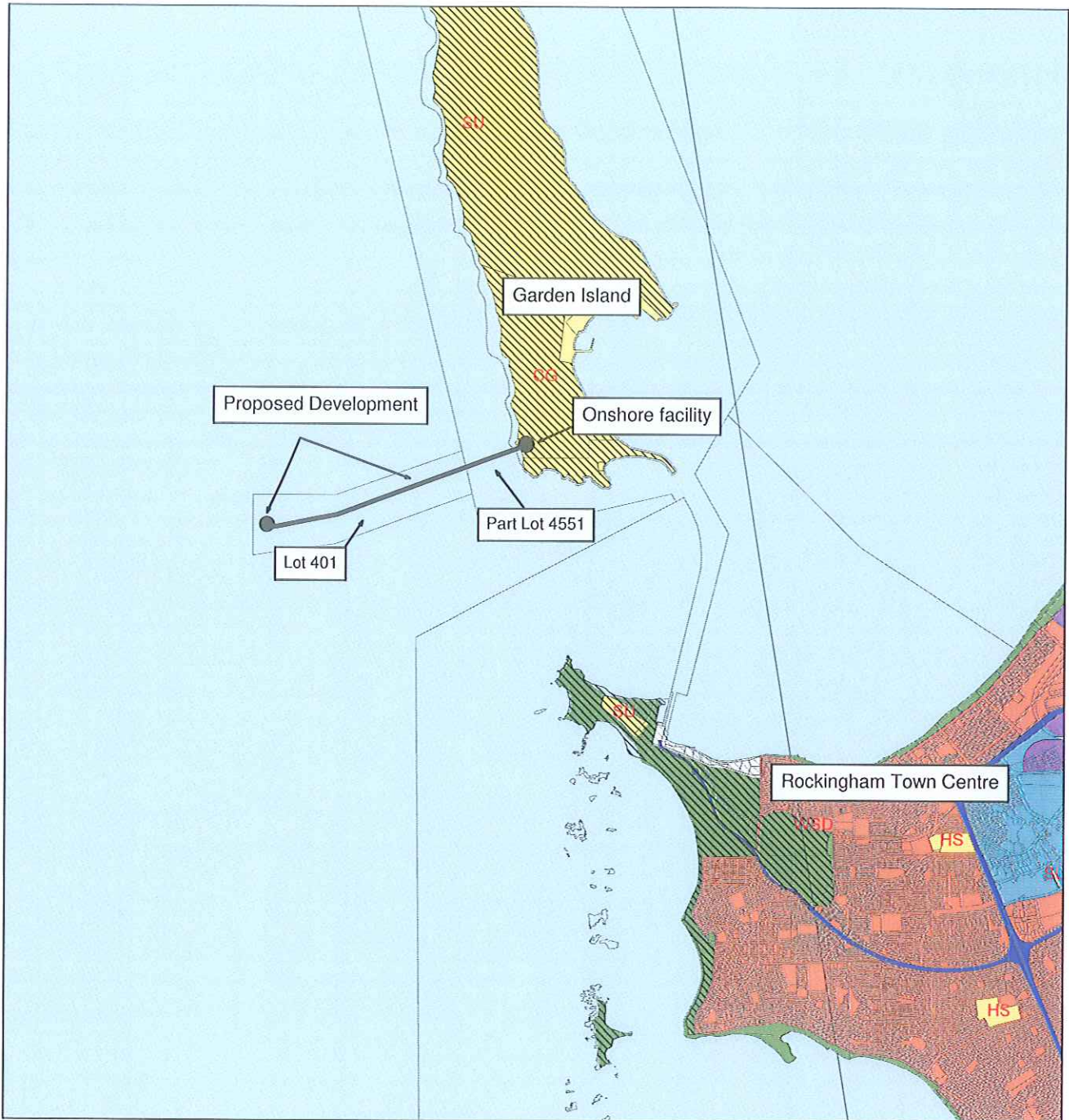
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Prepared by: rfuller
 Prepared for:
 Date: Tuesday, January 29, 2013 13:54
 Plot identifier: P20130129_1354



Government of Western Australia
 Department of Planning

DP INTERNAL USE ONLY



Cadastre	WATERWAYS	PP - SPECIAL USES
Bushforever Area	PARKS & RECREATION	PP - WATER AUTHORITY OF W A
URBAN	RAILWAYS	
CENTRAL CITY AREA	PORT INSTALLATIONS	
INDUSTRIAL	PP - HIGH SCHOOL	
OTHER REGIONAL ROADS	PP - COMMONWEALTH GOVERNMENT	

