



Statutory Planning Committee Minutes

Wednesday, 26 March, 2025

Members: Commissioner Cole - Chairperson
Commissioner Haeren - Deputy Chairperson
Commissioner Adair
Commissioner Brookes
Member Franklin
Member Harman
Member Knight
Member Moore

Leave of Absence: Commissioner Lakey

Others present: Mitchell Bisby - Senior Planner, Metro North West
Kathy Bonus - Chief Planning Advisor, Reform, Design and State Assessment
Sam Boucher - Manager Commission Business
Justin Breeze - Planning Director, Metro South
Parker Cohen-Radosevich - Senior Commission Support Officer
Andrew Cook - A/Planning Director, Metro North
Michael Daymond - Strategic Advisor WAPC, Reform, Design and State Assessment
Paola Di Perna - Planning Director, State Development Assessment Unit
Philip Elliott - Planning Manager, Precincts and Projects
Taylor Goddard - Senior Planning Officer, Metro North West
Ann Harrop - Senior Planner, Metro South East
Michelle King - Senior Commission Support Officer
Cale Luxton - A/Planning Manager, Metro South East
Zarina MacDonald - Senior Planner, Metro North East
Katina Marchbank - Principal Planner, State Development Assessment Unit
Anthony Muscara - Principal Planner, Schemes and Strategies
Aiden O'Brien - Planning Manager, Metro South East
Amy Pires - Governance Officer, Western Australian Planning Commission
Lisa Powell - A/Executive Director, Infrastructure Planning and Policy
Mat Selby - A/Executive Director, Metro, Land Use Planning
Ron Windass - Senior Planning Officer, Metro South West
Ciara Clarke – Planning Manager, State Referral Coordination Unit
Jackie Kirchlechner – Planning Director, State Referral Coordination Unit

1. Meeting Opening and Commencement

The Chairperson declared the meeting open at 9:37am.

1.1 Acknowledgement of Country

The Chairperson acknowledged the Whadjuk people of the Noongar Nation as the traditional owners and custodians of the land on which the meeting is taking place and welcomed members.

1.2 Apologies and leave of absence

Commissioner Lakey – on leave of absence

1.3 Disclosure of interests

Member Franklin declared an Actual Impartiality Interest on Item 3.1 - Part 11B Development Application - Proposed bulk earthworks at Lots 465, 466 & 1261 St Albans Road, Baldivis – Determination. Member Franklin has advised that Franklin Planning, her consultancy, is engaged as a sub-consultant to Hames Sharley by the City of Rockingham to prepare its draft LPS No. 4 and Local Strategy. Member Franklin has also advised that she has not been directly consulted on this proposal. Members agreed that Member Franklin should not be present during the discussion and/or decision-making procedure on the item.

Member Franklin declared an Actual Impartiality Interest on Item 3.2 - Standard Structure Plan – Lots 877 and 878 Stakehill Road, Karnup (2025) – Determination. Member Franklin has advised that Franklin Planning, her consultancy, is engaged as a sub-consultant to Hames Sharley by the City of Rockingham to prepare its draft LPS No. 4 and Local Strategy. Member Franklin has also advised that she has not been directly consulted on this proposal. Members agreed that Member Franklin should not be present during the discussion and/or decision-making procedure on the item.

Member Franklin declared an Actual Impartiality Interest on Item 3.3 - Subdivision (2 lots) – Lot 1027 (No.213) Karnup Road, Baldivis – Determination. Member Franklin has advised that Franklin Planning, her consultancy, is engaged as a sub-consultant to Hames Sharley by the City of Rockingham to prepare its draft LPS No. 4 and Local Strategy. Member Franklin has also advised that she has not been directly consulted on this proposal. Members agreed that Member Franklin should not be present during the discussion and/or decision-making procedure on the item.

Commissioner Haeren declared an Indirect Pecuniary Interest on Item 3.4 - Reconsideration of Subdivision Condition and Advice Notes - Various Lots, Hilbert. Commissioner Haeren advised that Urbis, his employer, is making representation on behalf of the landowner.

Members agreed that Commissioner Haeren should not be present during the discussion and/or decision-making procedure on the item.

Commissioner Brookes declared a Perceived Impartiality Interest on Item 3.4 - Reconsideration of Subdivision Condition and Advice Notes - Various Lots, Hilbert. Commissioner Brookes has advised that Urbaqua, her employer, are engaged by DevelopmentWA on an ongoing basis to provide flood management advice on the Wungong Urban Water area. Members agreed that Commissioner Brookes is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Commissioner Brookes' conduct in relation to the matter.

Commissioner Haeren declared an Indirect Pecuniary Interest on Item 3.5 - Reconsideration of Subdivision Condition - Lot 9105 Wanneroo Road, Sinagra. Commissioner Haeren has advised that Urbis, his employer, are the applicant for the item. Members agreed that Commissioner Haeren should not be present during the discussion and/or decision-making procedure on the item.

Commissioner Brookes declared a Direct Pecuniary Interest on Item 3.6 - Proposed MRS Amendment – Lots 202, 3001, 711 and 8014 Montana Crescent, and Part of Lot 1 Grandis Road, Dayton – Approval to advertise. Commissioner Brookes has advised that Urbaqua, her employer, are currently engaged to prepare a water management report on this site. Members agreed that Commissioner Brookes should not be present during the discussion and/or decision-making procedure on the item.

The Chairperson declared that the Western Australian Planning Commission is both a landowner and a decision maker in relation to Item 3.6 - Proposed MRS Amendment – Lots 202, 3001, 711 and 8014 Montana Crescent, and Part of Lot 1 Grandis Road, Dayton – Approval to advertise. The Chairperson advised that this is an interest in common shared by members and is not considered to prejudice their ability to impartially determine the matter within the planning framework.

1.4 Disclosures of representation

Commissioner Cole declared a Disclosure of Representation on Item 3.1 - Part 11B Development Application - Proposed bulk earthworks at Lots 465, 466 & 1261 St Albans Road, Baldivis – Determination. Commissioner Cole advised that she met with the proponents and their consultants together with DPLH Officers in the course of her normal activities as Chairperson of the WAPC. She was not provided with any additional information that was not available to the Committee.

