# City of Rockingham
## Planning and Engineering Services Committee
### Meeting Minutes
#### Monday 15 August 2016

<table>
<thead>
<tr>
<th>CONTENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Declaration of Opening</td>
</tr>
<tr>
<td>2. Record of Attendance/Apologies/Approved Leave of Absence</td>
</tr>
<tr>
<td>3. Responses to Previous Public Questions Taken on Notice</td>
</tr>
<tr>
<td>4. Public Question Time</td>
</tr>
<tr>
<td>5. Confirmation of Minutes of the Previous Meeting</td>
</tr>
<tr>
<td>6. Matters Arising from the Previous Minutes</td>
</tr>
<tr>
<td>7. Announcement by the Presiding Person without Discussion</td>
</tr>
<tr>
<td>8. Declaration of Member’s and Officer’s Interest</td>
</tr>
<tr>
<td>9. Petitions/Deputations/Presentations/Submissions</td>
</tr>
<tr>
<td>10. Matters for which the Meeting may be Closed</td>
</tr>
<tr>
<td>11. Bulletin Items</td>
</tr>
<tr>
<td>Planning and Development Services Information Bulletin – August 2016</td>
</tr>
<tr>
<td>Engineering and Parks Services Information Bulletin – August 2016</td>
</tr>
<tr>
<td>12. Agenda Items – Planning and Engineering Services Committee</td>
</tr>
<tr>
<td>Planning and Development Services</td>
</tr>
<tr>
<td>PDS-045/16 Proposed Structure Plan (The Spires Kerosene Lane)</td>
</tr>
<tr>
<td>PDS-046/16 Proposed Amendment to Structure Plan (West Karnup)</td>
</tr>
<tr>
<td>PDS-048/16 Proposed Plant Nursery and Rural Pursuit</td>
</tr>
<tr>
<td>PDS-049/16 Proposed Building Envelope Variation</td>
</tr>
<tr>
<td>PDS-050/16 Proposed Building Envelope Variation</td>
</tr>
<tr>
<td>PDS-051/16 Joint Development Assessment Panel Application - Amendment to Development Approval for the Proposed Singleton East Neighbourhood Centre</td>
</tr>
<tr>
<td>PDS-052/16 Proposed Planning Policy 3.2.12 – Southern Gateway and Rockingham Station Sectors</td>
</tr>
<tr>
<td>PDS-053/16 Amendment No.150 to Town Planning Scheme No.2 – Rezoning certain land within the Southern Gateway Sector to ‘Primary Centre Urban Living Zone’ and ‘Primary Centre City Centre Zone’</td>
</tr>
<tr>
<td>PDS-054/16 Western Trade Coast Protection Area – Environmental Protection Authority Referral</td>
</tr>
<tr>
<td>Engineering and Parks Services</td>
</tr>
<tr>
<td>EP-023/16 Tender T16/17-06 – Supply of Traffic Management Services</td>
</tr>
<tr>
<td>EP-024/16 Delegation of Authority to Support or Oppose Heavy Vehicle Haulage Applications</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td><strong>13.</strong></td>
</tr>
<tr>
<td><strong>14.</strong></td>
</tr>
<tr>
<td><strong>15.</strong></td>
</tr>
<tr>
<td><strong>Planning and Development Services</strong></td>
</tr>
<tr>
<td><strong>Engineering Services</strong></td>
</tr>
<tr>
<td><strong>16.</strong></td>
</tr>
<tr>
<td><strong>17.</strong></td>
</tr>
<tr>
<td><strong>18.</strong></td>
</tr>
<tr>
<td><strong>Engineering Services</strong></td>
</tr>
<tr>
<td><strong>19.</strong></td>
</tr>
<tr>
<td><strong>20.</strong></td>
</tr>
</tbody>
</table>
# City of Rockingham
## Planning and Engineering Services Committee Meeting Minutes
### Monday 15 August 2016 - Council Boardroom

### 1. Declaration of Opening
The Chairperson declared the Planning and Engineering Services Committee Meeting open at **4:00pm**, welcomed all present, and delivered the Acknowledgement of Country.

### 2. Record of Attendance/Apologies/Approved Leave of Absence

#### 2.1 Councillors
- Cr Chris Elliott  
- Cr Matthew Whitfield  
- Cr Deb Hamblin (Deputy Mayor)  
- Cr Katherine Summers  
- Cr Kelly McManus  
- Cr Joy Stewart  
- Cr Justin Smith  
- Cr Lee Downham  
- Chairperson (Deputising for Mayor Barry Sammels)

#### 2.2 Executive
- Mr Andrew Hammond  
- Mr Bob Jeans  
- Mr John Woodhouse  
- Mr Chris Thompson  
- Mr Peter Ricci  
- Mr Brett Ashby  
- Mr David Waller  
- Mr Mike Ross  
- Mr Rod Fielding  
- Mr Ian Daniels  
- Mr Kelton Hincks  
- Mr James Henson  
- Mr Adam Johnston  
- Mr Allan Moles  
- Ms Melinda Wellburn  
- Chief Executive Officer  
- Director Planning and Development Services  
- Director Legal Services and General Counsel  
- Director Engineering and Parks Services  
- Manager Major Planning Projects  
- Manager Strategic Planning and Environment  
- Coordinator Statutory Planning  
- Manager Statutory Planning  
- Manager Health Services  
- Manager Engineering Services  
- Manager Asset Services  
- Manager Land and Development Infrastructure  
- Manager Parks Services  
- Manager Integrated Waste Services  
- PA to Director Planning and Development Services

#### 2.3 Members of the Gallery:
- 1

#### 2.4 Apologies:
- Mayor Barry Sammels

#### 2.5 Approved Leave of Absence:
3. **Responses to Previous Public Questions Taken on Notice**
   - Nil

4. **Public Question Time**
   - 4.01pm The Chairperson invited members of the Public Gallery to ask questions. There were none.

5. **Confirmation of Minutes of the Previous Meeting**
   - Moved Cr Whitfield, seconded Cr Summers:
     - That Committee *CONFIRMS* the Minutes of the Planning and Engineering Services Committee Meeting held on 18 July 2016, as a true and accurate record.
     - Committee Voting – 5/0

6. **Matters Arising from the Previous Minutes**
   - Nil

7. **Announcement by the Presiding Person without Discussion**
   - 4.01pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.

8. **Declarations of Members and Officers Interests**
   - 4.02pm The Chairperson asked if there were any interests to declare. There were none.

9. **Petitions/Deputations/Presentations/Submissions**
   - Nil

10. **Matters for which the Meeting may be Closed**
    - Nil

11. **Bulletin Items**
    - **Planning and Development Services Information Bulletin – August 2016**
      - **Health Services**
        1. Health Services Team Overview
        2. Human Resource Update
        3. Project Status Reports
          - 3.1 FoodSafe
          - 3.2 Industrial and Commercial Waste Monitoring
          - 3.3 Mosquito Control Program
          - 3.4 Environmental Waters Sampling
          - 3.5 Food Sampling
        4. Information Items
          - 4.1 Mosquito-Borne Disease Notifications
          - 4.2 Food Recalls
          - 4.3 Food Premises Inspections
          - 4.4 Public Building Inspections
4.5 Outdoor Public Event Approvals
4.6 Permit Approvals
4.7 After Hours Noise and Smoke Nuisance Complaint Service
4.8 Complaint - Information
4.9 Noise Complaints - Detailed Information
4.10 Animal Exemptions
4.11 Building Plan Assessments
4.12 Septic Tank Applications
4.13 Demolitions
4.14 Swimming Pool and Drinking Water Samples
4.15 Rabbit Processing
4.16 Hairdressing and Skin Penetration Premises
4.17 New Family Day Care Approvals
4.18 Caravan Park and Camping Ground Inspections
4.19 Emergency Services
4.20 Social Media
4.21 Customer Requests Emergency Service Team
4.22 Community Events
4.23 Structural Fire Fighting Capability – Baldivis
4.24 Local Government Permit Review Project
4.25 Welfare Evacuation Centre Training
4.26 Vulnerable Community Plan Meetings
4.27 ESL Boundary
4.28 Ranger Services - Action Reports
4.29 Prosecutions
4.30 Department Update
4.31 SmartWatch: Visibility
4.32 SmartWatch: Engagement with Community
4.33 SmartWatch: Increasing Perception of Safety
4.34 SmartWatch: Statistics

### Building Services

1. Building Services Team Overview
2. Human Resource update
3. Project Status Reports
4. Information Items
   4.1 Monthly Building Permit Approvals - (All Building Types)
   4.2 Private Swimming Pool and Spa Inspection Program
   4.3 Demolition Permit
   4.4 Permanent Sign Licence
   4.5 Community Sign Approval
   4.6 Street Verandah Approval
   4.7 Occupancy Permits
   4.8 Strata Titles
   4.9 Unauthorised Building Works (Section 51 of the Building Act)
   4.10 Monthly Caravan Park Site Approvals
   4.11 R Code Variations

### Strategic Planning and Environment

1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Local Planning Strategy (LUP/1352)
3.2 Waterwise Council Program (EVM/56-02)
3.3 Karnup District Structure Plan (LUP/1546)
3.4 Cockburn Sound Coastal Alliance – Vulnerability & Flexible Adaptation Pathways Project Stage 3 (EVM/149)
3.5 Greening Plan (PKR/52-02)

4. Information Items
4.1 Delegated Advertising of Proposed Structure Plan
4.2 Threatened Ecological Community Trial

**Land and Development Infrastructure**
1. Land and Development Infrastructure Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
4.1 Structure Plan Approval Referrals
4.2 Subdivision Approval Referrals
4.3 Urban Water Management Referrals
4.4 Traffic Report Referrals
4.5 Delegated Land & Development Infrastructure Assets Approvals
4.6 Subdivision Clearance Requests
4.7 Handover of Subdivisional Roads
4.8 Development Application Referrals
4.9 Delegated Subdivisional Public Open Space Practical Completions
4.10 Delegated Authority to approve the release of Bonds for private subdivisional works

**Statutory Planning**
1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
3.1 Planning Products via the Web formerly eDA
4. Information Items
4.1 Land Use - Planning Enforcement
4.2 Subdivision/Development Approval and Refusals by the WAPC
4.3 Notifications and Gazettals
4.4 Subdivision Clearances
4.5 Subdivision Survey Approvals
4.6 Subdivision Lot Production
4.7 Delegated Development Approvals
4.8 Delegated Development Refusals
4.9 Delegated Building Envelope Variations
4.10 Subdivision/Amalgamation Approved
4.11 Strata Plans
4.12 Subdivision/Amalgamation Refused

**Planning and Development Directorate**
1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
3.1 Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08)
3.2 Northern Smart Village Sector – Masterplan, Development Policy Plan and Proposed Amendment No’s.161 and 162 to Town Planning Scheme No.2
3.3 Southern Gateway/Rockingham Station Sector – Masterplanning, Development Policy Plan and TPS (LUP/1846 and LUP/1847)
3.4 Leeuwin Sector – Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
3.5 Northern Gateway Sector – Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
3.6 City Square and Civic Plaza Redesign
3.7 ‘Mangles Bay Marina’

4. Information Items
   4.1 City of Rockingham Bushfire Risk Management Plan
   4.2 Report of the Special Inquiry into the January 2016 Waroona Fire

Committee Recommendation

Moved Cr Hamblin, seconded Cr McManus

That Councillors acknowledge having read the Planning Services Information Bulletin – August 2016 and the content be accepted.