Scale 1:71,225
0 2.5 km

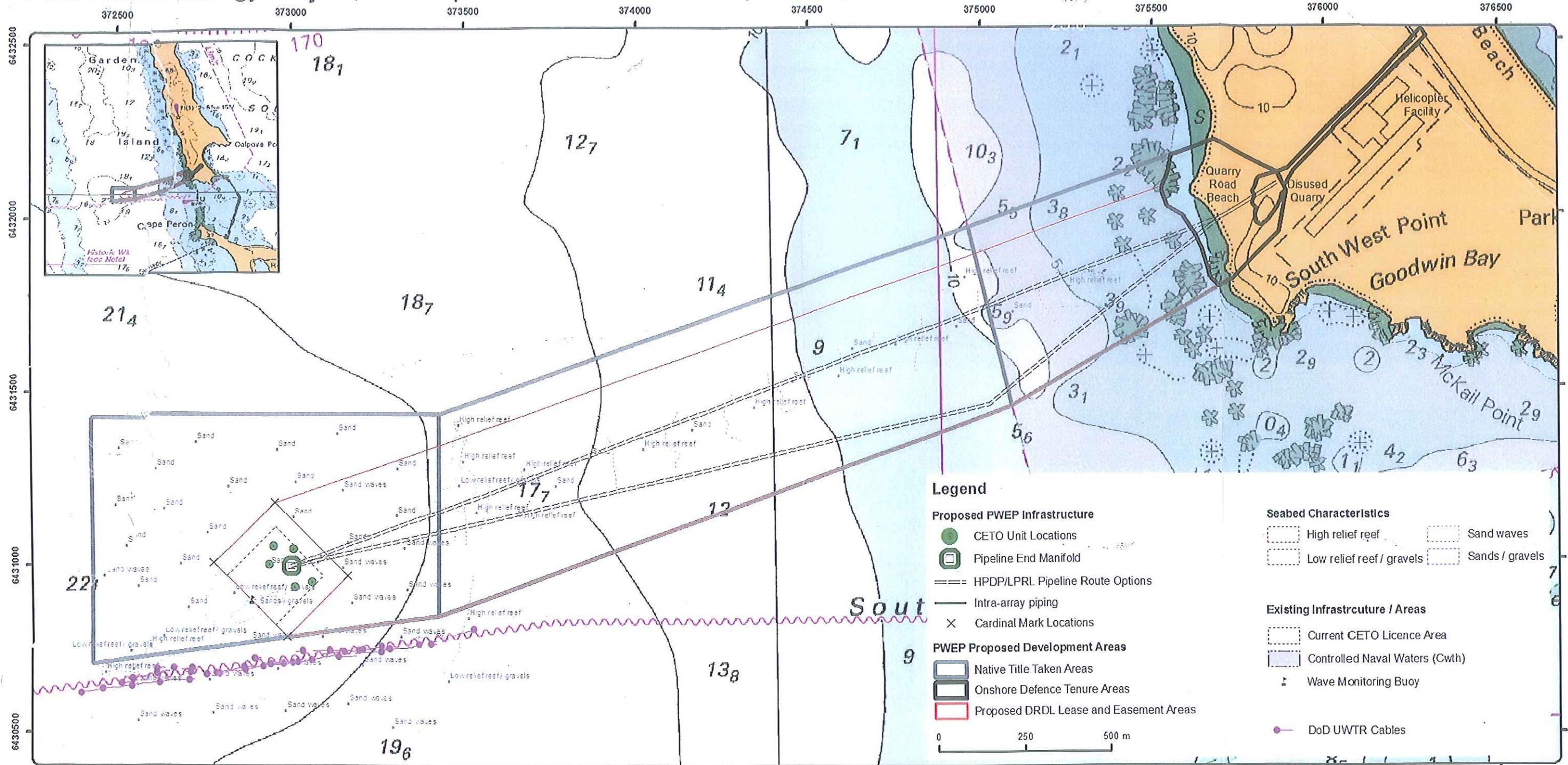
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Prepared for:
Date: Tuesday, January 29, 2013 13:44
Plot identifier: P20130129_1344