1.5 Declaration of due consideration

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

1.5.1 Questions from members and responses from DPLH Staff

1.6 Confirmation of Previous minutes - Wednesday, 12 March 2025

Moved by Member Knight

Seconded by Member Harman

That the minutes of the Statutory Planning Committee meeting held on Wednesday, 12 March 2025, be confirmed as a true and correct record of proceedings.

The motion was put and carried

2. Deputations and presentations

Member Franklin declared an Actual Impartiality Interest on Item 3.2 and left the meeting at 9:44am

2.1 Standard Structure Plan – Lots 877 & 878 Stakehill Road, Karnup (2025) – Determination (Item 3.2)

Presenters: Warren Spencer – Terranovis and Justin Page – Element Advisory

Warren Spencer and Justin Page made a deputation to the Statutory Planning Committee regarding Item 3.2 - Standard Structure Plan – Lots 877 & 878 Stakehill Road, Karnup (2025) – Determination.

Member Franklin declared an Actual Impartiality Interest on Item 3.3 and remained out of the meeting

2.2 Subdivision (2 lots) – Lot 1027 (No.213) Karnup Road, Baldivis – Determination (Item 3.3)

Presenters: Nik Hidding – Hidding Urban Planning and Noel Wells - JBA Surveys

Nik Hidding and Noel Wells made a deputation to the Statutory Planning Committee regarding Item 3.3 - Subdivision (2 lots) – Lot 1027 (No.213) Karnup Road, Baldivis – Determination.

Member Franklin returned to the meeting at 9:53am.

Commissioner Haeren declared an Indirect Pecuniary Interest on Items 3.4 and 3.5 and left the meeting at 9:53am.

2.3 Reconsideration of Subdivision Condition and Advice Notes - Various Lots, Hilbert (Item 3.4) and Reconsideration of Subdivision Condition - Lot 9105 Wanneroo Road, Sinagra (Item 3.5)

Presenters: Rebecca Travaglione – Urbis and Louise Narareth – Stockland

Rebecca Travaglione and Louise Narareth made a deputation to the Statutory Planning Committee regarding Items 3.4 - Reconsideration of Subdivision Condition and Advice Notes - Various Lots, Hilbert and 3.5 - Reconsideration of Subdivision Condition - Lot 9105 Wanneroo Road, Sinagra.

Commissioner Haeren returned to the meeting at 10:02am

Member Franklin declared an Actual Impartiality Interest on Item 3.1 and left the meeting at 10:02am

2.4 Part 11B Development Application - Proposed bulk earthworks at Lots 465, 466 & 1261 St Albans Road, Baldivis - Determination (Item 3.1)

Presenters: Col Dutton – Stockland, Shane McSweeney – Pentium Water and Jane Bennett – CLE Town Planning + Design

Col Dutton, Shane McSweeney and Jane Bennett made a deputation to the Statutory Planning Committee regarding Item 3.1 - Part 11B Development Application - Proposed bulk earthworks at Lots 465, 466 & 1261 St Albans Road, Baldivis – Determination.

3. Non-confidential items for discussion, decision or noting

3.1 Part 11B Development Application - Proposed bulk earthworks at Lots 465, 466 & 1261 St Albans Road, Baldivis – Determination (SD-004-24)

Member Franklin declared an Actual Impartiality Interest on this Item and remained out of the meeting

In response to the deputation received on the Part 11B Development Application - Proposed bulk earthworks at Lots 465, 466 & 1261 St Albans Road, Baldivis – Determination, members were advised by the Department of Planning, Lands and Heritage (the Department) on matters discussed, including:

Amending Condition 5 of the recommendation to remove reference to “technical supporting documentation” and deletion of Condition 5c “remove reference to the installation of a bund”. Members were advised that removing the reference to technical documents would raise compliance issues in the absence of supporting documents.

Members were also advised that removing reference to the installation of the bund can be supported as the new development plans do not show a bund.

Clearing of Conditions within two weeks, members were advised that ordinarily, this process involves liaising with external Government agencies and that two weeks are afforded to said agencies to ensure all relevant matters are addressed. The Department also advised that the timing of the clearance of conditions is not a constraint to beginning development works should the application be approved.

Deleting Condition 7 which requires a Drainage Management Strategy, and moving the requirement for stormwater, soil erosion and sediment controls, water monitoring and water quality management to be included in Condition 8, members were advised that the Department's preference was that Condition 7 be retained, however it remained open to the Commission to combine those conditions."

Removing the requirement for the Department of Health (DoH) to provide advice relating to a Construction/Site Works Management Plan and Mosquito Management Plan as well as removing reference to Main Roads Western Australia (MRWA) from Conditions 10, 11 and 12, members were advised that the Department is supportive of this as it is sufficient for the City of Rockingham (the City) to capture and provide all relevant information.

Members moved the recommendation of the Department of Planning, Lands and Heritage to open debate on the item.

REPORT RECOMMENDATION

Moved by Commissioner Adair

Seconded by Commissioner Haeren

That the Statutory Planning Committee resolves:

- A. to note this application is capable of being determined under the applicable planning instrument being the City of Rockingham Local Planning Scheme No. 2 and it has been considered and determined accordingly, and*
- B. under s.171P(1) of the Planning and Development Act 2005 to approve development application reference SD-004-24 and accompanying plans (date-stamped 14 February 2025) for bulk earthworks at Lots 465, 466 & 1261 St Albans Road, Baldivis, subject to the following conditions:*

Approval Timeframe

- 1. This decision constitutes development approval only and is valid for a period of 12 months from the date of approval. If the*

development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

2. *This development approval expires on 28 September 2027, unless by that date the development site has been rezoned under the Metropolitan Region Scheme as Urban or Urban Deferred zone.*
3.
 - a) *By 28 April 2025 and prior to works commencing on site, the applicant is to submit to the Western Australian Planning Commission a 'pre-development site condition' report which indicates the geotechnical conditions of the site prior to development.*
 - b) *By no later 30 July 2025, the terms of what constitutes 'pre-development site condition' and the method of rehabilitating the site in the event rehabilitation is required, is to be agreed to in writing by the Western Australian Planning Commission.*
 - c) *By 28 September 2027, the imported fill is to be removed and the land restored in accordance with the agreed 'pre-development site condition' report using the agreed method of rehabilitation, to the satisfaction of the Western Australian Planning Commission, on advice of the Department of Water and Environmental Regulation and the City of Rockingham.*