Committee Voting – 5/0

---

**Engineering and Parks Services Information Bulletin – August 2016**

**Engineering and Parks Services Directorate**

1. Engineering and Parks Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Foreshore Masterplan – Detailed Design
4. Information Items
   4.1 Bus Shelters – Displaying Messages or Advertising
   4.2 Monthly Statistics on Correspondence to Engineering and Parks Services

**Engineering Services**

1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Stormwater Drainage Plan
   3.2 Coastal Management Consultants (Sand Drift/Erosion Problems)
   3.3 Coastal Infrastructure Facilities Consultant (Jetties/Boat Ramp Planning)
4. Information Items
   4.1 Delegated Authority for Temporary Thoroughfare Closure.
   4.2 Delegated Authority for the payment of Crossover Subsidies.
   4.3 Delegated Authority for approval of Directional Signage
   4.4 Engineering Services Design Projects 2016/2017
   4.5 Authorised Traffic Management Plans for Works on City Controlled Roads
   4.6 Safety Bay Road – Principal Shared Path – Stage 2B Mandurah Road to Eighty Road
   4.7 Millar Road Landfill – Concept Master Plan and Site Access
   4.8 Water Corporation - Significant works within the City
   4.9 Waikiki Foreshore – Foreshore Protection Specification
   4.10 Point Peron Sand Trap and Beach Nourishment Management
   4.11 Donald Drive Boat Ramp Feasibility Study
   4.12 Bent Street Boat Ramp Navigation Channel Sand Bypassing
   4.13 Mersey Point Jetty Design
   4.14 Palm Beach West Boat Ramp Upgrade – Detailed Design
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4.15</td>
<td>Point Peron Boat Launching Facility Detailed Design of Boat Ramp Lanes Five and Six including boat trailer car park design</td>
</tr>
<tr>
<td>4.16</td>
<td>Palm Beach East Boat Ramp Rock Armour Replacement and Boat Ramp Maintenance</td>
</tr>
<tr>
<td>4.17</td>
<td>EP-013/16 – Investigate need for additional traffic signals on Warnbro Sound Avenue</td>
</tr>
<tr>
<td>4.18</td>
<td>Road Construction Program Roads to Recovery 2016/2017</td>
</tr>
<tr>
<td>4.19</td>
<td>Road Construction Program Main Roads Grant 2016/2017</td>
</tr>
<tr>
<td>4.20</td>
<td>Road Rehabilitation Program Main Roads Grant 2016/2017</td>
</tr>
<tr>
<td>4.21</td>
<td>Road Construction Program Federal Black Spot 2016/2017</td>
</tr>
<tr>
<td>4.22</td>
<td>Road Construction Program State Black Spot 2016/2017</td>
</tr>
<tr>
<td>4.23</td>
<td>Road Construction Program Municipal Works 2016/2017</td>
</tr>
<tr>
<td>4.24</td>
<td>Road Renewal Program Municipal Works 2016/2017</td>
</tr>
<tr>
<td>4.25</td>
<td>Road Resurfacing Program Municipal Works 2016/2017</td>
</tr>
<tr>
<td>4.26</td>
<td>Footpath Construction Program Municipal Works 2016/2017</td>
</tr>
<tr>
<td>4.27</td>
<td>Footpath Renewal Program Municipal Works 2016/2017</td>
</tr>
<tr>
<td>4.28</td>
<td>Road Maintenance Program 2016/2017</td>
</tr>
<tr>
<td>4.29</td>
<td>Litter Team 2016/2017</td>
</tr>
<tr>
<td>4.30</td>
<td>LitterBusters and Sweeping 2016/2017</td>
</tr>
<tr>
<td>4.31</td>
<td>Passenger Vehicle Fleet Program 2016/2017</td>
</tr>
<tr>
<td>4.32</td>
<td>Light Commercial Vehicles Program 2016/2017</td>
</tr>
<tr>
<td>4.33</td>
<td>Heavy Plant Program 2016/2017</td>
</tr>
</tbody>
</table>

**Parks Services**

1. Parks Services Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Rockingham Dog Exercise Area
   - 3.2 Weld Street shower and drink fountain - Rockingham
   - 3.3 Practice Cricket Net Modification - Rhonda Scarrott Reserve, Golden Bay
   - 3.4 Practice Cricket Net Renewal - Careeba Reserve, Koorana Reserve and Warnbro Oval
   - 3.5 Bore and Irrigation Cabinet – Malibu Reserve
   - 3.6 City Parks – Central Irrigation Management System
   - 3.7 Play Equipment Replacements
   - 3.8 Synthetic Turf Renewal - Lark Hill Practice Cricket Nets
   - 3.9 Limestone Access Track Upgrade - Lark Hill Reserve
   - 3.10 Replace Conservation Reserve Fencing
   - 3.11 New Conservation Reserve Fencing – Foreshore Drive, Singleton
   - 3.12 New Conservation Reserve Fencing – Lake Richmond
   - 3.13 Tamworth Hill Swamp, Conservation Works
   - 3.14 Dixon Road Reserve, Conservation Works
4. Information Items
   - 4.1 Memorial Seat Approvals
   - 4.2 Parks Maintenance Program 2016/2017

**Asset Services**

1. Asset Services Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Road Condition Inspection and Modelling
   - 3.2 Maintenance and Provision of Public Toilets
   - 3.3 Lighting Consultants (Technical Planning/Design, Underground Power Program)
3.4 Major Project Property Development Planning (Design Modifications/Tender Planning/Structural Testing)

4. Information Items
4.1 Asset Management Improvement Strategy
4.2 Solar Power Generation
4.3 2016/2017 Public Area Lighting and Arterial Lighting
4.4 Secret Harbour Surf Life Saving Club – Renovation
4.5 Rockingham Day Care Fire Panel Replacement
4.6 Baldivis South Club Facility Eighty Road Baldivis
4.7 Laurie Stanford Reserve Development
4.8 Rhonda Scarrott Reserve Development
4.9 Administration Building Exterior Render Repairs
4.10 Aqua Jetty – Tiling of external 50m Pool
4.11 Secret Harbour – Inclusive Play Space
4.12 Baldivis South Youth Space
4.13 2016/2017 Reserve Flood Lighting
4.14 Baldivis South Community Centre
4.15 Mike Barnett Sports Complex and Warnbro Recreation Centre - Renovations
4.16 Mike Barnett Sports Complex – Netball Courts Shelters
4.17 Depot – Light Vehicle Workshop roof works
4.18 PV (Solar) Array Installation at Various Sites
4.19 Mike Barnett Sports Complex - Awning Installation
4.20 Churchill Park Toilets – Refurbish internal and external items
4.21 Reserve Maintenance
4.22 Electrical/Lighting Maintenance
4.23 Asset Maintenance
4.24 Lighting Inspections
4.25 Graffiti Out and About
4.26 Lighting Inspections
4.27 Graffiti Removal Annual Statistics

Waste Services
1. Waste Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Waste Collection Services; Introduce Three Bin Collection System
   3.2 Waste Collection Services; Waste Audit
   3.3 Waste Collection Services; School Recycling Program
   3.4 Waste Collection Services; Bin Tagging Program
   3.5 Landfill Services; Construction of Cell 16 and Leachate Dams
   3.6 Landfill Services; Landfill Access Road and Associated Infrastructure
   3.7 Landfill Services; Construction of Cell 17
   3.8 Landfill Services; Landfill Capping of Cells 12 and 13
4. Information Items
   4.1 Waste Collection Services; Kerbside Collection
   4.2 Waste Collection Services; Bulk Verge Collection
   4.3 Waste Collection Services; Waste Diversion Percentage
   4.4 Landfill Services; Tip Passes
   4.5 Landfill Services; Landfill Statistics
   4.6 Landfill Services; Waste Education and Promotion
   4.7 Landfill Services; Methane Gas

Advisory Committee Minutes
Committee Recommendation

Moved Cr Hamblin, seconded Cr McManus:
That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – August 2016 and the content be accepted.

Committee Voting – 5/0
## 12. Agenda Items

### Planning and Development Services

#### Strategic Planning and Environment Services

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>PDS-045/16 Proposed Structure Plan (The Spires Kerosene Lane)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>LUP/1701-03</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Roberts Day Group Pty Ltd (trading as RobertsDay)</td>
</tr>
<tr>
<td><strong>Owner:</strong></td>
<td>Lot 295 Baldivis Road - Norfolk Holdings Pty Ltd</td>
</tr>
<tr>
<td></td>
<td>Lot 55 Kerosene Lane - Applecross Land Pty Ltd</td>
</tr>
<tr>
<td></td>
<td>Lot 56 Kerosene Lane - High Ride Pty Ltd</td>
</tr>
<tr>
<td></td>
<td>Lot 294 Kerosene Lane - Waikiki Land Pty Ltd</td>
</tr>
<tr>
<td></td>
<td>Lot 772 Kerosene Lane - St Gabriel Investments Pty Ltd</td>
</tr>
<tr>
<td></td>
<td>Owners are represented by the Spatial Property Group Pty Ltd</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr Tristan Fernandes, Senior Strategic Planning Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr Jeff Bradbury, Co-ordinator Strategic Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>15 August 2016</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td>August 1997 (Item 1.13)</td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td>Executive</td>
</tr>
</tbody>
</table>

**Site:**
Lot 295 Baldivis Road and Lots 55, 56, 294 and 772 Kerosene Lane, Baldivis

**Lot Area:**
47.2727Ha

**LA Zoning:**
Development

**MRS Zoning:**
Urban and Urban Deferred

**Attachments:**
Schedule of Submissions

**Maps/Diagrams:**
1. Location Plan
2. Approved Comprehensive Development Plan
3. Extract from Baldivis North District Structure Plan
4. Advertised Structure Plan Map
5. Location of Advertising
6. Extract from draft South Metropolitan and Peel Sub-Regional Planning Framework.
7. The Spires Kerosene Lane Structure Plan Overlaid with Contours, Fauna Habitat and potential Black Cockatoo habitat trees layers.

8. View of Structure Plan area from Kerosene Lane approximately 1 km west of the site.

**Purpose of Report**

To consider a proposed Structure Plan over Lot 295 Baldivis Road and Lots 55, 56, 294 and 772 Kerosene Lane, Baldivis following the completion of the advertising period.

**Background**

The subject land, along with the balance of the north Baldivis urban area, was rezoned to ‘Urban Deferred’ under the Metropolitan Region Scheme (‘MRS’) in the mid 1990’s following preparation of the South West Corridor Structure Plan which identified the urban potential of the land.

In 1998, a Comprehensive Development Plan was adopted for the land generally bounded by Fifty Road, Baldivis Road, Kerosene Lane and the future Nairn Drive, which included a conceptual layout over the subject site (refer to Figure 2).

In 2000, the Council adopted the Baldivis North District Structure Plan in order to guide detailed planning in the urban corridor north of the Safety Bay Road and south of Kerosene Lane (refer to Figure 3).
The majority of the site is now zoned ‘Urban’ under the MRS, with the exception of a 9.0769ha portion of Lot 294 which remains zoned ‘Urban Deferred’. The Western Australian Planning Commission has previously not supported this portion of Lot 294 being zoned “Urban” in the MRS as it falls within the 300m buffer of an adjacent sand extraction site.