Government of Western Australia
Department of Planning

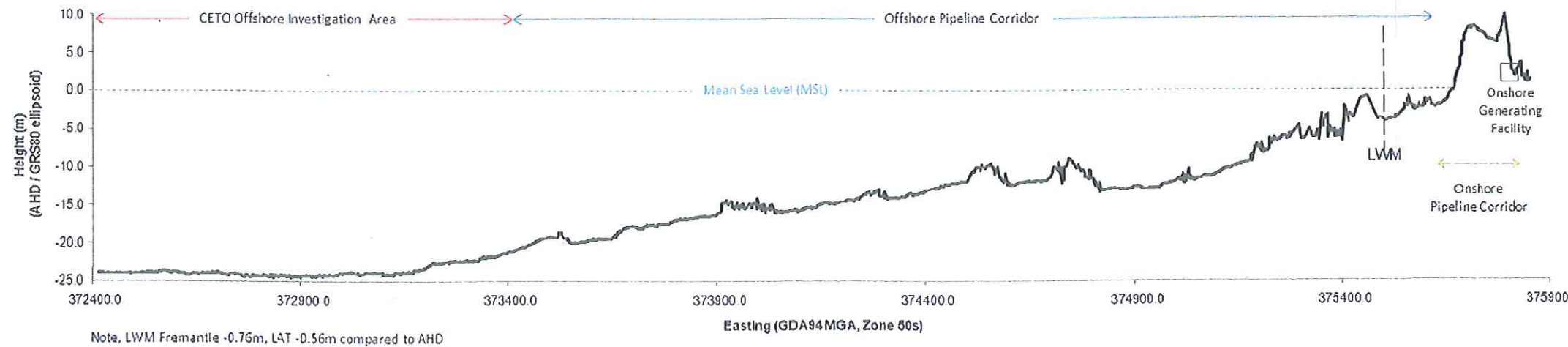
DP INTERNAL USE ONLY

Perth Wave Energy Project, Development Areas and Conceptual Layout



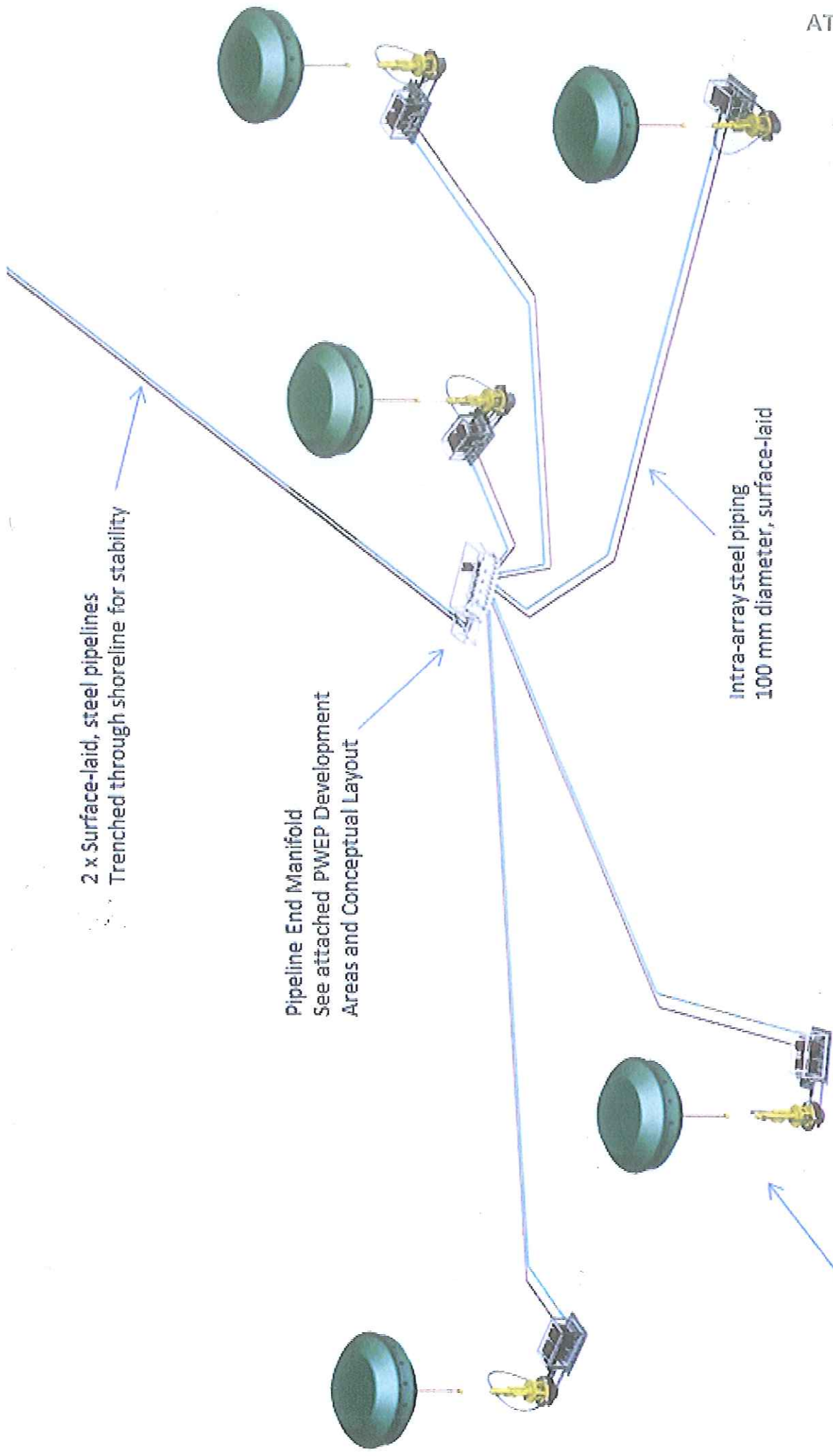
Graticule GDA94-MGA. Certain material in this product is reproduced under licence by permission of The Australian Hydrographic Service. © Commonwealth of Australia 2010. All rights reserved. Licence No. 2803SG. Not to be used for Navigation.