Conformity with Plans

4. *The development is to be undertaken in accordance with the approved plans (date stamped 14 February 2025) attached to this approval, subject to modifications required by any condition of this approval, final details of which are to be submitted at working drawings stage (condition clearance stage), to the satisfaction of the Western Australian Planning Commission, on advice from the City of Rockingham.*
5. *The approved development plans and technical supporting documentation are to be modified and updated to include:*
 - a) *the earthworks area being setback a minimum of 1 metre from the Water Corporation drainage corridor (Lot 45);*
 - b) *notation or otherwise to indicate the site access from St Albans Road that is to be sealed from the edge of St Albans Road for a minimum of 50 metres into the site; and*
 - c) *remove any reference to the installation of a bund.*
6. *The approved plans are not to be construed as final levels for development of the site, and final levels will be established through any future subdivision and engineering.*

Environmental

7.

- a) *Prior to commencement of works on site, a Drainage Management Plan is to be submitted and approved by the Western Australian Planning Commission, on advice from the Department of Water and Environmental Regulation, Water Corporation and the City of Rockingham. The Plan is to:*
- i. reflect the approved plans;*
 - ii. consolidate the information for the flood management approach in the Drainage Management Strategy by Pentium Water, dated 14 January 2025 and the Hydrological Addendum by Pentium Water, dated 28 February 2025;*
 - iii. remove all superseded and redundant information, including all references to interim flood measures, bunds and/or flood levees;*
 - iv. outline erosion and sediment controls during the construction and the pre-loading phase;*
 - v. outline the groundwater and surface water monitoring program; and*
 - vi. outline water quality management.*
- b) *The approved Drainage Management Strategy is to be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.*

8.

- a) *Prior to commencement of works on site, a Construction / Site Works Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from the Department of Health and the City of Rockingham. The Plan is to address, but not limited to:*
- i. hours of construction and works;*
 - ii. temporary fencing, hoardings, gantries, and signage;*
 - iii. site access and egress;*
 - iv. construction traffic management;*
 - v. pedestrian and cyclist management and any footpath obstructions;*
 - vi. parking arrangements;*
 - vii. deliveries and storage of construction materials and machinery;*
 - viii. management of stormwater, erosion and sediment;*
 - ix. management of stockpiles including detailing the location, height, duration etc of imported fill, any stockpiling of topsoil and stripped vegetation;*
 - x. management of any contaminated fill;*

- xvi. management of potential asbestos containing materials if identified during works;
 - xvii. fuel and chemical management;
 - xviii. management of any site dewatering or stormwater discharge;
 - xix. management of construction noise and/or vibration and other site generated noise and/or vibration;
 - xx. demolition and construction waste management, recycling, and removal, including disposal of stripped vegetation and materials re-use;
 - xxi. protection of any street trees and public realm infrastructure;
 - xxii. protection of remnant vegetation on Lot 465;
 - xxiii. mosquito management;
 - xxiv. fauna management; and
 - xxv. weed management;
 - xxvi. public communication and complaint handling procedures, including contact details of essential site personnel.
 - b) The approved Construction / Site Works Management Plan is to be implemented and adhered to at all times during the site works, to the satisfaction of the Western Australian Planning Commission.
9. Prior to commencement of works on site, a Geotechnical Engineering Report is to be prepared by a suitably qualified professional and approved by the Western Australian Planning Commission, with advice from the City of Rockingham. The Report is to detail:
- a) the source of the fill; and
 - b) certify the fill material composition and quality.
10. Prior to commencement of works on site, a Dilapidation Survey is to be submitted to the Western Australian Planning Commission, on advice of the Main Roads WA and City of Rockingham, detailing the current condition and status surrounding pavements, public realm infrastructure and roads.
- Any damage to existing pavements and roads, associated with the works, shall be reinstated or ‘made good’ to the same condition prior to works commencing, to the satisfaction of the Western Australian Planning Commission.
- 11.
- a) Prior to commencement of works on site, a Sand and Dust Management Plan is to be submitted to and approved by the Western Australian Planning Commission, with advice from the Water Corporation, Main Roads WA and City of Rockingham.

- b) The approved Sand and Dust Management Plan is to be implemented and adhered to at all times during the surcharging works and/or existence of the fill, to the satisfaction of Western Australian Planning Commission.*

12. The land is to be filled, stabilised, drained and/or graded as required to ensure that all stormwater is contained on -site. No stormwater will be permitted to enter the City of Rockingham's stormwater drainage system unless otherwise approved, to the satisfaction of the Western Australian Planning Commission.

Access

13.

- a) Prior to commencement of works on site, a Traffic Management Plan is to be submitted and approved by the Western Australian Planning Commission, with advice from Main Roads WA and the City of Rockingham. The Traffic Management Plan is to detail:*

- i. access to the site;*
- ii. provision of suitably constructed vehicle access crossovers to site for construction vehicles;*
- iii. truck scheduling;*
- iv. proposed haulage routes; and*
- v. measures to maintain public safety.*

- b) The approved Traffic Management Plan is to be implemented and adhered to at all times to the satisfaction of the Western Australian Planning Commission.*

Advice

A. With regard to Condition 1, the term "substantially commenced" has the meaning given to it in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time. The substantial commencement date is calculated from the date the applicant receives the determination notice.

B. With regard to Condition 5, the final working drawings are to comply with all of the relevant conditions of development approval, as confirmed by the Western Australian Planning Commission (WAPC), and any variations from the approved plans are required to be clearly identified. Once the WAPC is satisfied that the working drawings are consistent with the approved development plans and any reports and information submitted have adequately addressed the conditions of approval, the WAPC will provide a clearance letter and copies of the working drawings to the City of Rockingham.