Despite the fact that a portion of the site remains zoned ‘Urban Deferred’ in the MRS, the entire site was zoned ‘Development’ at the direction of the then Minister for Planning when Town Planning Scheme No.2 was approved in 2004 and as such, the Council is obligated to consider the proposed Structure Plan under Schedule 2, Part 4, clause 18 of the Planning and Development (Local Planning Schemes) Regulations 2015.”

The site abuts land reserved ‘Other Regional Roads’ to the west, being the future Nairn Drive extension and the land surrounding the site is generally zoned ‘Urban’, with the exception of land north of Kerosene Lane which is zoned ‘Rural’.

2. Approved Comprehensive Development Plan
3. Extract from Baldivis North District Structure Plan

Details

The City has received an application seeking approval for a Structure Plan over the abovementioned land; replacing the previously adopted Comprehensive Development Plan over part of the landholding. The proposed structure plan contains the following elements (see Figure 4):

- Residential densities ranging from R25 - R40 to facilitate the development of approximately 684 dwellings;
- Five (5) parks providing 5.16ha of Public Open Space;
- Road connections into the existing ‘Chase’ Estate at Herbert Meander and Remembrance Drive; and
- A road connection into the Estate with a new roundabout onto Baldivis Road, and additional connection points onto Kerosene Lane and the future Nairn Drive.
4. Advertised Structure Plan

**Implications to Consider**

a. **Consultation with the Community**

   **Advertising Methodology**

   The proposed Structure Plan was advertised for a period of 28 days, commencing on 3 June 2016 and concluding on 1 July 2016. Public advertising was carried out in the following manner:

   - Nearby owners (280 referrals) and the Baldivis Residents Association being notified of the proposal in writing and invited to comment (as shown on Figure 5 within the red border);
   - The Applicant erected two (2) signs on the property in prominent locations on Baldivis Road and Kerosene Lane;
- A notice was placed in the Weekend Courier newspaper on 10 June 2016; and
- Copies of the proposed Structure Plan and relevant documents were made available for inspection at the City's Administrative Offices and placed on the City’s website.

Advertising was undertaken in accordance with the requirements of Schedule 2, Part 4, clause 18 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).

5. Location of Advertising

Public Submissions: Following the close of the advertising period, the City had received ten (10) public submissions. A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment No.1 to this Report). The content of the issues raised in these submissions are summarised and addressed as follows:

<table>
<thead>
<tr>
<th>Amenity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) Construction noise is requested to be limited to times prescribed under the Environment Health (Noise) Regulations (1999).</td>
</tr>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>Construction noise will be addressed as part of a Construction Management Plan.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>For any construction activity required as part of the subdivision process, the applicant is required to comply with the Environmental Health (Noise) Regulations (1999). In the event that a breach to the regulations is reported, the City will investigate the matter and take any appropriate action deemed necessary.</td>
</tr>
<tr>
<td>Submission:</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>(ii) Impact of dust on existing residents in ‘The Chase’ Estate due to construction requires improved management.</td>
</tr>
</tbody>
</table>

**Applicant’s Response:**
Dust impacts will be addressed as part of a Construction Management Plan.

**City’s Comment:**
As part of the Subdivision process, the City will request the Western Australian Planning Commission to apply appropriate conditions to any Subdivision Approval to ensure the applicant mitigates the impact of dust to nearby residential properties.

<table>
<thead>
<tr>
<th>Submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(iii) It is requested that measures be taken to ensure any damage from construction activities to existing properties are repaired.</td>
</tr>
</tbody>
</table>

**Applicant’s Response:**
Damage control will be addressed as part of a Construction Management Plan.

**City’s Comment:**
The applicant will be responsible for any Dilapidation Reporting requirement to ensure any damage to existing residential properties is identified and repaired.

<table>
<thead>
<tr>
<th>Submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(iv) The Council should commit to enforcing Restrictive Covenants to protect prospective resident’s investments.</td>
</tr>
</tbody>
</table>

**Applicant’s Response:**
Not relevant to the Structure Plan.

**City’s Comment:**
The City cannot require and is not a party to the implementation of restrictive covenants.

<table>
<thead>
<tr>
<th>Submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(v) Request that retaining walls be consistent with those provided within the Chase Estate.</td>
</tr>
</tbody>
</table>

**Applicant’s Response:**
Land will be developed to match the finished levels of the adjoining residential estate, avoiding the requirement for retaining walls wherever practical.

**City’s Comment:**
The design aesthetic for retaining walls is determined at the discretion of the developer and is not a valid planning consideration in the City's assessment of a proposed Structure Plan.

<table>
<thead>
<tr>
<th>Submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(vi) Request to continue street naming theme from ‘The Chase’ estate.</td>
</tr>
</tbody>
</table>

**Applicant’s Response:**
Not relevant to the Structure Plan.
### Amenity (Cont…)

<table>
<thead>
<tr>
<th>City's Comment:</th>
<th>The future street naming theme for the Structure Plan area is not a valid planning consideration in the City's assessment of a proposed Structure Plan.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission:</td>
<td>(vii) <strong>Construction of the Structure Plan area will adversely impact property values.</strong></td>
</tr>
<tr>
<td>City's Comment:</td>
<td>The potential impact to property values is not a valid planning consideration in the City's assessment of a proposed Structure Plan.</td>
</tr>
<tr>
<td>Submission:</td>
<td>(viii) <strong>Concern that the interface of the Structure Plan area to existing properties will result in privacy and overlooking into existing residential housing.</strong></td>
</tr>
<tr>
<td>Applicant's Response:</td>
<td>Land will be developed to match the finished levels of the adjoining residential estate and avoiding significant level differences wherever practical. Future development will be subject to the privacy provisions contained within the R-Codes.</td>
</tr>
<tr>
<td>City's Comment:</td>
<td>The City has reviewed the proposed Earthworks Plan prepared to accompany the Structure Plan Report and has identified there are level differences between the Chase Estate and the Structure Plan area that would likely require retaining walls to be erected. In this regard, it is recommended that the Structure Plan interface to the adjoining ‘The Chase’ estate be reviewed to ensure the impact of level differences to existing dwellings is minimised.</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>The Structure Plan interface to the adjoining ‘The Chase’ estate be reviewed to ensure the impact of level differences to existing dwellings is minimised.</td>
</tr>
</tbody>
</table>

### Environment

<p>| Submission: | (i) <strong>Insufficient consideration has been given to the retention of remnant trees within open space throughout the Structure Plan area.</strong> |
| Applicant's Response: | Public Open Space (POS) has been allocated to accommodate a number of considerations, and its allocation purely to retain vegetation is not practical, or the only relevant consideration. Other factors that have influenced the allocation of Public Open Space include but are not limited to recreation – both passive and ‘active’, drainage requirements, the reduction of levels to a minimum 32 metres AHD to allow for gravity serviced sewers / water mains, the extraction of sand resource from the site and the retention of remnant trees. However the placement of Public Open Space still aims to accommodate the retention of remnant trees where possible, particularly in the southern and eastern portions of the site where the potential for tree retention is greater and within the largest of the POS areas central to the site which has been specifically located outside of the excavation area for this purpose – see Figures 10 and 13 of the Structure Plan Report. |</p>
<table>
<thead>
<tr>
<th>Environment (Cont…)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>This matter is considered in the Comments section of this Report.</td>
</tr>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(ii) Trees are shown to be retained within Open Space that have already been cleared from the property.</td>
</tr>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>We note that some clearing has been undertaken at the site associated with fire management, as required under City of Rockingham’s published Fire Control Notice/s.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>The Applicant's response is noted.</td>
</tr>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(iii) Public Open Space area 1 should be relocated south of its current location to retain mature vegetation.</td>
</tr>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>As stated, POS has been allocated to accommodate a number of considerations, and its allocation purely to retain vegetation is not practical, or the only relevant consideration. The location of POS 1 was selected primarily to facilitate drainage although there may also be some opportunities for tree retention as detailed design is progressed.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>The distribution of POS to provide for greater emphasis on the retention of remnant vegetation is considered in the Comments section of this Report.</td>
</tr>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(iv) The Structure Plan Report disregards the impact to native fauna other than Black Carnaby Cockatoo. Additional measures are recommended to be incorporated within the Structure Plan report to relocate wildlife prior to subdivision works.</td>
</tr>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>As outlined in the Fauna Assessment attached to the Environmental Assessment Management Strategy (EAMS), due to the extensive historic disturbance to vegetation within the site, any fauna species present would be generally common and widespread species with non-specific requirements that allow them to persist in highly disturbed habitats. The EAMS makes provision for the future management of fauna as part of subdivision and construction management, with standard construction management protocols to avoid direct impacts on fauna within the site.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>A fauna relocation programme will likely be required as a condition of subdivision approval and the details of relocation will be determined by the Department of Parks and Wildlife.</td>
</tr>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(v) The site is subject to odour impacts from the Rockingham Regional Waste Facility outside the 500m buffer. Notifications are recommended to advise of potential odour impacts to this facility.</td>
</tr>
</tbody>
</table>
**Environment (Cont…)**

**Applicant's Response:**
The site is located outside of the Environmental Protection Authority’s (EPA's) current recommended separation distance of 500 m from the Millar Road landfill facility. Therefore there is no requirement for notification on titles.

**City's Comment:**
The City does not have the ability to recommend that notifications be placed on Certificates of Title outside the prescribed buffer area.

**Process**

**Submission:**
Advertising signs placed poorly to effectively advertise the Structure Plan.

**City's Comment:**
The advertising signs were required to be placed on Baldivis Road and Kerosene Lane, adjacent to the Structure Plan area with the intent to capture interest for the broader community for the Structure Plan application.

As stated above, in addition to the signage, the City wrote to 280 nearby owners and the Baldivis Residents Association, placed a notice in the local newspaper and provided details of the application on the internet to invite comment.

**Structure Plan Design**

**Submission:**
(i) Adjoining landowner at Lot 1211 Baldivis Road was not approached initially to be included within the Structure Plan area.

**Applicant’s Response:**
Mr Davies (Lot 1210) and Mr Estinoff (Lot 1212) have both indicated to the applicant that they are not interested in being involved in the Structure Plan at this time. Mr Sturrock (Lot 1211) approached the applicant during the advertising asking why he wasn’t included. These three lots need to be considered together due to the drainage falling to the north (into Lot 1212) and landowners would need to fund the various studies required to progress a Structure Plan over their landholdings. Preparation of a Structure Plan over only one of these holdings (particularly Lot 1211, located in the middle of the three lots) does not work.

The applicant has prepared indicative design over these three lots demonstrating how future development may occur and tie into the current Structure Plan application area. The layout demonstrates that access is available to all three of the lots to progress development in the future in accordance with the District Structure Plan for the locality.

**City’s Comment:**
It is not feasible to include Lot 1211 into the proposed Structure Plan at this stage because the lot has not been subject to key planning and technical assessment and analysis that has been undertaken in preparing the proposed Structure Plan.