SDM, 121130



DEPARTMENT OF PLANNING
18 DEC 2012
FILE 28-50154-1

DEPARTMENT OF PLANNING
18 DEC 2012
FILE 28-50154-



2 x Surface-laid, steel pipelines
Trenched through shoreline for stability

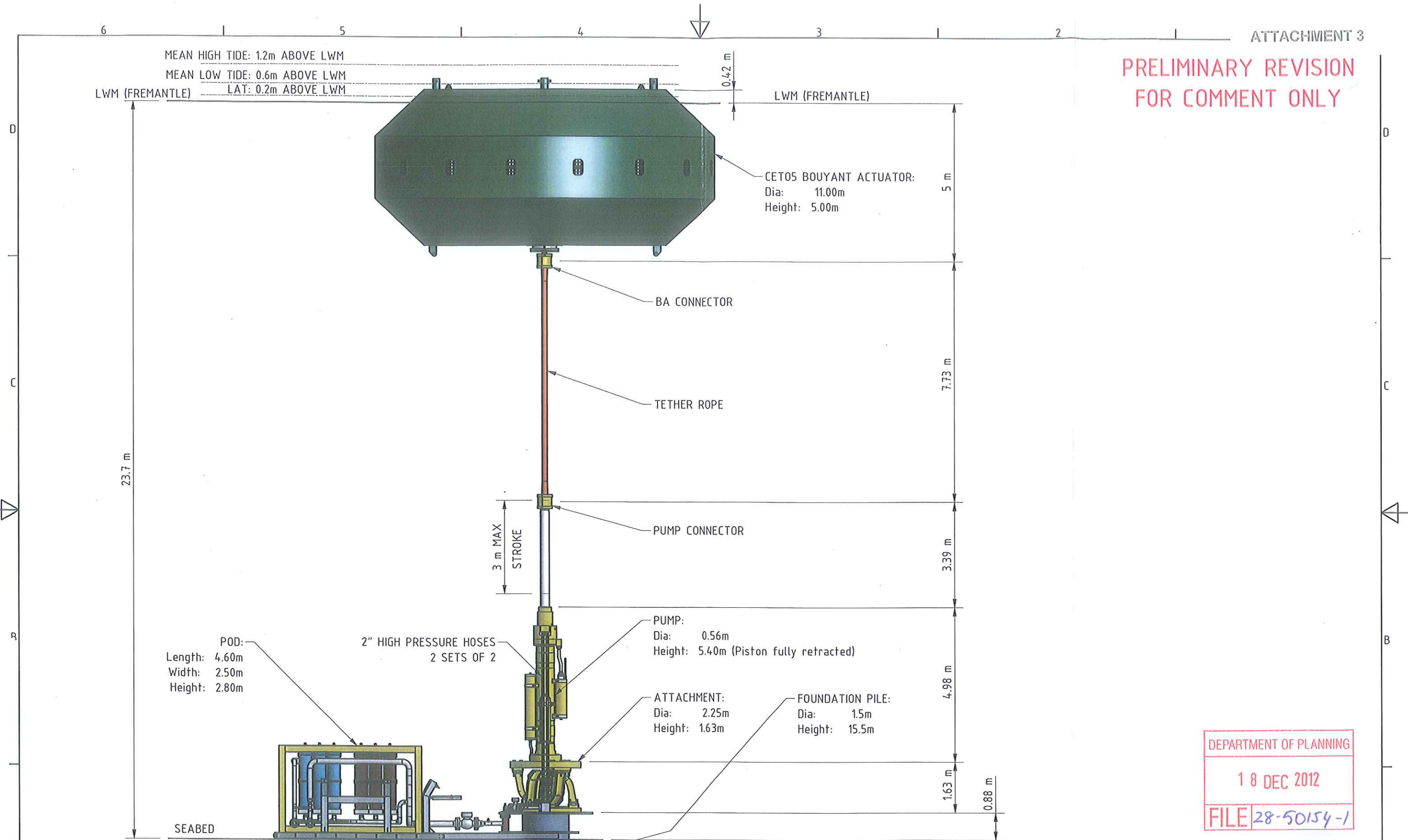
Pipeline End Manifold
See attached PWEP Development
Areas and Conceptual Layout

Intra-array steel piping
100 mm diameter, surface-laid

CETO Single Unit General Assembly
See attached drawing 004137

PWEP Offshore Plant Array

PRELIMINARY REVISION
FOR COMMENT ONLY



DEPARTMENT OF PLANNING
18 DEC 2012
FILE 28-50154-1

MATERIAL: --	MASS: N/A	DRAWN: DS	Carnegie Wave Energy Ltd. Unit 1, 124 Stirling Hwy, North Fremantle WA 6159 PHONE: +61 8 94864466 FAX: +61 8 9486 4266 WEB: www.carnegiwave.com
DRAWING PRACTICE TO AS1100.101/201-1992 UNO		DATE: 19/11/2012	
COPYRIGHT NOTICE: This drawing and any design contained within remains the property of CARNEGIE WAVE ENERGY LTD. The use of this drawing without the express written consent of CARNEGIE WAVE ENERGY LTD is strictly prohibited. All Legal Rights RESERVED. Do not copy without permission from the company.		Up to 6 ±0.1 Over 6 up to 30 ±0.2 Over 30 up to 120 ±0.3 Over 120 to 400 ±0.5 Over 400 to 1000 ±0.8 Over 1000 to 2000 ±1.2 Over 2000 ±2 UNO All angles ±1° Geometrical Chamfer ±0.2 0.5x45°UNO	CH'KD: DATE: APP'D: DATE: DO NOT SCALE DIMENSIONS IN mm U.N.O.
TITLE: PWEP - SINGLE UNIT GA ASSEMBLY:		PROJECT No: CP111 DRAWING No: 004137 REV No: A A3	