- C. With regard to Condition 8(xiv), the plan will need to demonstrate compliance with Environmental Protection (Noise) Regulations 1997 and AS2436-2010-Guide to Noise and Vibration Control on Construction, Demolition and Maintenance sites.*
- D. With regard to Condition 8(viii), stormwater, erosion and sediment management is to be informed by and consistent with the approved Drainage Management Strategy.*
- E. With regard to Condition 8(xvii), the remnant vegetation on Lot 465 St Albans Road is to be protected from the impacts of the works through the installation of temporary fencing, until either a Clearing Permit is obtained, or confirmation is provided from the relevant agency that a Clearing Permit is not required.*
- F. With regard to Condition 8(xx), weed management shall be in accordance with the Biosecurity and Agriculture Management Act 2007.*
- G. With regard to Condition 9, the Applicant is reminded of their obligations to determine if fill material used on site is considered “waste” as defined in the Environmental Protection Act 1986 and the Waste and Resource Recovery Act 2007 and therefore whether certain provisions in the legislation apply. Please refer to the Department of Water and Environmental Regulation Factsheet – Assessing whether material is waste for more information.*

Schedule 1 of the Environmental Protection Regulations 1987 provides that the use of clean fill that requires screening at the premises may cause the premises to be considered a prescribed premises under Category 12 or Category 70, and the use of uncontaminated fill that requires crushing at the premises may cause the premises to be considered a prescribed premises under Category 13.

- H. With regard to Condition 11, the Sand and Dust Management Plan is to ensure any potential dust or mobilised sand fill does not negatively affect the operation of the Peel Main Drain or the Kwinana Freeway. The Plan should be prepared in accordance with the Department of Water and Environmental Regulation’s Guidelines and should address:*
 - i. site classification (in accordance with the Department of Water and Environmental Regulation Guidelines);*
 - ii. type of wetting agents and proposed interval of use;*
 - iii. what/if nearby roads will be swept clean of dust/sand and on what interval;*
 - iv. the size of the area being worked at any one time;*
 - v. type and location of any wind barrier fencing;*

- vi. *what environmental monitoring will be undertaken, how many monitors and their location, what factors will be measured and the acceptable levels;*
 - vii. *further to point (vi) above, the mitigation response in the event that the 'acceptable levels' are exceeded; and*
 - viii. *proposed stabilising techniques and frequency they will be undertaken.*
- I. *With regard to Condition 13, all heavy haulage vehicles must use Mundijong Road to access the site and connect to the wider regional road network.*
- J. *If a Threatened Ecological Community (TEC) is found to exist in the vegetation contained on Lot 456, an authorisation to modify an occurrence of a TEC will be required under section 45 of the Biodiversity Conservation Act 2016.*
- K. *Any drinking water provided on site should meet the health-related requirements of the Australian Drinking Water Quality Guidelines 2011.*
- L. *Disposal of any wastewater generated on site should comply with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.*
- M. *The upgrading of Kwinana Freeway and Kwinana Freeway / Mundijong Road / Kulija Road interchange is not in Main Roads current 4-year forward estimated construction program and all projects not listed are subject to change without notice, and Main Roads assumes no liability for the information provided.*
- N. *The owner/applicant is responsible for ensuring that the development complies with all relevant legislation, including but not limited to the Environmental Protection Act 1986, Health (Miscellaneous Provisions) Act 1911, Dangerous Goods Safety Act 2004, Contaminated Sites Act 2003, Road Traffic Act 1974, Litter Act 1979 and any regulations associate with those Acts, and the National Construction Code.*

Members discussed the deletion of Condition 7 and the amendment of Condition 8 as requested by the proponent. Members discussed adding the following subclauses to Condition 8 to ensure that stormwater, soil erosion and sediment controls, water monitoring and water quality management measures remain in place:

- xxii. *groundwater and surface water monitoring program;*
- xxiii. *ongoing monitoring of erosion and sediment management controls, including remediation actions as required; and*
- xxiv. *water quality management.*

Members discussed removing reference to the DoH and adding the Department of Water and Environmental Regulation (DWER) as an advice agency in Condition 8 to allow for advice relating to water and drainage management.

Members also discussed amending “Construction / Site Works Management Plan” to “Construction and Site Works Management Plan” to ensure that it incorporates both the site and the development.

Members discussed Advice Note D referring to a Drainage Management Strategy and suggested replacing this with “Construction and Site Management Plan” to ensure consistency.

Members noted that the word “and” appears at the end of Condition 8a(xix) which should be deleted.

Members moved a motion to delete Condition 7 and amend Condition 8 and Advice Note D as discussed above with subsequent renumbering of conditions and condition references in the Advice Notes.

AMENDING MOTION

Moved by Commissioner Brookes

Seconded by Member Harman

That Condition 7 of the report recommendation be deleted in its entirety.

8.

a) Prior to commencement of works on site, a Construction and Site Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from the Department of Water and Environmental Regulation and the City of Rockingham. The Plan is to address, but not limited to:

- i. hours of construction and works;*
- ii. temporary fencing, hoardings, gantries, and signage;*
- iii. site access and egress;*
- iv. construction traffic management;*
- v. pedestrian and cyclist management and any footpath obstructions;*
- vi. parking arrangements;*
- vii. deliveries and storage of construction materials and machinery;*
- viii. management of stormwater, erosion and sediment;*
- ix. management of stockpiles including detailing the location, height, duration etc of imported fill, any stockpiling of topsoil and stripped vegetation;*
- x. management of any contaminated fill;*
- xi. management of potential asbestos containing materials if identified during works;*

- xii. *fuel and chemical management;*
- xiii. *management of any site dewatering or stormwater discharge;*
- xiv. *management of construction noise and/or vibration and other site generated noise and/or vibration;*
- xv. *demolition and construction waste management, recycling, and removal, including disposal of stripped vegetation and materials re-use;*
- xvi. *protection of any street trees and public realm infrastructure;*
- xvii. *protection of remnant vegetation on Lot 465;*
- xviii. *mosquito management;*
- xix. *fauna management;*
- xx. *weed management;*
- xxi. *public communication and complaint handling procedures, including contact details of essential site personnel.*
- xxii. *groundwater and surface water monitoring program;*
- xxiii. *ongoing monitoring of erosion and sediment management controls, including remediation actions as required; and*
- xxiv. *water quality management.*

- b) *The approved Construction and Site Works Management Plan is to be implemented and adhered to at all times during the site works, to the satisfaction of the Western Australian Planning Commission.*

Advice Notes:

- D. *With regard to Condition 8(viii), stormwater, erosion and sediment management is to be informed by and consistent with the approved Construction and Site Management Plan.*

The amending motion was put and carried

Members discussed removing MRWA as an advising agency from Condition 10, DWER and MRWA as advising agencies from Condition 11 and MRWA as an advising agency from Condition 13 based on the advice from the Department that it is sufficient for the City to provide appropriate advice to satisfy the conditions.