**Submission:**
(ii) Too many small lots are being proposed within the Structure Plan area.
## Structure Plan Design (Cont…)

<table>
<thead>
<tr>
<th>Applicant’s Response:</th>
<th>City's Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed lot sizes respond to current market expectations and the density objectives, advocated by <em>Liveable Neighbourhoods</em> and <em>Directions 2031</em>, which aim for 22 dwellings per residential site hectare. The Structure Plan achieves a residential density of 22.6 dwellings per residential site hectare.</td>
<td>The proposed Structure Plan is required to meet the density targets set out in the State Government’s <em>Directions 2031 and Beyond</em> Strategic Planning Policy for Perth and Peel and the <em>Liveable Neighbourhoods</em> operational policy. The proposed Structure Plan achieves the minimum density required by <em>Directions 2031</em> and <em>Liveable Neighbourhoods</em>. In this regard, the density proposed is considered appropriate.</td>
</tr>
<tr>
<td><strong>Submission:</strong> (iii) Request that lots within the structure plan area to be restricted to single storey like those built in the Chase.</td>
<td></td>
</tr>
<tr>
<td>Applicant’s Response:</td>
<td>City’s Comment:</td>
</tr>
<tr>
<td>Development within the Structure Plan area will be subject to the City’s Local Planning Policy relating to R-MD Codes. Development controls are stipulated within the R-MD Codes, and allow for two storey dwellings, subject to achieving the relevant setback, privacy and solar access requirements. This will be assessed as part of the development and building application process.</td>
<td>The Residential Design Codes (R-Codes) prescribes the maximum height for dwellings. In this regard, any dwelling that complies with the R-Codes requirements can be built to a height of two storeys. This also applies to dwellings built within the Chase Estate. In review of the densities proposed within the Structure Plan area, the maximum height permitted under the R-Codes is two storeys.</td>
</tr>
<tr>
<td><strong>Submission:</strong> (iv) Request of a 50m wide buffer ‘bush corridor’ and open space between the Chase and new estate.</td>
<td></td>
</tr>
<tr>
<td>Applicant’s Response:</td>
<td>City’s Comment:</td>
</tr>
</tbody>
</table>
| As anticipated in the North Baldivis District Structure Plan (DSP), the Structure Plan (SP) design proposes a logical extension of street cells that ‘rounds off’ existing street blocks to create an integrated residential locality. The DSP also does not indicate the requirement for a bushland corridor, and given the potentially negative impact this may have from the bushfire risk management perspective to both existing and future development, this was not considered a suitable design response to manage the interface with adjoining development. The SP does include an extension to the existing POS area at the northern end of the Chase. | *Liveable Neighbourhoods* encourages an integrated approach to the consideration of new Structure Plan areas where there is existing residential development. Development of the Structure Plan area must consider the appropriate placement of Public Open Space which must comprise a minimum of 10% of the gross subdivisible area. In review of the planning principles contained within *Liveable Neighbourhoods*, it is not considered appropriate to provide a bushland corridor in this location for the following reasons:  
- Existing development backs onto the proposed corridor and provides no opportunity for passive surveillance onto the space proposed. The City requires Crime Prevention Through Environmental Design principles to be implemented in all new Structure Plan areas; |

---

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES  
MEETING HELD ON MONDAY 19 SEPTEMBER 2016  

PRESIDING MEMBER
Structure Plan Design (Cont…)

- Public Open Space should be distributed throughout the Structure Plan area to provide open space within a 300m walkable catchment to all dwellings. This would not be achieved by providing a large parcel of Open Space only in the southern portion of the Structure Plan area; and
- The best vegetation in the Structure Plan area is not located within the 50m corridor proposed.

Submission:
(v) Structure Plan should include a calculation for stormwater drainage from the future construction of Nairn Drive.

Applicant's Response:
The catchment relating to the proposed Nairn Drive based on the existing levels and proposed levels within the site has been allowed for in the drainage calculations presented in the Local Water Management Strategy (LWMS) (illustrated in Figure 7 of that document). A more detailed review of the appropriate catchment will be carried out at detailed design and detailed in the future Urban Water Management Plan (URMP) associated with the area consistent with the methodology described in the Better Urban Water Management Framework.

City's Comment:
Nairn Drive is located outside the Structure Plan area and as such the proposal does not need to account for drainage associated with this road.

Traffic

Submission:
(i) Request to remove through connections to the Structure Plan area from Herbert Meander and Remembrance Drive.

Applicant's Response:
The proposed connections from Herbert Meander and Remembrance Drive are shown in the Baldivis North District Structure Plan and are provided in accordance with the Baldivis District Structure Plan to improve connectivity and permeability within the Baldivis District Structure Plan area. It is also noted that these connections are generally consistent with the original proposal for the land, previously approved in the form of a Comprehensive Development Plan in 2006.

City's Comment:
The North Baldivis District Structure Plan and the previously approved Comprehensive Development Plan show permeable road connections into Herbert Meander and Remembrance Drive. The proposed road network connections to Herbert Meander and Remembrance Drive have been prepared in accordance with Element 2 - Movement Network of Liveable Neighbourhoods. In this regard, Liveable Neighbourhoods promotes a highly interconnected street system, which is aimed at reducing local travel distances, emissions and energy use. Interconnection between new and existing communities is required to be maximised wherever possible. Liveable Neighbourhoods also discourages cul-de-sac arrangements, as this street format impedes overall interconnectivity.

Submission:
(ii) Concern that the development will generate additional traffic that will impact the function of the intersection of Baldivis Road and Kulija Road.
<table>
<thead>
<tr>
<th>Traffic (Cont…)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant’s Response:</strong></td>
</tr>
<tr>
<td>As indicated in the Traffic Assessment, the traffic contribution of the Structure Plan area on Baldivis Road and the intersection with Kulija Road is not significant. The long term planning for the intersection of Kulija Road / Baldivis Road indicates that Kulija Road will include a flyover across Baldivis Road and the standard of the future upgrade of this intersection will accommodate the projected traffic generated by the future developments in this area identified in the District Structure Plan.</td>
</tr>
<tr>
<td><strong>City’s Comment:</strong></td>
</tr>
<tr>
<td>The accumulated impact of the development of new estates in Baldivis will generate additional traffic at the intersection of Baldivis Road and Kulija Road. This is a result of the overall road network being incomplete, and a need for significant road infrastructure upgrades in the future to accommodate long term projected traffic volumes. Traffic will operate within capacity in the short term, however, the City will monitor traffic volumes and will look to complete road upgrades where required.</td>
</tr>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(iii) Baldivis Road requires widening to accommodate increased traffic.</td>
</tr>
<tr>
<td><strong>Applicant’s Response:</strong></td>
</tr>
<tr>
<td>As indicated in the Traffic Assessment, the traffic contribution of the Structure Plan area on Baldivis Road is not significant. Baldivis Road will be upgraded to the standard similar to the upgraded sections along other urbanised areas to the south of the Structure Plan area.</td>
</tr>
<tr>
<td><strong>City’s Comment:</strong></td>
</tr>
<tr>
<td>A condition of Subdivision Approval will be requested by the City for the upgrade of the existing roads abutting the Structure Plan area (Baldivis Road and Kerosene Lane). Both roads will be upgraded to an ‘Urban’ standard, providing lighting, curbing and a single lane boulevard treatment in accordance with the Baldivis Roads Needs Study.</td>
</tr>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(iv) No detail is provided regarding access and egress onto Baldivis Road and Kerosene Lane.</td>
</tr>
<tr>
<td><strong>Applicant’s Response:</strong></td>
</tr>
<tr>
<td>Not correct. Figure 13 at Section 5.4 of the Traffic Assessment report shows the intersection treatments for the Structure Plan area. A roundabout is proposed at the intersection of Structure Plan area and Baldivis Road. Two priority controlled T-intersections are proposed on Kerosene Lane.</td>
</tr>
<tr>
<td><strong>City’s Comment:</strong></td>
</tr>
<tr>
<td>The Structure Plan shows two ‘T’ intersection access points onto Kerosene Lane and one access point to Baldivis Road, which is proposed as a four-way roundabout intersection.</td>
</tr>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(v) Intersection north east corner of Lot 294 Baldivis Road and Kerosene Lane is a poor location due to the topography of the land in that location. Recommend relocating access point to the western edge of the public open space abutting Kerosene Lane and incorporate old growth tuart trees into an entry statement.</td>
</tr>
<tr>
<td><strong>Applicant’s Response:</strong></td>
</tr>
<tr>
<td>The current location of the access point provides better sight lines for the vehicles entering and exiting the Structure Plan area, as relocating the access point to the western edge of the POS abutting Kerosene Lane will put the access point right at the bend of Kerosene Lane with poor sight lines.</td>
</tr>
</tbody>
</table>
### Traffic (Cont…)

**City's Comment:**
The revision of the structure plan design to provide for greater emphasis on the retention of remnant vegetation is considered in the Comments section of this Report.

**Submission:**
(vi) Concern that the development will not provide sufficient parking. The Structure Plan documentation does not show off-street parking areas and streets are too narrow to account for visitor parking and impact the use of footpaths and verge areas.

**Applicant's Response:**
The level of detail provided is consistent with the Western Australian Planning Commission (WAPC’s) Structure Plan Framework, which does not recommend that parking is shown. Details of the visitor parking will be addressed at the detailed design and subdivision approval stage. In accordance with WAPC Liveable Neighbourhoods guidelines, visitor parking will typically be accommodated on the local access streets (assisting with speed control) and in dedicated bays adjacent POS and group housing development.

**City's Comment:**
Street reserve widths contained within the Structure Plan have been prepared in accordance with the State Government’s Liveable Neighbourhoods policy, which does permit temporary visitor on-street parking.

Parking requirements on residential properties is addressed by the R-Codes.

**Submission:**
(vii) Vehicle parking is not shown on the Structure Plan.

**Applicant's Response:**
See response to point (vi).

**City's Comment:**
The design detail for on-street vehicle parking is a matter that is required to be considered at subdivision stage within detailed engineering design drawings. On-street embayments are generally provided abutting public open space and in front of dwellings with laneway garage access.

**Submission:**
(viii) Request to prohibit heavy vehicle traffic using the Chase Estate for construction of the Structure Plan area.

**Applicant's Response:**
The route of construction traffic will be addressed within the construction management plan and subject to approval by the City of Rockingham.

**City's Comment:**
The submission is noted. The City will require heavy vehicle traffic to use Baldivis Road and Kerosene Lane where appropriate for access and egress to the site.

### b. Consultation with Government Agencies

As mentioned above, relevant government agencies and servicing authorities were notified of the proposal in writing and invited to comment, pursuant to Schedule 2, Part 4, clause 18(1)(b) of the Regulations. In this regard, the City invited comments from the following agencies:

- Alinta Gas
- Department of Aboriginal Affairs
Following the close of the advertising period, the City had received eleven (11) submissions from State Agencies. A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment to this Report). The submissions that raised issues for consideration are summarised and addressed as follows:

1. **Department of Fire and Emergency Services**

Submission:
The Department of Fire and Emergency Services has provided the following comments with regard to *State Planning Policy 3.7 - Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines).

**Policy Objectives**

(i) The majority of the structure plan site is designated as bushfire prone on the Map of Bush Fire Prone Areas, and therefore SPP 3.7 applies.

**BHL Assessment**
The Bushfire Hazard Level (BHL) Assessment cannot be validated as further information is required:

(i) There are no geo-referenced photographs of the vegetation that has been assessed or other supporting documentation to demonstrate where the photos were taken (i.e. photo points and direction of photo marked on the BHL Assessment Map).