A	PRELIMINARY	19/11/2012	DS	
REV	DESCRIPTION	DATE	DRAWN	CH'KD/APP'VD
REVISION HISTORY				

Our Ref: 20.2012.331.1 – AD13/1723

Your Ref: 28-50151-1

Enquiries to: Mr John-Paul MacDonagh



where the coast comes to life

www.rockingham.wa.gov.au

23rd January 2013

Ms R Fuller
Metropolitan Planning South West
Department of Planning
140 William Street
PERTH WA 6000

Dear Ms Fuller

**Re: Proposed Wave Energy Project in Coastal Waters – Pt Lot 4551 & Lot 401
Coastal Waters, West of Garden Island (South End)**

I refer to the above application the subject of a JDAP determination received by the City on the 18th December 2012.

The City does not seek the imposition of planning conditions, but it supports the DAP application being approved.

Should you have any enquiries with respect to this advice, please contact Mr John-Paul MacDonagh on 9528 0424.

Yours faithfully

M ROSS
MANAGER, STATUTORY PLANNING

cc. Carnegie Wave Energy Ltd





Environmental Protection Authority

ATTACHMENT 5

The Atrium,
Level 8, 168 St Georges Terrace,
Perth, Western Australia 6000.
Telephone: (08) 6467 5000.
Facsimile: (08) 6467 5557.

Postal Address: Locked Bag 33,
Cloisters Square, Perth, Western Australia 6850.
Website: www.epa.wa.gov.au

17 DEC 2012

Chief Executive Officer
Carnegie Wave Energy Ltd
Unit 1, 124 Stirling Highway
NORTH FREMANTLE WA 6159

Your Ref
Our Ref A554247
Enquiries Teresa Bryant
Phone 6467 5444

Attn: Mr Tim Sawyer

Dear Sir/Madam

NOTICE UNDER SECTION 39A(3) *Environmental Protection Act 1986*

PROPOSAL: Perth Wave Energy Project
LOCATION: Garden Island
LOCALITY: City of Rockingham
PROPONENT: Carnegie Wave Energy Ltd
DECISION: Not Assessed – Public Advice Given

Thank you for your letter referring the above matter to the Environmental Protection Authority (EPA).

This proposal raises a number of environmental issues. However, the EPA has decided not to subject this proposal to the environmental impact assessment process and the subsequent setting of formal conditions by the Minister for Environment under Part IV of the *Environmental Protection Act 1986* (EP Act). Nevertheless, the staff of the Office of the EPA has provided the attached advice to you as the proponent, and other relevant authorities on the environmental aspects of the proposal.

The EPA's decision to not assess the proposal is open to appeal. There is a 14-day period, closing 24 December 2012. Information on the appeals process is available through the Office of the Appeals Convenor's website, www.appealsconvenor.wa.gov.au, or by telephoning 6467 5190.

Yours faithfully

Anthony Sutton
Director
Assessment and Compliance Division

10 December 2012

Encl

17 DEC 2012

**PUBLIC ADVICE UNDER SECTION 39A(7)
Environmental Protection Act 1986**

This advice applies to a proposal referred to the EPA by Oceanica Consulting on behalf of Carnegie Wave Energy Ltd (Carnegie) on 9 October 2012.

The proposal is for the marine component of the Perth Wave Energy Project (PWEP) which involves the installation of five 11 metre diameter CETO (Carnegie's wave energy technology) units 3km south west of Garden Island and laying two pipelines to transfer the energy harnessed by the CETO units to an onshore power generation facility located on Garden Island.

The terrestrial component of the PWEP is located on Garden Island and under the jurisdiction of the Department of Defence (DoD). Carnegie has a formal licence with DoD for onshore tenure, works and a power supply and grid connection agreement. Carnegie is seeking a lease and easement from the WA Department of Regional Development and Lands (DRDL) over the unallocated Crown lands that make up the State (Coastal) waters.

The purpose of the PWEP is to demonstrate the CETO wave energy technology in a commercial grid connected arrangement for a minimum 12 month operational period with a five year design life.

Implementation of the proposal would involve the following:

- Installation of 5 CETO units, foundation, intra-array piping, pods and pipeline end manifold within a proposed 7.5 ha offshore lease area.
- Installation of two pipelines via trenching and burial of the onshore area up to 500m from the shore with surface laying used for the remainder of the offshore section. Secondary stabilisation using rock mattresses and grout bags will be used on the surface laid section.

The EPA notes that the proposal is unlikely to have a significant environmental impact and provides the following advice and recommendations regarding environmental issues:

Marine Environmental Management Plan

The EPA notes the referral documentation included a Marine Environmental Management Plan (Plan) dated October 2012. The Plan was reviewed by the Office of the EPA and has subsequently been amended by Carnegie Wave Energy to include post-construction benthic habitat surveying and a commitment to emergency spill management response procedures.