Members moved a motion to amend Conditions 10, 11 and 13 as discussed.

AMENDING MOTION

Moved by Commissioner Haeren
Seconded by Member Knight

10. *Prior to commencement of works on site, a Dilapidation Survey is to be submitted to the Western Australian Planning Commission, on advice of the City of Rockingham, detailing the current condition and status surrounding pavements, public realm infrastructure and roads.*

Any damage to existing pavements and roads, associated with the works, shall be reinstated or 'made good' to the same condition prior to works commencing, to the satisfaction of the Western Australian Planning Commission.

- 11.
- a) *Prior to commencement of works on site, a Sand and Dust Management Plan is to be submitted to and approved by the Western Australian Planning Commission, with advice from the City of Rockingham.*
 - b) *The approved Sand and Dust Management Plan is to be implemented and adhered to at all times during the surcharging works and/or existence of the fill, to the satisfaction of Western Australian Planning Commission.*

Access

- 13.
- a) *Prior to commencement of works on site, a Traffic Management Plan is to be submitted and approved by the Western Australian Planning Commission, with advice from the City of Rockingham. The Traffic Management Plan is to detail:*
 - i. *access to the site;*
 - ii. *provision of suitably constructed vehicle access crossovers to site for construction vehicles;*
 - iii. *truck scheduling;*
 - iv. *proposed haulage routes; and*
 - v. *measures to maintain public safety.*
 - b) *The approved Traffic Management Plan is to be implemented and adhered to at all times to the satisfaction of the Western Australian Planning Commission.*

The amending motion was put and carried

Members discussed the importance of the progression of the application and that appropriate governance is applied to all processes while ensuring that the timely delivery of the development is not impacted. Members also discussed that streamlining the management plans through the consolidation of conditions also ensures that ongoing management requirements are adhered to.

Members agreed to endorse the recommendation of the Department with the abovementioned amendments for the reasons discussed and outlined in the report.

SUBSTANTIVE RESOLUTION

That the Statutory Planning Committee resolves:

- A. to note this application is capable of being determined under the applicable planning instrument being the City of Rockingham Local Planning Scheme No. 2 and it has been considered and determined accordingly, and*
- B. under s.171P(1) of the Planning and Development Act 2005 to approve development application reference SD-004-24 and accompanying plans (date-stamped 14 February 2025) for bulk earthworks at Lots 465, 466 & 1261 St Albans Road, Baldivis, subject to the following conditions:*

Approval Timeframe

- 1. This decision constitutes development approval only and is valid for a period of 12 months from the date of approval. If the development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.*
- 2. This development approval expires on 28 September 2027, unless by that date the development site has been rezoned under the Metropolitan Region Scheme as Urban or Urban Deferred zone.*
- 3.*
 - a) By 28 April 2025 and prior to works commencing on site, the applicant is to submit to the Western Australian Planning Commission a 'pre-development site condition' report which indicates the geotechnical conditions of the site prior to development.*
 - b) By no later 30 July 2025, the terms of what constitutes 'pre-development site condition' and the method of rehabilitating the site in the event rehabilitation is required, is to be agreed to in writing by the Western Australian Planning Commission.*
 - c) By 28 September 2027, the imported fill is to be removed and the land restored in accordance with the agreed 'pre-development site condition' report using the agreed method of rehabilitation, to the satisfaction of the Western Australian Planning Commission, on advice of the Department of Water and Environmental Regulation and the City of Rockingham.*

Conformity with Plans

4. *The development is to be undertaken in accordance with the approved plans (date stamped 14 February 2025) attached to this approval, subject to modifications required by any condition of this approval, final details of which are to be submitted at working drawings stage (condition clearance stage), to the satisfaction of the Western Australian Planning Commission, on advice from the City of Rockingham.*
5. *The approved development plans and technical supporting documentation are to be modified and updated to include:*
 - a) *the earthworks area being setback a minimum of 1 metre from the Water Corporation drainage corridor (Lot 45);*
 - b) *notation or otherwise to indicate the site access from St Albans Road that is to be sealed from the edge of St Albans Road for a minimum of 50 metres into the site; and*
 - c) *remove any reference to the installation of a bund.*
6. *The approved plans are not to be construed as final levels for development of the site, and final levels will be established through any future subdivision and engineering.*

Environmental

7.
 - a) *Prior to commencement of works on site, a Construction and Site Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from the Department of Water and Environmental Regulation and the City of Rockingham. The Plan is to address, but not limited to:*
 - i. *hours of construction and works;*
 - ii. *temporary fencing, hoardings, gantries, and signage;*
 - iii. *site access and egress;*
 - iv. *construction traffic management;*
 - v. *pedestrian and cyclist management and any footpath obstructions;*
 - vi. *parking arrangements;*
 - vii. *deliveries and storage of construction materials and machinery;*
 - viii. *management of stormwater, erosion and sediment;*
 - ix. *management of stockpiles including detailing the location, height, duration etc of imported fill, any stockpiling of topsoil and stripped vegetation;*
 - x. *management of any contaminated fill;*
 - xi. *management of potential asbestos containing materials if identified during works;*
 - xii. *fuel and chemical management;*