(ii) Areas within the current BHL that are assessed as low hazard, but are within 100 metres of a moderate or extreme bushfire hazard are to adopt a moderate bushfire hazard within that 100 metres and should be assessed as such, to reflect the increased level of risk adjacent to the bushfire prone area.

(iii) It will need to be demonstrated that the area to the west of the site boundary that has been excluded as low threat vegetation is managed/maintained to be considered low threat.

(iv) The Guidelines do not require the formulation of a Post BHL assessment. Remove and delete all reference to Figure 10 of the Bushfire Management Plan (BMP).

**BAL Contour Map**

(i) A Bushfire Attack Level (BAL) Contour Map is required given the Structure Plan identifies an indicative lot/block configuration, and should be prepared to illustrate the potential radiant heat impacts and associated indicative BAL ratings in reference to any classified vegetation remaining within 100 metres of the assessment area after the development is complete.

**Consideration of Bushfire Protection Criteria**

(i) Given the methodology used to formulate the BHL is not accurate for the purposes of assessment against the Guidelines, and that a BAL Contour Map has not been provided, a full assessment of Section 5 – Bushfire Mitigation Strategy has not been undertaken.
## 1. Department of Fire and Emergency Services (Cont…)

**Applicant's Response:**

**Policy Objectives**

(i) Noted. The BMP preparation commenced prior to the release of the current policy and guidance framework, and while amendments have been made to the BMP, further changes are needed to bring the document in line with current framework.

   This will be done prior to final approval and is not an impediment to the City’s favourable recommendation to the WAPC on the proposal.

**BHL Assessment**

(i) & (ii) Noted. The BMP preparation commenced prior to the release of the current policy and guidance framework, and while amendments have been made to the BMP, further changes are needed to bring the document in line with current framework.

   This will be done prior to final approval and is not an impediment to the City’s favourable recommendation to the WAPC on the proposal.

(iii) Noted. This site was an operational market garden/managed. Since then use has ceased. Site zoned urban and intended for future development.

(iv) Noted. The BMP preparation commenced prior to the release of the current policy and guidance framework, and while amendments have been made to the BMP, further changes are needed to bring the document in line with current framework.

   This will be done prior to final approval and is not an impediment to the City’s favourable recommendation to the WAPC on the proposal.

**BAL Contour Map**

(i) Noted. The BMP preparation commenced prior to the release of the current policy and guidance framework, and while amendments have been made to the BMP, further changes are needed to bring the document in line with current framework.

   This will be done prior to final approval and is not an impediment to the City’s favourable recommendation to the WAPC on the proposal.

**City's Comment:**

The City supports the contents of the submission prepared by the DFES.

This matter is further considered against relevant policy and guidelines in the Policy section of this Report.

**Recommendation:**

That the Bushfire Management Plan be amended to address the issues raised by the Department of Fire and Emergency Services.

## Department of Health

**Submission:**

**Water and Wastewater Disposal**

All developments for the densities proposed are required to connect to scheme water and reticulated sewerage; as required by the Government Sewerage Policy - Perth Metropolitan Region.

**Applicant's Response:**

Noted and will be achieved.

**City's Comment:**

The submission is noted.
Department of Health (Cont…)

Submission:
Public Health Impacts

(i) It is noted that the Millar Road operational Class 2/3 putrescible wastes and contaminated solid wastes landfill facility is located less than 300M north of the proposed residential properties. According to the EPA Guidance for the Assessment of Environmental Factors, Separation Distances between Industrial and Sensitive Land Uses, No 3, June 2005, the minimum buffer distance from a Class 2/3 landfill to a subdivision is 500M.

This current plan lacks a sufficient buffer distance (500M) which may impact the health of residents being exposed to gases, noise, dusts and odours from the Millar Road Class 2/3 landfill site.

(ii) The City of Rockingham should also use this opportunity to minimise potential negative impacts of the increased density development such as; noise, odour, light and other lifestyle activities. To minimise adverse impacts on the residential component, the City of Rockingham could consider incorporation of additional sound proofing I insulation, double glazing on windows, or design aspects related to location of air conditioning units and other appropriate building/construction measures.

Applicant’s Response:

(i) The Millar Road landfill facility is located at least 700 m north of the site. The current EPA generic recommended separation distance from this type of facility is 500m, therefore this land use does not pose an impact on the health and amenity of future residents within the site.

(ii) Not relevant. The proposed residential density of 22.6 dwellings is consistent with the density objectives advocated by Liveable Neighbourhoods and Directions 2031, which aim for 22 dwellings per residential site hectare. The cited impacts are not specific results of ‘densification’ or urbanization and are addressed at every stage of the planning process down to the consideration of individual development and building applications.

City’s Comment:

The City has reviewed the separation distance to the Millar Road Landfill facility and determined that it is located outside the 500m separation distance required under the Environmental Protection Authority’s Guidance Statement No.3 - Separation Distances Between Agricultural and Sensitive Land Uses.

As such, the City cannot recommend any further assessment be undertaken in relation to potential odour issues from the Millar Road Landfill Facility.

No odour assessment has been undertaken by the Applicant in relation to this matter.

2. Department of Parks and Wildlife

Submission:

The Environmental Assessment and Management Strategy outlines that it is likely that the vegetation within the site once represented the Priority Ecological Community type FCT 24 – Northern Spearwood shrublands and woodlands, or FCT 25 – Southern *Eucalyptus gomphocephala* – *agonis flexuosa* woodlands. The report states that the portions of vegetation in good condition as shown in Figure 7 may be considered representative of these Priority Ecological Communities (PECs).

It is noted that the previously approved Comprehensive Development Plan provided for an area of Public Open Space over a portion of the good condition remnant vegetation on Lot 55, however, the draft Structure Plan makes no provision to retain the vegetation and states that there is no capacity to retain native vegetation in areas above 32 metre AHD as the levels need to be lowered to satisfy Water Corporation servicing requirements.

The Department recommends that every effort be made to retain vegetation that is in good or better condition.
### 2. Department of Parks and Wildlife (Cont…)

**Applicant's Response:**

Public Open Space has been allocated to accommodate a number of considerations, and its allocation purely to retain vegetation is not practical, or the only relevant consideration. Other factors that have influenced the allocation of POS include but are not limited to recreation – both passive and ‘active’, drainage requirements, the reduction of levels to a minimum 32 metres AHD to allow for gravity serviced sewers / water mains, the extraction of sand resource from the site and the retention of remnant trees.

However the placement of POS still aims to accommodate the retention of remnant trees where possible, particularly in the southern and eastern portions of the site where the potential for tree retention is greater and within the largest of the POS areas central to the site which has been specifically located outside of the excavation area for this purpose – see Figures 10 and 13 of the SP Report. Further opportunities for tree retention will continue to be explored as detailed design is progressed within open space and road reserves.

**City's Comment:**

This matter is considered in the Comments section of this Report.

**Submission:**

The report outlines that the subject area contains 384 potential black cockatoo nesting habitat trees, some of which support suitable hollows for black cockatoo nesting, and also contains black cockatoo foraging habitat with evidence of foraging observed.

Planning for the area should firstly make provision to retain as much of the cockatoo habitat as possible, identify and quantify habitat which will be lost, and consider if offsets may be required to mitigate any residual impact on habitat of this species.

Proposals should be discussed with the Federal Department of Sustainability, Environment, Water, Population and Communities as there may be a requirement to refer the proposal under the *Environment Protection and Biodiversity Conservation Act* (1999).

In addition to the above advice, Parks and Wildlife notes that the State Government has released the draft Green Growth Plan for public comment. The proposal should be checked for consistency with that initiative. For further information on the draft Green Growth Plan you can contact the Department of Premier and Cabinet who is the lead agency.

It is the Department's expectation that the planning system will appropriately address environmental planning issues including those not specifically referred to in this letter.

**Applicant's Response:**

The EAMS includes detailed consideration of this factor. The site contains potential habitat, as identified in the fauna assessment and EAMS. Of the potential habitat trees identified within the site, the majority did not contain any hollows (77%), while those that did contain hollows were generally considered unsuitable for use by black cockatoos (i.e. entrance size too small). Approximately 3% of the total potential black cockatoo habitat trees within the site were found to contain hollows suitable for black cockatoos, however none of these had evidence of previous or recent use. The closest known breeding location occurs approximately 20 km north-east of the site.

Given the Structure Plan covers multiple landholdings, the consideration of potential impact and any offsets required will be considered by the separate developers as part of future subdivision and development within their landholding/s.

Individual landholders within Structure Plan will address their requirements pursuant to the EPBC Act separately as part of subdivision and development within their landholding/s.

**City's Comment:**

This matter is considered in the Comments section of this Report.
### 3. Department of Water

#### Submission:
The Department of Water has reviewed the Local Water Management Strategy Spires – Kerosene Lane Local Structure Plan (Emerge, 2016) and amendments are required. It is recommended that the Structure Plan should not be finalised in the absence of a Local Water Management Strategy approved by the City of Rockingham and the Department of Water.

#### Section 6 Stormwater Management Strategy
- Strong consideration should be given to roadside rain gardens and swales to treat and infiltrate small events higher in the catchment.

#### Appendix B Landscape Masterplan and Sections
- Please review the top water levels (TWL) at figures B1 to B4 within Appendix B as some appear to differ to TWLs presented at table 3. Also, at Figure B3 the 1 year TWL for the Bio retention Area is less than the base level and the 100 year TWL is also missing for the flood storage area.

#### Appendix F Preliminary Earthworks Plan
- The preliminary levels at the drainage areas will also need reviewing and amending.

#### Applicant’s Response:

**Section 6 Stormwater Management Strategy**
Roadside swales were considered as part of the drainage design review however the proposed grades across the site, road widths, services and crossovers within road reserves result in swales not being suitable in most circumstances within the Structure Plan area.

Smaller scale rain gardens will be considered as part of the detailed drainage design prior to subdivision and detailed within the future Urban Water Management Plan where suitable. The hydrological modelling used to inform the size and design of all stormwater infrastructure will be revised to incorporate all rain gardens where applicable at subdivision and detailed in the future Urban Water Management Plan.

**Appendix B Landscape Masterplan and Sections**
Noted. Figure B3 does have errors and these will be corrected. Figures B1, B2 and B4 however are correct based on the level of design detail available at this stage.

Please note that all designs (including inverts and TWLs) are subject to detailed design, as stipulated in the figures.

**Appendix F Preliminary Earthworks Plan**
Noted. The earthworks concept plans have been amended to remove reference to the drainage basin design as this detail is provided in the LWMS document and landscape plans.

Detailed earthworks plans will be progressed prior to subdivision and will consider the detailed basin designs including the intended POS use and function.

#### City’s Comment:
The City supports the contents of the submission prepared by the Department of Water.

The City’s assessment of the Local Water Management Strategy is considered against relevant policy and guidelines in the Policy section of this Report.

#### Recommendation:
That the Local Water Management Strategy be amended to address the issues raised by the Department of Water.
Main Roads WA

**Submission:**

The Structure Plan area is located south of Kulija / Mundijong Road, immediately south of Kerosene Lane, and west of the future Nairn Drive alignment.

Nairn Drive will ultimately connect with Kulija Road (the future Fremantle Rockingham Controlled Access Highway) (FRACH), via a grade separated interchange.