It is the EPA's view that the revised Plan (November 2012) adequately identifies the environmental values of the proposal area and demonstrates that the proponent has applied impact avoidance and minimisation and that mitigation measures will ensure potential environmental issues will be appropriately managed.

The referral documentation also demonstrates that Carnegie has undertaken extensive stakeholder and community consultation and includes a Community Consultation Plan to manage its continued consultation throughout the project's milestones.



Government of Western Australia
Department of Transport

Marine Safety

Your ref: application 30/08/2012
Our ref: DPI/09/00304 / A2521872
Enquiries: Sam Carrello 9431 1025

Mr Tim Sawyer
Project Development Officer
Carnegie Wave Energy Limited
U1, 124 Stirling Highway
NORTH FREMANTLE WA 6159

Dear Mr Sawyer

Re: Application to Install Objects in Western Australian Navigable Waters – CETO Units Perth Wave Energy Project Sepia Depression West of Garden Island – Carnegie Wave Energy Limited (the proponent)

Thank you for your application dated 30 August 2012 to install infrastructure comprising a wave energy converter in the Sepia Depression, west of Garden Island.

The Department of Transport (DoT) has considered this installation proposal (the object) in accordance with the submitted application (attached) and has no objection subject to the following conditions being met:

1. The DoT is indemnified against any property damage or personal injury caused by or in relation to the object and all responsibility remains the onus of the proponent and or their designated contractors unless otherwise deemed by law.
2. The granting of this permission does not in any way grant tenure or ownership to any seabed or waters surrounding the object.
3. This permission does not exempt the proponent from identifying and obtaining all other relevant state or federal approvals associated with or in conjunction with the deployment / installation of the object.
4. All installation / maintenance and future management activities regarding the object must be conducted in accordance with relevant marine legislative provisions.
5. The object is required to be maintained to ensure that it is fit for purpose and does not deteriorate or present a hazard to navigational safety. The DoT reserves the right to require that any equipment or components associated with the object be removed or relocated at the proponent's expense at any time to ensure navigational safety.

6. A risk assessment and Emergency Response Plan (ERP) to minimize maritime safety risks is made available to the DoT upon request. The proponent is responsible for ensuring that all elements of the ERP are monitored and implemented.
7. The object must be delineated by navigational buoys which conform to the guidelines for cardinal marks laid down by the IALA Maritime Buoyage System. The cardinal marker buoys must be a minimum of 2 metres in height, placed at the north, east, south and west corners of the closure area and equipped with rhythmic lighting system with a range of two nautical miles.
8. All equipment or components associated with this object must be totally removed at the end of the deployment period as indicated in the application (October 2017).
9. This approval is valid only for the attached submitted application (until October 2017).
10. A Temporary Notice to Mariners (TNTM) must be promulgated prior to installation of the object, with funding supplied by the proponent. It is requested that the proponent notify Mr Sam Carrello, Navigational Safety Project Officer on 9431 1025 or by email to: Navigational.Safety@transport.wa.gov.au a minimum of 28 days prior to the scheduled installation date to enable a TNTM to be promulgated.

Should you have any questions please contact Mr Sam Carrello, Navigational Safety Project Officer on 9431 1025.

Yours Sincerely



Chris Mather
A/Manager, Navigational Safety

25 October 2012



Government of Western Australia
Department of Transport

Marine Safety

Your ref: application 30/08/2012
Our ref: DP/09/00304 / A2622291
Enquiries: Sam Carrello 9431 1025

Mr Tim Sawyer
Project Development Officer
Carnegie Wave Energy Limited
U1, 124 Stirling Highway
NORTH FREMANTLE WA 6159

Dear Mr Sawyer

Re: Application to Install Objects in Western Australian Navigable Waters – CETO Import & Export Pipelines Perth Wave Energy Project Sepia Depression West of Garden Island – Carnegie Wave Energy Limited (the proponent)

Thank you for your application dated 30 August 2012 to install two x 3km pipelines from the CETO wave energy plant in the Sepia Depression, to a shore based generation facility at Garden Island.

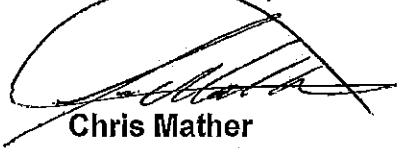
The Department of Transport (DoT) has considered this installation proposal (the object) in accordance with the submitted application (attached) and has no objection subject to the following conditions being met:

1. The DoT is indemnified against any property damage or personal injury caused by or in relation to the object and all responsibility remains the onus of the proponent and or their designated contractors unless otherwise deemed by law.
2. The granting of this permission does not in any way grant tenure or ownership to any seabed or waters surrounding the object.
3. This permission does not exempt the proponent from identifying and obtaining all other relevant state or federal approvals associated with or in conjunction with the deployment / installation of the object.
4. All installation / maintenance and future management activities regarding the object must be conducted in accordance with relevant marine legislative provisions.
5. The object is required to be maintained to ensure that it is fit for purpose and does not deteriorate or present a hazard to navigational safety. The DoT reserves the right to require that any equipment or components associated with the object be removed or relocated at the proponent's expense at any time to ensure navigational safety.