- xiii. *management of any site dewatering or stormwater discharge;*
 - xiv. *management of construction noise and/or vibration and other site generated noise and/or vibration;*
 - xv. *demolition and construction waste management, recycling, and removal, including disposal of stripped vegetation and materials re-use;*
 - xvi. *protection of any street trees and public realm infrastructure;*
 - xvii. *protection of remnant vegetation on Lot 465;*
 - xviii. *mosquito management;*
 - xix. *fauna management;*
 - xx. *weed management;*
 - xxi. *public communication and complaint handling procedures, including contact details of essential site personnel.*
 - xxii. *groundwater and surface water monitoring program;*
 - xxiii. *ongoing monitoring of erosion and sediment management controls, including remediation actions as required; and*
 - xxiv. *water quality management.*
- b) *The approved Construction and Site Works Management Plan is to be implemented and adhered to at all times during the site works, to the satisfaction of the Western Australian Planning Commission.*
8. *Prior to commencement of works on site, a Geotechnical Engineering Report is to be prepared by a suitably qualified professional and approved by the Western Australian Planning Commission, with advice from the City of Rockingham. The Report is to detail:*
- a) *the source of the fill; and*
 - b) *certify the fill material composition and quality.*
9. *Prior to commencement of works on site, a Dilapidation Survey is to be submitted to the Western Australian Planning Commission, on advice of the City of Rockingham, detailing the current condition and status surrounding pavements, public realm infrastructure and roads.*
- Any damage to existing pavements and roads, associated with the works, shall be reinstated or 'made good' to the same condition prior to works commencing, to the satisfaction of the Western Australian Planning Commission.*
- 10.
- a) *Prior to commencement of works on site, a Sand and Dust Management Plan is to be submitted to and approved by the*

Western Australian Planning Commission, with advice from the City of Rockingham.

- b) The approved Sand and Dust Management Plan is to be implemented and adhered to at all times during the surcharging works and/or existence of the fill, to the satisfaction of Western Australian Planning Commission.*

- 11. The land is to be filled, stabilised, drained and/or graded as required to ensure that all stormwater is contained on -site. No stormwater will be permitted to enter the City of Rockingham's stormwater drainage system unless otherwise approved, to the satisfaction of the Western Australian Planning Commission.*

Access

- 12.*
 - a) Prior to commencement of works on site, a Traffic Management Plan is to be submitted and approved by the Western Australian Planning Commission, with advice from the City of Rockingham. The Traffic Management Plan is to detail:*
 - i. access to the site;*
 - ii. provision of suitably constructed vehicle access crossovers to site for construction vehicles;*
 - iii. truck scheduling;*
 - iv. proposed haulage routes; and*
 - v. measures to maintain public safety.*
 - b) The approved Traffic Management Plan is to be implemented and adhered to at all times to the satisfaction of the Western Australian Planning Commission.*

Advice

- A. With regard to Condition 1, the term "substantially commenced" has the meaning given to it in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time. The substantial commencement date is calculated from the date the applicant receives the determination notice.*
- B. With regard to Condition 5, the final working drawings are to comply with all of the relevant conditions of development approval, as confirmed by the Western Australian Planning Commission (WAPC), and any variations from the approved plans are required to be clearly identified. Once the WAPC is satisfied that the working drawings are consistent with the approved development plans and any reports and information submitted have adequately addressed the conditions of*

approval, the WAPC will provide a clearance letter and copies of the working drawings to the City of Rockingham.

- C. With regard to Condition 7(xiv), the plan will need to demonstrate compliance with Environmental Protection (Noise) Regulations 1997 and AS2436-2010-Guide to Noise and Vibration Control on Construction, Demolition and Maintenance sites.*
- D. With regard to Condition 7(viii), stormwater, erosion and sediment management is to be informed by and consistent with the approved Construction and Site Management Plan.*
- E. With regard to Condition 7(xvii), the remnant vegetation on Lot 465 St Albans Road is to be protected from the impacts of the works through the installation of temporary fencing, until either a Clearing Permit is obtained, or confirmation is provided from the relevant agency that a Clearing Permit is not required.*
- F. With regard to Condition 7(xx), weed management shall be in accordance with the Biosecurity and Agriculture Management Act 2007.*
- G. With regard to Condition 8, the Applicant is reminded of their obligations to determine if fill material used on site is considered “waste” as defined in the Environmental Protection Act 1986 and the Waste and Resource Recovery Act 2007 and therefore whether certain provisions in the legislation apply. Please refer to the Department of Water and Environmental Regulation Factsheet – Assessing whether material is waste for more information.*

Schedule 1 of the Environmental Protection Regulations 1987 provides that the use of clean fill that requires screening at the premises may cause the premises to be considered a prescribed premises under Category 12 or Category 70, and the use of uncontaminated fill that requires crushing at the premises may cause the premises to be considered a prescribed premises under Category 13.
- H. With regard to Condition 10, the Sand and Dust Management Plan is to ensure any potential dust or mobilised sand fill does not negatively affect the operation of the Peel Main Drain or the Kwinana Freeway. The Plan should be prepared in accordance with the Department of Water and Environmental Regulation’s Guidelines and should address:*
 - i. site classification (in accordance with the Department of Water and Environmental Regulation Guidelines);*
 - ii. type of wetting agents and proposed interval of use;*

- iii. *what/if nearby roads will be swept clean of dust/sand and on what interval;*
 - iv. *the size of the area being worked at any one time;*
 - v. *type and location of any wind barrier fencing;*
 - vi. *what environmental monitoring will be undertaken, how many monitors and their location, what factors will be measured and the acceptable levels;*
 - vii. *further to point (vi) above, the mitigation response in the event that the 'acceptable levels' are exceeded; and*
 - viii. *proposed stabilising techniques and frequency they will be undertaken.*
- I. *With regard to Condition 12, all heavy haulage vehicles must use Mundijong Road to access the site and connect to the wider regional road network.*
- J. *If a Threatened Ecological Community (TEC) is found to exist in the vegetation contained on Lot 456, an authorisation to modify an occurrence of a TEC will be required under section 45 of the Biodiversity Conservation Act 2016.*
- K. *Any drinking water provided on site should meet the health-related requirements of the Australian Drinking Water Quality Guidelines 2011.*
- L. *Disposal of any wastewater generated on site should comply with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.*
- M. *The upgrading of Kwinana Freeway and Kwinana Freeway / Mundijong Road / Kulija Road interchange is not in Main Roads current 4-year forward estimated construction program and all projects not listed are subject to change without notice, and Main Roads assumes no liability for the information provided.*
- N. *The owner/applicant is responsible for ensuring that the development complies with all relevant legislation, including but not limited to the Environmental Protection Act 1986, Health (Miscellaneous Provisions) Act 1911, Dangerous Goods Safety Act 2004, Contaminated Sites Act 2003, Road Traffic Act 1974, Litter Act 1979 and any regulations associate with those Acts, and the National Construction Code.*

The motion was put and carried

3.2 Standard Structure Plan – Lots 877 and 878 Stakehill Road, Karnup (2025) – Determination (SPN/2297)

Member Franklin declared an Actual Impartiality Interest on this Item and remained out of the meeting.