It is incumbent on the City of Rockingham and Department of Planning to secure the future Nairn Drive alignment. Planning for the northern extension of Nairn Drive north of FRACH to Millar Road must be undertaken to ensure that heavy vehicles have alternative access to Mandurah Road.

If the future Nairn Drive alignment to Millar Road is not protected, the structure plan surrounding areas will be affected by heavy vehicles mixing with residential traffic using Kerosene Lane to access Mandurah Road.

**City’s Comment:**

This matter is considered in the Comments section of this Report.

Water Corporation

**Submission:**

The Corporation has previously prepared water and wastewater planning for this area, which provides a guide to the developer’s consulting engineers. This planning may be varied and staged by the proponents in consultation with the Corporation at the subdivision stage.

Water servicing to the future subdivision of this land is likely to require the developers to extend a large water reticulation main (usually 200 or 250mm diameter) into the area from the south or east. In due course the Corporation will prepare a draft reticulation plan covering the structure plan, which will provide a guide for the developer’s consulting engineers at the subdivision stage.

**City’s Comment:**

The submission is noted.

c. Strategic

**Community Plan**

This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:

**Aspiration D:** Sustainable Environment  
**Strategic Objective:** Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy

**State Planning Policies**

**Directions 2031**

**Comment:**

*Directions 2031 and Beyond: Metropolitan Planning Beyond the Horizon (‘Directions 2031’) was released by the WAPC in August 2010 as the plan to provide a vision for the future growth of the Metropolitan and Peel region. It provides a broad framework to guide detailed planning and the delivery of the various elements that provide for growth.*
Directions 2031 (Cont…)

*Directions 2031* seeks to increase the proportion of infill development to the ratio of new 'greenfield' development sites. A target of 47% infill development is sought under the Policy. As of 2009, only 30% infill development was being achieved. This Policy seeks a 50% improvement from the existing trend.

To achieve this target, the Policy sets a density target of 15 dwellings per gross urban zoned hectare of land in new development areas.

The Structure Plan Report states that the density target of 15 dwellings per gross urban zoned hectare will be achieved.

Draft South Metropolitan and Peel Sub-Regional Planning Framework (2015)

**Comment:**

The *draft South Metropolitan and Peel Sub-Regional Planning Framework*, released for public comment by the WAPC in 2015, identifies the subject land as 'Urban' (refer to Figure 6).

The most significant aspects of the plan that are relevant to the subject land is the designation of Baldivis Road and Kerosene Lane (east of Nairn Drive), to regional road status, and the exclusion of land north of Kerosene Lane from future urban or industrial development.

With respect to the upgrading of Baldivis Road and Kerosene Lane (east of Nairn Drive) to regional road status, the road profile and land requirements for these roads have yet to be finalised.

As road traffic projections were not released as part of the draft Sub-Regional Planning Framework, the City is not in a position to determine what configuration of road is required at this time.

Given the Sub-Regional Planning Framework has yet to be finalised and the road widening requirements not yet determined, the WAPC will need to determine what road widening is required, and where that road widening shall occur, prior to the determining the proposed Structure Plan.

The proposal to exclude the land to the north of Kerosene Lane from future urban or industrial development has implications for bushfire planning which is discussed in detail within the Planning in Bushfire Prone Areas sections of this report.
6. Extract from draft South Metropolitan and Peel Sub-Regional Planning Framework.


**Comment:**
The Baldivis North District Structure Plan was adopted by Council to provide guidance to the consideration of Structure Plans and includes the following elements relevant to the subject land:

- Four (4) parcels of POS, including a landmark POS reserve located on the high point of the site, providing for protection of remnant vegetation with environmental and aesthetic value;
- ‘Dress Circle’ lots on a high ridgeline central within the site;
- Two north-south neighbourhood connector roads;
- One east-west neighbourhood connector road providing a connection between Baldivis Road and the future Nairn Drive;
- Boosting of mains water supply will be required to achieve acceptable pressure to higher land above normal servicing levels.

The proposed Structure Plan has responded to the District Structure Plan as follows:

**POS**
The proposed Structure Plan provides for a total of five (5) parcels of POS, four of which are intended to partially accommodate drainage.

The eastern and southern POS areas are located generally consistent with the District Structure Plan, however, the size of the southern POS is substantially smaller than recommended by the District Structure Plan. This ties in appropriately with the existing subdivision to the south (The Chase Estate), which provided for a smaller adjoining reserve at its northern boundary.
The three other parcels are provided centrally within the site, to the north abutting Kerosene Lane, and to the east abutting Baldivis Road. An additional reserve is also likely to be required within Lots 1210, 1211 and 1212 Baldivis Road when these lots are subject to structure planning. The proposed Structure Plan therefore provides a more fragmented arrangement of POS than the District Structure Plan, which has the potential to impact upon the function and useability of those reserves, which may be further impacted by the provision of drainage within these reserves.

Concern is raised that the POS provision within the proposed Structure Plan does not satisfy the intent of the District Structure Plan to provide for the retention of remnant vegetation, both for environmental and aesthetic purposes, or for a landmark POS area at the highpoint of the site. Whilst the proposed Structure Plan does not specifically respond to these points, it is evident that the distribution of POS has largely been influenced by drainage, and the retention of remnant vegetation has been limited by the proposed reduction in levels to below 32m in order to avoid the need for boosting of mains water pressure.

It is recommended that the proposed servicing levels and distribution of POS be amended to provide greater emphasis on the retention of remnant vegetation, and the delivery of a landmark POS reserve at the high point of the site consistent with the intent of the District Structure Plan.

‘Dress Circle’ Lots

The District Structure Plan identified the subject land as containing the most significant high point within the Baldivis North urban corridor, located within a ridgeline running south from Kerosene Lane. The District Structure Plan stated that with sympathetic road design there is an opportunity to maximise the number of lots which may enjoy views to the east, and identified the potential development of ‘Dress Circle’ lots in this location (ie. larger, prestige, landholdings).

This intent to maximise views from private land, whilst a potential design consideration for developers from a marketing perspective, is not a contemporary planning requirement under the current Policy framework. As such, it is not appropriate to require the provision of ‘Dress Circle’ lots in this location.

It is noted, however, that the retention of landform is a contemporary planning requirement that requires careful consideration as part of the structure planning process. In this regard, the proposed Structure Plan seeks to substantially reduce the existing levels of the site, to below 32m, in order to avoid a need for boosting of mains water pressure. Given the subject area was noted as being the highest point within the District Structure Plan area, and retains significant landscape values, it is recommended the Structure Plan be amended to accommodate, where possible, the existing topography of the site, and that boosting be implemented where required to achieve this objective.

Neighbourhood Connector Roads

The proposed Structure Plan varies from the District Structure Plan by not providing an east-west neighbourhood connector road, providing a connection between Nairn Drive and Baldivis Road.

Whilst a direct connection between these two roads is not considered necessary, it is considered that legibility and connectivity within the proposed Structure Plan area could be improved by more closely aligning the connections to Baldivis Road and Nairn Drive, such that they terminate on the same internal road.

Liveable Neighbourhoods

Comment:

Liveable Neighbourhoods (LN) has been prepared to implement the objectives of the State Planning Strategy and State Sustainability Strategy, and operates as a sustainable development control policy to guide structure planning and subdivision. The document outlines all the requirements a new Structure Plan and the supporting documentation needed to assess such. These requirements are intended to facilitate the State Government’s objective to create communities that reduce dependency on private vehicles and are more energy and land efficient.
<table>
<thead>
<tr>
<th><strong>Liveable Neighbourhoods (Cont…)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>LN contains eight 'elements' under which Structure Plans and subdivisions are assessed, as follows:</td>
</tr>
<tr>
<td>Element 1 - Community Design</td>
</tr>
<tr>
<td>Element 2 - Movement Network</td>
</tr>
<tr>
<td>Element 3 - Lot Layout</td>
</tr>
<tr>
<td>Element 4 - Public Parkland</td>
</tr>
<tr>
<td>Element 5 - Urban Water Management</td>
</tr>
<tr>
<td>Element 6 - Utilities</td>
</tr>
<tr>
<td>Element 7 - Activity Centres and Employment</td>
</tr>
<tr>
<td>Element 8 - Schools</td>
</tr>
<tr>
<td>Each Element has two components - 'Objectives' and 'Requirements'. Objectives describe the principal aims of each Element, and Requirements present a range of qualitative and quantitative responses to meeting the Objectives. Requirements include matters that 'should' be considered, where there is a range of design solutions, and matters that 'must' be satisfied.</td>
</tr>
<tr>
<td>The City has assessed the proposal in accordance with the Objectives' and 'Requirements' of Liveable Neighbourhoods. The assessment outcomes are summarised as follows: -</td>
</tr>
<tr>
<td><strong>Element 1 - Community Design</strong></td>
</tr>
<tr>
<td>The proposed Structure Plan provides two connections into the existing Chase Estate to the south, thereby providing for an acceptable level of north-south permeability.</td>
</tr>
<tr>
<td>The overall densities proposed across the Structure Plan are considered appropriate as they meet Liveable Neighbourhoods and Directions 2031 and Beyond targets. Liveable Neighbourhoods encourages a mixture of lot sizes distributed throughout neighbourhoods to provide housing choice. The Structure Plan Report does not document indicative housing typologies or outline a rationale for the provision of medium densities shown on the Structure Plan map.</td>
</tr>
<tr>
<td>The City recommends the Structure Plan and Report be modified to articulate how housing diversity will be addressed at subdivision stage.</td>
</tr>
<tr>
<td><strong>Element 2 - Movement Network</strong></td>
</tr>
<tr>
<td>It is considered that legibility and connectivity within the proposed Structure Plan area could be improved by more closely aligning the connections to Baldivis Road and Nairn Drive, such that they terminate on the same internal road.</td>
</tr>
<tr>
<td><strong>Element 3 - Lot Layout</strong></td>
</tr>
<tr>
<td>Structure Plan proposes a range of residential densities that are intended to be implemented. This will, however, require further consideration at subdivision stage to ensure a varied range of lot sizes to accommodate housing diversity throughout the Structure Plan area.</td>
</tr>
<tr>
<td><strong>Element 4 - Public Parkland</strong></td>
</tr>
<tr>
<td>The proposed Structure Plan provides a more fragmented arrangement of POS than proposed by the District Structure Plan, which has the potential to impact upon the function and useability of those reserves. The Landscape Strategy provided with the Structure Plan does not identify retention of any vegetation or individual mature trees. The 'Landscape Overview' states &quot;There will be areas of retained vegetation in some of the Public Open Space&quot;, however, this is not demonstrated in the Landscape Concept Plans, Engineering Drainage Plans or Earthworks Plans. It is recommended that all POS concepts should be revised to illustrate mature trees for retention.</td>
</tr>
<tr>
<td>It is also noted that the Public Open Space concept plans are not consistent with the Public Open Space schedule contained within the Structure Plan Report. The concept plans show significant basin structures within open space and the City is concerned that the drainage design will compromise the overall useability of these spaces for prospective residents.</td>
</tr>
</tbody>
</table>
Liveable Neighbourhoods (Cont…)

In light of the above, the Structure Plan does not demonstrate that the proposed Public Open Space provides a balance between conservation of vegetation, active and passive recreational uses within the Structure Plan as required by Liveable Neighbourhoods.