6. A risk assessment including emergency contact details, a vessel traffic management statement and marine communications plan is made available to the DoT upon request.
7. All equipment or components associated with this object must be totally removed at the end of the installation period as indicated in the application (October 2017).
8. This approval is valid only for the attached submitted application (until October 2017).
9. A Temporary Notice to Mariners (TNTM) must be promulgated prior to installation of the object, with funding supplied by the proponent. It is requested that the proponent notify Mr Sam Carrello, Navigational Safety Project Officer on 9431 1025 or by email to: Navigational.Safety@transport.wa.gov.au a minimum of 28 days prior to the scheduled installation date to enable a TNTM to be promulgated.
10. Any variations to the submitted application, including additions, changes to indicative locations and extension of the installation / deployment period requires a separate submission.

Should you have any questions please contact Mr Sam Carrello, Navigational Safety Project Officer on 9431 1025.

Yours Sincerely



Chris Mather
A/Manager, Navigational Safety

25 October 2012

Environmental Management



Risk Assessment and Management

Assessment of potential environmental impacts resulting from the Project, together with mitigation and management measures to minimise harm to the environment, were reviewed by Carnegie and specialist environmental consultants in consultation with the EPA, Defence and other key stakeholders.

Overall, the Project has been assessed as having relatively low potential risk to the wider environment, with no high or unacceptable risks or potential impacts remaining after management. The Marine and Terrestrial EMPs identify, mitigate and manage all activities related to the Project and its potential impacts, including:

- impact on seabed habitat as a result of pipeline installation
- vessel safety during construction and operation of the Project
- disturbance and erosion of beach and onshore dunes
- increased bushfire risk during construction
- accidental discharge of freshwater-based fluids into the environment
- disturbance of native vegetation and native animals during construction
- disturbance of Defence and public recreational activity during construction.

Carnegie will be carrying out additional environmental monitoring and assessments during all stages of the Project to ensure effective management is maintained.

Environmental Approvals

Carnegie referred the marine elements of the Project to the WA Environmental Protection Authority (EPA) under Part IV of the EP Act. On 10 December 2012, the EPA announced a determined outcome of "Not assessed: public advice given" noting that "potential impacts not significant and can be managed under Marine Environmental Management Plan and through other government processes."

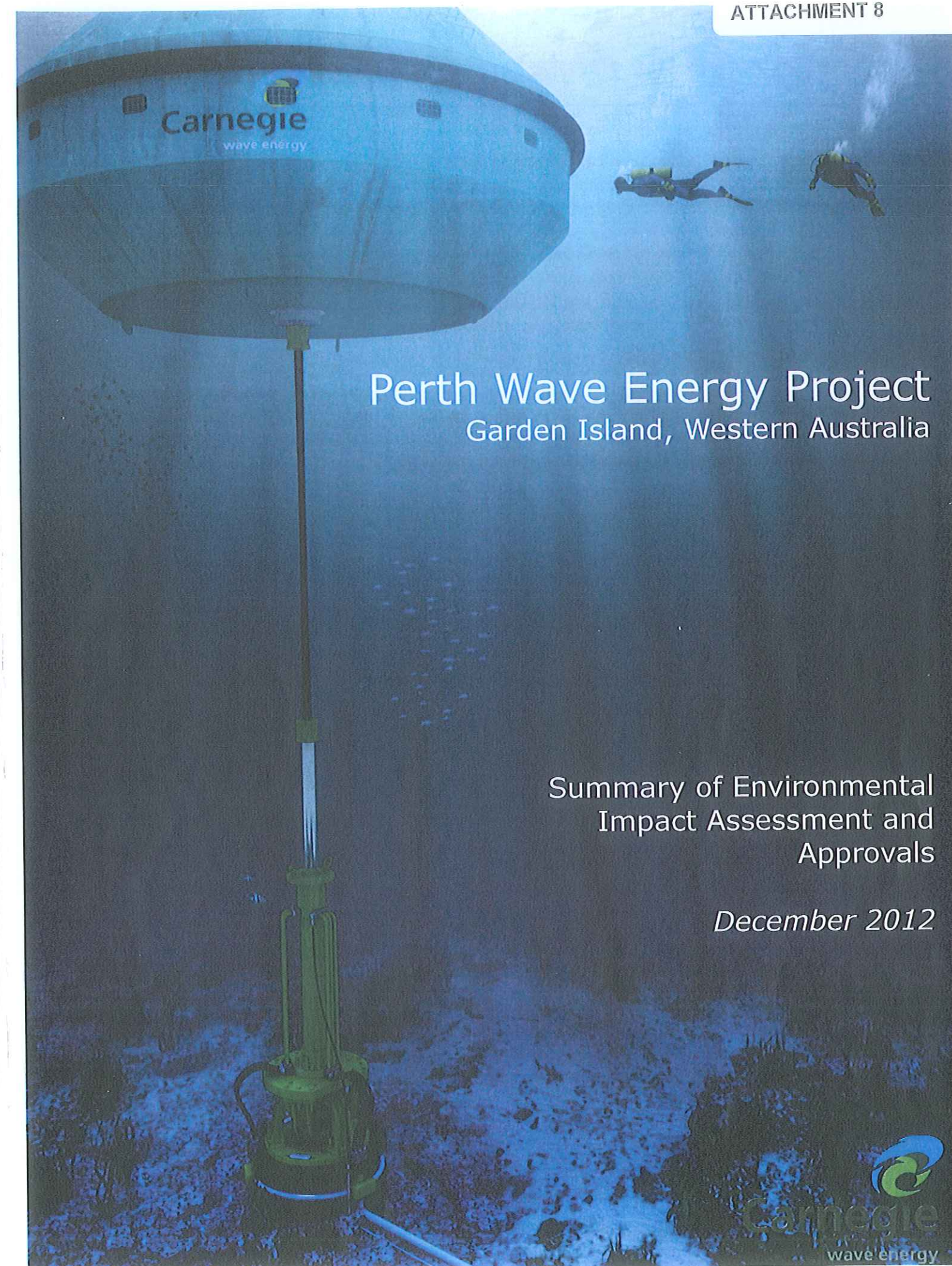
Maritime safety approvals related to the CETO units and offshore pipeline were received from the WA Department of Transport in August 2012.