Members discussed the reduced spray drift buffer and the addition of the proposed 2.2 meter high solid masonry noise wall which will also act as a barrier to the spray drift. Members queried whether the Department of Health (DoH) has approved the reduced spray drift buffer and were advised that while the DoH acknowledge the mitigation factors that have been incorporated into the plans are appropriate, they have not technically supported the proposed buffer.

Members discussed the updated Schedule of Modifications provided by the Department of Planning, Lands and Heritage (the Department) prior to the meeting which changed the requirement for a Preliminary Site Investigation from being submitted with the Development Application to being required as a condition of the subdivision approval noting that this will allow for a more streamlined process in the preparation and submission of required environmental technical documents.

Members discussed the proposed Local Centre and the reduction in net lettable area from 2,500 square meters to 500 square meters and queried if the smaller centre would still include a childcare centre and other neighbourhood amenities as originally proposed which was confirmed by the Department.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage with the updated Schedule of Modifications for the reasons discussed and outlined in the report.

Moved by Commissioner Haeren

Seconded by Commissioner Brookes

Dissent Member Knight

That the Statutory Planning Committee, with regard to the Lots 877 and 878 Stakehill Road, Karnup Standard Structure Plan, resolves under the Planning and Development (Local Planning Scheme) Regulations 2015, Schedule 2, Part 4, clause 22(1)(b) to require the applicant:

- 1. modify the Lots 877 and 878 Stakehill Road, Karnup Standard Structure Plan in accordance with the attached updated schedule of modifications; and*
- 2. resubmit the modified standard structure plan to the Western Australian Planning Commission for its consideration.*

The motion was put and carried

3.3 Subdivision (2 lots) – Lot 1027 (No.213) Karnup Road, Baldvis – Determination (200221)

Member Franklin declared an Impartiality Interest on this Item and remained out of the meeting.

Members discussed the possibility of moving the boundary of the development to create more equally sized lots and queried if this had been discussed with the proponent, however recognising that this would still not meet the minimum lot size required. Members were advised by the Department of Planning, Lands and Heritage (the Department) that this had not been discussed but that the proposed location of the boundary follows the existing fence line between dwellings which supports the proponent's intention to recognise the existing physical development and use of land.

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage for the reasons discussed and outlined in the report.

Moved by Commissioner Haeren
Seconded by Member Knight

That the Statutory Planning Committee, acting in accordance with the Planning and Development Act 2005 (section 143) resolve to refuse the application for approval to subdivide Lot 1027 (No. 213) Karnup Road, Baldvis as shown on the plan date-stamped 7 May 2024, for the following reasons:

- 1. The proposed subdivision is inconsistent with the South Metropolitan Peel Sub-regional Planning Framework 2018, which includes a presumption against the development and/or subdivision of rural land.*
- 2. The proposed subdivision is inconsistent with State Planning Policy 2.5: Rural Planning, which does not support the ad-hoc subdivision of rural land or subdivision to create rural living lots which are not planned for in an endorsed sub-regional planning framework.*
- 3. The proposed subdivision is inconsistent with Development Control Policy 3.4: Subdivision of Rural Land, which does not support the subdivision of rural land based on there being a second dwelling.*
- 4. The proposed subdivision is inconsistent with Development Control Policy 1.1: Subdivision of Land - General Principles which aims to ensure that subdivision is consistent with the principles of orderly and proper planning and the character of the area.*

5. *The proposed subdivision is inconsistent with the City of Rockingham Local Planning Scheme No. 2, which does not contemplate the subdivision of rural zoned land in the manner proposed.*
6. *The proposed subdivision could be replicated on other rural zoned lots, leading to ad-hoc rural subdivision which is inconsistent with the land use planning framework.*

The motion was put and carried

Member Franklin returned to the meeting at 10:56am

3.4 Reconsideration of Subdivision Condition and Advice Notes - Various Lots, Hilbert (164256)

Commissioner Haeren declared an Indirect Pecuniary Interest on this item and left the meeting at 10:56am

In response to the deputation received on the Reconsideration of Subdivision Condition and Advice Notes - Various Lots, Hilbert, members were advised by the Department of Planning, Lands and Heritage (the Department) that neither the current nor previous Operational Policy 2.4 Planning for School Sites (OP 2.4) include any Conditions or Advice Notes relating to the timing of the acquisition or payment for ceded land, nor can it be included as a condition of approval as the Western Australian Planning Commission (the Commission) does not have the authority to advise another government agency how to manage their funds.

Members were further advised that promoting Advice Note 6 to a Condition would create inconsistency across development applications and could potentially create a precedent which could not be supported.

Members were advised that the Department intends to submit OP 2.4 to the Commission for approval in May 2025, including related model conditions which may provide further clarity relating to the timing of acquisitions and payment by the Department of Education.

Members discussed the possibility of deferring the decision on this item until the Commission has considered the updated OP 2.4 and queried what impact this would have for the applicant. Members were advised that the development application has been approved, and the applicant can still move forward with the development should the Statutory Planning Committee (the Committee) defer their decision.

Members moved the recommendation of the Department of Planning, Lands and Heritage to open debate on the item.