Element 5 - Urban Water Management

The City has assessed the Local Water Management Strategy and does not support the document as prepared in its current form. In this regard, the Local Water Management Strategy is recommended to be amended to address the comments made within the submission received from the Department of Water and the following key matters:

- The LWMS must describe the existing quality of groundwater in the Structure Plan area;
- The LWMS is required to address water sensitive urban design principles and provide appropriate commitments for these principles to be implemented at subdivision stage.
- The City does not support the assumptions used to determine the stormwater management strategy for major storm events and is required to be modified accordingly.

The City has also identified minor modifications, points of clarification and corrections required to be made to the document, the details of which will be forwarded to the WAPC for its consideration.

Element 6 - Utilities

The Structure Plan Report provides appropriate documentation of the utilities requirements to be implemented at subdivision stage.

Element 7 - Activity Centres and Employment

The Structure Plan area is located approximately 750m east of the ‘Spud Shed’ Neighbourhood Centre located on Kerosene Lane.

Element 8 - Schools

The Structure Plan area is located 400m north of Baldivis Primary School; 400m east of the new Primary School being constructed within ‘Paradiso’ Estate; and 100 west of a future Primary School to be constructed within the East Baldivis District Structure Plan area.

Recommendation:

(i) That the proposed Structure Plan be amended to provide for a more direct east-west neighbourhood road connection between Nairn Drive and Baldivis Road.

(ii) That the Local Water Management Strategy be amended to address the following issues:

- The LWMS is required to describe the existing quality of groundwater in the Structure Plan area;
- The LWMS is required to address water sensitive urban design principles and provide appropriate commitments for these principles to be implemented at subdivision stage.
- The assumptions used to determine the stormwater management strategy for major storm events are not supported and are required to be modified accordingly.

State Planning Policy No.3.7 - Planning in Bushfire Prone Areas (December 2015) and Guidelines for Planning in Bushfire Prone Areas (December 2015)

Comment:

On 7 December 2015, the following documents were gazetted:

- Fire and Emergency Services (Bush Fire Prone Areas) Order 2015;
- Planning and Development (Local Planning Schemes) Amendment Regulations 2015;
State Planning Policy No.3.7 - Planning in Bushfire Prone Areas (December 2015) and Guidelines for Planning in Bushfire Prone Areas (December 2015) (Cont…)

- State Planning Policy No.3.7 - Planning in Bushfire Prone Areas; and
- Building Amendment Regulations (No.3) 2015.

The Department of Fire and Emergency Services (DFES) and the Western Australian Planning Commission (WAPC) concurrently released the:

- Map of Bush Fire Prone Areas (State Map); and
- Guidelines for Planning in Bushfire Prone Areas.

The Fire and Emergency Services Commissioner made an order under the *Fire and Emergency Services Act 1998*, which means the areas shown as bush fire prone on the state map are now designated under a power in legislation.

State Planning Policy No.3.7 - Planning in Bushfire Prone Areas (SPP3.7) applies immediately to all planning applications in designated bushfire prone areas identified on the Map of Bush Fire Prone Areas (State Map). It sets out policy measures applicable to the consideration of development in bushfire prone areas. SPP3.7 provides a general presumption against the introduction or intensification of land use in areas subject to extreme bushfire hazard (including BAL-40 and BAL-FZ) unless it is minor development or unavoidable development. The level of information required at each stage of the planning process is clearly articulated, including additional requirements for vulnerable and high risk land uses.

The *Guidelines for Planning in Bushfire Prone Areas* (Guidelines) apply immediately and supersede the *Planning for Bush Fire Protection Guidelines (2010)*. The Guidelines provide further detail on the requirements of SPP3.7.

The State Map is based on the Office of Bushfire Risk Management’s *Bushfire Prone Area Mapping Standard Western Australia* (May 2014). It essentially includes any bush fire prone vegetation with a 100m buffer around the vegetation. It is a binary system, i.e. it is either bush fire prone or not. The mapping does not indicate any level of hazard; it is simply a tool to trigger further assessment.

The State Map is reviewed on an annual basis.

For all planning applications (Structure Plans, Scheme Amendments, Subdivision Applications, Development Applications), SPP3.7 and the Guidelines will apply immediately to all applications in designated bushfire prone areas identified on the State Map. The Guidelines recommend that the following issues be addressed for Structure Plans:

- Location of bushfire prone areas within and adjacent to the structure plan area and the need for further assessment of the risk in such areas;
- Avoidance of land use and development intensification in any areas likely to maintain or generate a hazard level of extreme;
- Existing firefighting infrastructure such as response or suppression capacity, water tanks, brigades etc.;
- Existing and proposed road network, its’ likely effectiveness in a bushfire emergency, and any gaps in the local access network from a bushfire safety perspective;
- Biodiversity issues and their interrelationships with bushfire prone areas;
- Means of protection for areas with high conservation values to accommodate biodiversity objectives such as, adequate separation from existing or proposed buffers for wetlands and foreshores;
- Accommodation of biodiversity objectives such as, adequate separation from existing or proposed buffers for wetlands and foreshores; and
- Location of any vulnerable or high-risk land uses within identified bushfire prone areas and whether such uses may require management strategies to be prepared.

The City and the Department of Fire and Emergency Services have assessed the Bushfire Management Plan. The Applicant has provided comments in response to the assessment provided by the Department of Fire and Emergency Services. The following key issues raised in relation to the Bushfire Management Plan:
State Planning Policy No.3.7 - Planning in Bushfire Prone Areas (December 2015) and Guidelines for Planning in Bushfire Prone Areas (December 2015) (Cont…)

(i) Classified Vegetation
The Bushfire Management Plan does not classify all vegetation in and within 100 metres of the site as required by the Guidelines. The City and DFES have also identified that some of the areas of mapped vegetation are not correctly classified under the Guidelines.

(ii) Bushfire Attack Level (BAL) Contour Map
Part 2 of the Structure Plan Report outlines the subdivision lot layout. In this regard, a BAL Contour Map is required as per SPP3.7 and the Guidelines. The BAL Contour Map needs to consider both interim and ultimate situations and demonstrate that ≤BAL-29 construction standards under AS3595 can be imposed on new dwellings being constructed within proximity to bushfire hazards.

(iii) Staging of Development to Bushfire Hazards
The Bushfire Management Plan does not appropriately address the interface to all hazards present within the Structure Plan area.
This includes:
- Where the subject land abuts classified vegetation on Lot 53 and any other classified vegetation identified adjacent to the site.
- Wider road reserves are requested fronting onto bushfire prone vegetation area to ensure future landowners are not burdened by mandatory building setbacks, particularly along Kerosene Lane.
- Lots impacted by hazards during the staging of construction for the Structure Plan area.

The Structure Plan design also needs to ensure two access points are provided at all times for emergencies in the event of a fire.

Conclusion
The Bushfire Management Plan does not provide all the information required to determine the full extent of potential impact to future residential lots and it is recommended that the report be modified to demonstrate compliance with the Guidelines before the Structure Plan is approved.
In addition to the matters raised above, the City’s assessment of the Bush Fire Management Plan did identify some minor modifications, points of clarification and corrections required to be made to the document, the details of which will be forwarded to the WAPC for its consideration.

Recommendation:
That the Bushfire Management Plan be amended to address the requirements of the Guidelines for Planning in Bushfire Prone Areas (December 2015).

State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning

Comment:
This Policy seeks to minimise the adverse impact of transport noise, without place unreasonable restrictions on noise-sensitive residential development, or adding unduly to the cost to transport infrastructure. The Policy applies for the consideration and management of the impacts of transport noise and freight operations when development is proposed in the following manner:
- New noise-sensitive development in the vicinity of existing or future major transport corridors or freight handling facilities;
- New major road or rail infrastructure projects, including major redevelopments, in the vicinity of existing or future noise-sensitive land uses; and
State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning (Cont…)

- The location of freight handling facilities.

The City assessed the Acoustic Consultant’s Report provided to demonstrate compliance with the outcomes of the Policy and supported the recommendations and acoustic treatments required to be implemented by the Applicant. In this regard, it is recommended the following action be taken at subdivision stage to implement the Acoustic Consultant Report:

- An Acoustic Wall built to the specification contained within the Acoustic Consultant Report is required to abut Nairn Drive;
- A revised Acoustic Report is required at subdivision stage, clearly showing the lots (and lot numbers) that exceed the target noise and limit noise levels as prescribed under State Planning Policy 5.4; and
- Lots identified as exceeding the target and limit noise levels will be subject to a notification on the Certificate of Title, and a Local Development Plan requiring a site specific acoustic report showing the design modifications that will be undertaken to achieve compliance with State Planning Policy 5.4.

EPA Guidance Statement No.3 - Separation Distances Between Agricultural and Sensitive Land Uses

Comment:

Guidance Statement No.3 - Separation Distances Between Industrial and Sensitive Land Uses

The EPA’s Guidance Statement No.3 – Separation Distances Between Industrial and Sensitive Land Uses contains a list of generic buffer distances for industries and other activities, which states a buffer distance for sand extraction is 300m - 500m. The provision of recommended buffer distances is intended to provide an alternative option to site specific analysis. Sensitive land uses include residential developments, schools, shopping centres and playgrounds.

The Guidance Statement states that the listed buffer distances are “not intended to be absolute separation distances, rather they are a default distance for the purposes of:

• identifying the need for specific separation distance or buffer definition studies; and
• providing general guidance on separation distances in the absence of site specific technical studies.”

The Guidance Statement further states that “the separation distances outlined are not intended to replace the need for proponents and relevant authorities to take all reasonable and practicable measures to minimise emissions and off-site impacts”, and that the separation distances do not take into account a range of factors (including cumulative impacts; non-typical emissions; the protection of natural resources and significant elements of the natural environment; and potential health impacts from emissions) that also need to be considered in the decision making process. Depending on the nature of the use, it may be appropriate to apply a buffer that is less than, or greater than, the generic buffer outlined in the Guidance Statement.

A sand and limestone quarry is situated adjacent to the structure plan area on the northern side of Kerosene Lane. The site operates under both development approval and an extractive industry licence issued by the City of Rockingham, and a licence pursuant to Part V of the Environmental Protection Act 1986 (as administered by the DER). A 300m buffer applies in this instance.

Notifications on titles are required for new residential lots created within 300 metres of the active quarry operations and the 300m buffer should be shown on the Structure Plan Map.

Recommendation:

That the Structure Plan Report (Part One) be amended to require that notifications be placed on titles for new residential lots created within 300 metres of the active quarry operations and the 300m buffer is required to be shown on the Structure Plan Map.
Planning Policy 3.4.1 - Public Open Space

Comment:

Planning Policy 3.4.1 - Public Open Space provides guidance regarding the location and design of public open space within the City. The objectives of the Policy are:

- To ensure that all residential development is complemented by well-located areas of public open space that provide for the recreational and social needs of the community.
- To ensure that Public Open Space is designed, developed and maintained to an acceptable standard to enhance local amenity.

The proposed Structure Plan provides for a total of five (5) parcels of POS, the distribution of which has largely been influenced by drainage considerations; which in turn affects the usability of these spaces for informal active recreation.

Furthermore, the retention of remnant vegetation has been limited by the proposed reduction in levels to below 32m in order to avoid the need for boosting of mains water pressure.

The proposed Structure Plan therefore provides a more fragmented arrangement of POS than recommended in the District Structure Plan, which has the potential to impact upon the function and usability of those reserves, which may be further impacted by the provision of drainage within these reserves.