Carnegie referred the terrestrial elements of the Project to the Department of Defence who, on 28 November 2012, issued an Environmental Clearance Certificate for the Project.

The above represent the key environmental and maritime safety approvals required for the Project. The Project will be managed through Carnegie's Environmental Management System to ensure compliance with the above environmental approvals and Carnegie's Environmental Policy.

To learn more about the Perth Wave Energy Project, please visit our website, www.carnegiewave.com or contact:

Carnegie Wave Energy
Tel: +61 (08) 9486 4466
Email: enquiries@carnegiewave.com



Perth Wave Energy Project

Garden Island, Western Australia

Summary of Environmental
Impact Assessment and
Approvals

December 2012



Project Details

The Perth Wave Energy Project will be the first grid-connected wave energy project to use Carnegie's CETO wave energy technology. The Project will be located at Garden Island, Western Australia, home to HMAS Stirling, Australia's largest naval base.

The Project will involve the installation and operation of four to eight submerged CETO units attached to the sea floor. These are connected to two small diameter pipelines, laid on the seabed and trenched through the immediate shoreline, that run back to a shore-based power generation facility located within a pre-disturbed and disused quarry on Garden Island.

The \$31.2m Project is supported by Australian Federal Government funding through the *Emerging Renewables Program*, and the Western Australian State Government through the *Low Emissions Energy Development* fund. The Australian Department of Defence will buy the electricity generated by the Project to supply HMAS Stirling.



Aerial view of the Perth Wave Energy Project, Western Australia

Legislative Framework

The Project requires a range of environmental approvals from the Australian Government, including Department of Defence (Defence), and the Government of Western Australia. Garden Island is Commonwealth owned and an active defence base. As such environmental management and approvals on Garden Island are managed by Defence, in accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and Defence policy.

Offshore of Garden Island, the primary environmental State legislation under which approvals are required are the *Environmental Protection Act 1986* (EP Act), the *Navigable Waters Regulations 1958* and the *Wildlife Conservation Act 1950*.

Carnegie has undertaken an extensive environmental impact assessment (EIA) of all elements of the Project using in-house and external environmental experts. Separate marine and terrestrial environmental management plans (EMP) have been completed, in consultation with key stakeholders, to support the Project and applications for regulatory approvals. The EMPs describe the Project, the receiving environment, identify and assess potential impacts and identify mitigation and management strategies to protect the environment.

Terrestrial Environment

Garden Island has significant natural landscapes and high natural heritage values. Its flora and fauna is important and scientifically diverse and includes some rare species. The island is a significant habitat for several species that have declined in the Perth metropolitan area, including the brush bronzewing, lined skink, tiger snake, carpet python and King's skink. It supports 30 waterbird species, in addition to 14 species of terrestrial reptiles and a population of Tammar wallabies that have been isolated from mainland populations for some 6000–7000 years.

Cultural values arise from the archaeology and history associated with the first settlement in Western Australia at Cliff Point by Captain James Stirling in 1829, World War II coastal defences, the development of HMAS Stirling Naval Base and recreational users. Indigenous mythological beliefs associated with sites on the island also make a contribution to the heritage values.



Heritage values of Garden Island, Western Australia (Department of Defence 2011)

Marine Environment

The marine flora and fauna of the region is typically comprised of a mixture of temperate and tropical species. Several marine mammal species are known to frequent the waters off Garden Island, including whales, dolphins and sea lions. Various birds, reptiles, sharks, rays, and other fish are also commonly found in the area. The seabed is primarily coarse sandy seabed with occasional macroalgal-dominated limestone reef. The beach is backed by a dune system consisting of a narrow, steep and generally well vegetated foredune. The waters surrounding Garden Island are used predominantly for recreational purposes such as cruising, fishing, kayaking, surfing and diving activities.