Moved by Commissioner Cole

Seconded by Commissioner Brookes

That the Statutory Planning Committee, in response to a request from the applicant to reconsider the subdivision approval of Lots 500 and 4128 Ninth Road, Lots 501 and 9012 Eleventh Road and Lots 8007 and 9505 Lannam Road, Hilbert (WAPC 164256), resolves under Section 151(2) of the Planning and Development Act 2005 to:

- 1. Retain Condition 28;*
- 2. Retain Advice Note 6;*
- 3. Modify Advice Note 12 to read as follows: Development WA advises the landowner/applicant of the following:*
 - a. the temporary realignment of the Brickworks B Drain, or other suitable staging arrangements, is to be undertaken as required to ensure there is adequate drainage reserves to allow for the continuation of the upstream flow consistent with the Wungong Urban Water District Water Management Strategy to the satisfaction of the Department of Water and Environmental Regulation and the City of Armadale; and*
 - b. all water level and water quality monitoring bores on the site are to be preserved where possible and not relocated and remain in good working order to the satisfaction of Development WA. It is noted that some bores will be located in road carriageways or private lots and may have to be relocated accordingly.*
- 4. Confirm Advice Note 13 part b) and c).*

Members noted the concerns raised by the applicant that an Advice Note is not enforceable and discussed that waiting until after the Commission consider OP 2.4 in May would allow the Committee to consider the applicant's request in a more informed and consistent manner.

Members discussed a foreshadowed deferral of the Item until no later than June 2025 to allow for further information OP2.4 and the related model conditions and application of advice notes.

The Chairperson put the recommendation of the Department of Planning, Lands and Heritage to a vote and the votes were recorded as follows:

In favour:

Against: Commissioner Adair, Commissioner Brookes, Member Franklin, Member Harman and Member Knight, Member Moore

The motion was put and lost

Members moved a motion to defer the Item until no later than June 2025 to allow for further information on the model conditions and application of advice notes specifically in relation to the provision of school sites as WAPC Operational Policy 2.4 Planning for School Sites and related model conditions are under active review and recommendations from that review are due to be presented to the Commission in May 2025 and this may have a bearing on decision making.

In the interest of consistency and ensuring that all matters relating to the provision of school sites are clear and equitable, the SPC agreed to defer this matter to gain further advice specifically on the methodology for contributions for government primary schools and the reimbursement of landowners for any amount of land oversupply, prior to making a decision.

MOTION TO DEFER

Moved by Commissioner Adair
Seconded by Commissioner Cole

That the Statutory Planning Committee resolves to defer the item relating to the Reconsideration of Subdivision Condition and Advice Notes - Various Lots, Hilbert, as detailed in the report dated 26 March 2025 until no later than June 2025 to allow further information on model conditions and the application of advice notes specifically in relation to the provision of school sites.

The motion to defer was put and carried.

3.5 Reconsideration of Subdivision Condition - Lot 9105 Wanneroo Road, Sinagra (164492)

Commissioner Haeren declared an Indirect Pecuniary Interest on this item and remained out of the meeting

Members discussed the possibility of deferring the decision on this Item consistent with the decision made on Item 3.4.

Members moved a motion to defer the Item until no later than June 2025 to allow for further information on the model conditions and application of advice notes specifically in relation to the provision of school sites as WAPC Operational Policy 2.4 Planning for School Sites.

MOTION TO DEFER

Moved by Commissioner Adair
Seconded by Member Harman

That the Statutory Planning Committee resolves to defer the item relating to the Reconsideration of Subdivision Condition - Lot 9105

Wanneroo Road, Sinagra, as detailed in the report dated 26 March 2025 until no later than June 2025 to allow further information on model conditions and the application of advice notes specifically in relation to the provision of school sites.

The motion to defer was put and carried.

Commissioner Haeren returned to the meeting at 11:10am

3.6 Proposed MRS Amendment – Lots 202, 3001, 711 and 8014 Montana Crescent, and Part of Lot 1 Grandis Road, Dayton – Approval to advertise (RLS/1158)

Commissioner Brookes declared a Direct Pecuniary Interest on this item and left the meeting at 11:10am

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage for the reasons outlined in the report.

Moved by Member Harman
Seconded by Member Knight

That the Statutory Planning Committee resolves under section 35 of the Planning and Development 2005 and Regulation No. 5 of the Planning and Development (Region Planning Schemes) Regulations 2023 to:

- 1. Initiate an amendment to the Metropolitan Region Scheme as detailed in Attachment 4 - MRS Amendment 14XX (Standard Amendment) – Lots 202, 3001, 711 and 8014 Montana Crescent, and Part of Lot 1 Grandis Road, Dayton;*
- 2. Form the opinion that the amendment constitutes a standard amendment to the MRS as it is generally consistent with the State and Strategic Planning Framework but may have some impact or community interest; and*
- 3. Note a concurrent amendment to the City of Swan Local Planning Scheme No.17 is also proposed.*

The motion was put and carried

Commissioner Brookes returned to the meeting at 11:11am

4. Confidential items for discussion, decision or noting

The Statutory Planning Committee move to the consideration of confidential items for discussion, decision or noting and resolve, pursuant to Regulation 27 of the Planning and Development (Western Australian Planning Commission) Regulations 2024, that the meeting be closed to members of the public.

Moved by Member Franklin
Seconded by Commissioner Brookes

The motion was put and carried

4.1 City of Greater Geraldton – Local Planning Scheme No. 1, Amendment No. 18 (Complex) – Recommendation to Minister (TPS/2889)

This item was withdrawn from the agenda prior to the meeting.

4.2 Shire of Gingin - Local Planning Scheme No. 9, Amendment No. 25 (Standard) – Recommendation to Minister (TPS/3147)

This item was withdrawn from the agenda prior to the meeting.

4.3 MRS Amendment 1431 (Standard) - Metropolitan Region Scheme Mapping Updates - Recommendation to Minister (RLS/1147, RLS/1150)

THIS ITEM IS CONFIDENTIAL

4.4 Draft Position Statement - Purpose-Built Student Accommodation - For Noting (PLH2024P1028)

THIS ITEM IS CONFIDENTIAL

5. Urgent or other business

Nil.

6. Meeting conclusion and closure

The next ordinary meeting is scheduled for 10:00am on Wednesday, 7 May 2025.

There being no further business before the Committee, the Chairperson thanked members for their attendance and declared the meeting closed at 11:21am.

CHAIRPERSON

DATE