It is recommended that the distribution of POS be amended to provide greater emphasis on the retention of remnant vegetation, and the delivery of a landmark POS reserve at the high point of the site consistent with the intent of the District Structure Plan and spaces for informal active recreation.

Recommendation:

That the distribution of Public Open Space on the proposed Structure Plan be amended to provide greater emphasis on the retention of remnant vegetation, the delivery of a landmark Public Open Space reserve at the high point of the site consistent with the intent of the District Structure Plan and spaces for informal active recreation.

e. Financial

Nil

f. Legal and Statutory


In accordance Clause 19(1) of the Regulations, the local government:

(a) must consider all submissions made to the local government within the period specified in a notice advertising the structure plan; and

(b) may consider submissions made to the local government after that time; and

(c) may request further information from a person who prepared the structure plan; and

(d) may advertise any modifications proposed to the structure plan to address issues raised in submissions.

Determination of a Structure Plan ultimately rests with the WAPC. In accordance with Clause 20 of the Regulations, the local government must perform the following actions:

(1) The local government must prepare a report on the proposed structure plan and provide it to the WAPC no later than 60 days after the day that is the latest of:

(a) the last day for making submissions specified in a notice given or published under clause 18(2); or
(b) the last day for making submissions after a proposed modification of the structure plan is advertised under clause 19(2); or

(c) a day agreed by the Commission.

(2) The report on the proposed structure plan must include the following:

(a) a list of the submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the structure plan advertised under clause 19(2);

(b) any comments by the local government in respect of those submissions;

(c) a schedule of any proposed modifications to address issues raised in the submissions;

(d) the local government’s assessment of the proposal based on appropriate planning principles;

(e) a recommendation by the local government on whether the proposed structure plan should be approved by the WAPC, including a recommendation on any proposed modifications.

**g. Risk**

All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

*Customer Service / Project management / Environment: High and Extreme Risks*

*Finance / Personal Health and Safety: Medium, High and Extreme Risks*

Nil

**Comments**

The proposed Structure Plan has been assessed by City Officers and the following additional comments are provided:

<table>
<thead>
<tr>
<th>Landform and Vegetation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Assessment:</strong></td>
</tr>
<tr>
<td>As noted earlier in this report, the Structure Plan proposes a substantial reduction in levels within the site, to below 32m AHD, in order to avoid the need for boosting of mains water pressure. The Applicant has also noted a desire to extract sand from the site prior to development.</td>
</tr>
<tr>
<td>The City’s assessment of the proposal has noted that limited and insufficient consideration has been given to accommodating the existing landscape features or values of the site. The site contains a localised topographic ridgeline vegetated with tall stands of tuarts which can be seen from a distance when traveling east along Kerosene Lane. This natural ‘green’ ridgeline provides a vegetated backdrop to the existing neighbouring developments and was acknowledged in the District Structure Plan.</td>
</tr>
<tr>
<td>The Environmental Assessment Management Strategy (‘EAMS’) submitted with the Structure Plan illustrates areas of ‘good vegetation’, which occur on the highest elevation of the development. The retention of existing individual mature trees is encouraged as they provide a positive contribution to visual amenity, character, sense of place (landmarks), way-finding, shade and some environmental benefits for localised fauna. The retention of individual remnant mature trees is, therefore, strongly supported within POS areas.</td>
</tr>
<tr>
<td>The reduction in levels proposed by the Structure Plan would necessitate removal of all remnant vegetation within the area above 32m AHD.</td>
</tr>
</tbody>
</table>
7. The Spires Kerosene Lane Structure Plan Overlayed with Contours, Fauna Habitat and potential Black Cockatoo habitat trees layers.

Whilst the Applicant has sought to reduce levels to below 32m AHD in order to avoid the need for boosting of the mains water, it is noted that the Engineering Services Report submitted with the Structure Plan confirms that boosting can be implemented to allow for development above 32m AHD. The need for boosting to facilitate development in the higher areas was also identified in the District Structure Plan.

With respect to the intent to extract sand, the area is not identified in the WAPC’s Statement of Planning Policy No.2.4 – Basic Raw Materials, as a Priority Resource Location. As such, the extraction of sand is not a primary consideration and does not support a significant reduction in levels that would detract from the landscape values of the ridgeline.
8. View of Structure Plan area from Kerosene Lane approximately 1 km west of the site.

As the highest point in north Baldivis and therefore a key element of the areas landform, it is important that the proposed Structure Plan and ensuing development responds to the environmental attributes of the site, including the ridgeline running south of Kerosene Lane forming the high point of the site.

**Recommendation:**
That the proposed Structure Plan be amended to protect and enhance the environmental attributes of the site, including the ridgeline running south of Kerosene Lane forming the high point of the site.

**Regional Roads**

**Assessment:**
As noted in the Policy section, the draft *South Metropolitan and Peel Sub-Regional Planning Framework* identifies the future upgrading of Baldivis Road and Kerosene Lane (east of Nairn Drive) to regional road status. At this stage, the road profile and land requirements for these roads have yet to be finalised.

As road traffic projections were not released as part of the draft Sub-Regional Framework, the City is not in a position to determine what configuration of road is required at this time.

Given the Sub-Regional Planning Framework has yet to be finalised and the road widening requirements not yet determined, the WAPC will need to determine what road widening is required, and where that road widening shall occur, prior to the determining the proposed Structure Plan.

**Recommendation:**
That prior to determining the proposed Structure Plan, the Western Australian Planning Commission consider and determine the desired road profile and widening requirements for Kerosene Lane and Baldivis Road, in light of the recommended designation as regional roads in the draft *South Metropolitan and Peel Sub-Regional Planning Framework.*
Structure Plan Framework

Assessment:
The WAPC has released the Structure Plan Framework 2015 on a trial basis to outline the manner and form for the preparation of Structure Plans.

With respect to residential density, the Structure Plan Framework states that if a density range is to be designated, a single range is generally not to be applied to entire estates/tracts of land. The proposal outlines a residential density range of R25-R30 and R30-R40 across the majority of the Structure Plan area.

The Structure Plan Report does not designate any location criteria in Part One of the Structure Plan Report for the manner in which R-Codes can be selected within a subsequent R-Code Plan prepared at subdivision stage.

The Structure Plan Framework further outlines the use of the following residential density ranges:

<table>
<thead>
<tr>
<th>Low density</th>
<th>Medium density</th>
<th>High density</th>
</tr>
</thead>
<tbody>
<tr>
<td>R2 – R5</td>
<td>R25 – R40</td>
<td>R80 – R100</td>
</tr>
<tr>
<td>R5 – R10</td>
<td>R40 – R60</td>
<td>R160</td>
</tr>
</tbody>
</table>

When the approach of using a density range is being adopted, the density range that is included on the structure plan needs to be linked to likely built form outcomes, to provide the general public, local government and the WAPC with a clear indication on the density of development that will result from the implementation of the structure plan. When considering the use of density ranges, the chosen range is to accord with the achievement of State residential density targets.

In this regard, there is insufficient justification provided to the City to rationalise the provision of R30 and R40 densities that do not have direct context to areas of amenity, public transit or activity centres.

As such, the Structure Plan should be modified to provide more specific guidance on the allocation of density, in accordance with the Structure Plan Framework. In addition to the matters raised above, the City will also require minor corrections and updates to the documentation contained within the Part Two – Explanatory Section of the Structure Plan Report.

Recommendation:
That the Structure Plan Report be amended to comply with the requirements of the Structure Plan Framework, and to correct and update to the documentation as set out in this Report.

Conclusion
In light of the consideration of submissions received and the City’s assessment of the Structure Plan proposal, it is recommended that the Western Australian Planning Commission be advised that the proposed Structure Plan should not be approved until the following matters have been addressed:

(i) The proposed Structure Plan being amended to protect and enhance the environmental attributes of the site, including the ridgeline running south of Kerosene Lane forming the high point of the site.

(ii) The distribution of Public Open Space on the proposed Structure Plan being amended to provide greater emphasis on the retention of remnant vegetation, the delivery of a landmark Public Open Space reserve at the high point of the site consistent with the intent of the District Structure Plan and spaces for informal active recreation.

(iii) The WAPC to consider and determine the desired road profile and widening requirements for Kerosene Lane and Baldivis Road, in light of the recommended designation as regional roads in the draft South Metropolitan and Peel Sub-Regional Planning Framework.

(iv) The Bushfire Management Plan being amended to address the issues raised by the Department of Fire and Emergency Services and the City.

(v) The Local Water Management Strategy being amended to address the issues raised by the Department of Water and the City.
(vi) That the Structure Plan Report (Part One) be amended to require that notifications be placed on titles for new residential lots created within 300 metres of the active quarry operations and that the 300m buffer is required to be shown on the Structure Plan Map.

(vii) The Structure Plan interface to the adjoining ‘The Chase’ estate be reviewed to ensure the impact of level differences to existing dwellings is minimised.

(viii) The proposed Structure Plan be amended to provide for a more direct east-west neighbourhood road connection between Nairn Drive and Baldivis Road.

(ix) The Structure Plan Report be amended to comply with the requirements of the Structure Plan Framework, and to correct and update to the documentation as set out in this Report.

Should an outcome be reached while the Structure Plan is being considered by the Department of Planning, it is also recommended that the City be given the opportunity to assess any resulting modifications proposed to the Structure Plan and provide its recommendation to the WAPC for determination.

It is further recommended that the Council request that the WAPC consider the advice and recommendations outlined in this Report in its determination of the proposed Structure Plan.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVES** the following recommendations to the Western Australian Planning Commission, with respect to the proposed Structure Plan prepared over Lot 295 Baldivis Road and Lots 55, 56, 294 and 772 Kerosene Lane, Baldivis:

1. The proposed Structure Plan should not be approved until such time as the following matters have been satisfactorily addressed:

   (i) The proposed Structure Plan being amended to protect and enhance the environmental attributes of the site, including the ridgeline running south of Kerosene Lane forming the high point of the site.

   (ii) The distribution of Public Open Space on the proposed Structure Plan being amended to provide greater emphasis on the retention of remnant vegetation, the delivery of a landmark Public Open Space reserve at the high point of the site consistent with the intent of the District Structure Plan and spaces for informal active recreation.

   (iii) The Western Australian Planning Commission to consider and determine the desired road profile and widening requirements for Kerosene Lane and Baldivis Road, in light of the recommended designation as regional roads in the draft South Metropolitan and Peel Sub-Regional Planning Framework.

   (iv) The Bushfire Management Plan being amended to address the issues raised by the Department of Fire and Emergency Services and the City.

   (v) The Local Water Management Strategy being amended to address the issues raised by the Department of Water and the City.

   (vi) The Structure Plan Report (Part One) being amended to require that notifications be placed on titles for new residential lots created within 300 metres of the active quarry operations and that the 300m buffer is required to be shown on the Structure Plan Map.

   (vii) The Structure Plan interface to the adjoining ‘The Chase’ estate being reviewed to ensure the impact of level differences to existing dwellings is minimised.

   (viii) The proposed Structure Plan being amended to provide for a more direct east-west neighbourhood road connection between Nairn Drive and Baldivis Road.

   (ix) The Structure Plan Report being amended to comply with the requirements of the Structure Plan Framework, and to correct and update to the documentation as set out in this Report.
2. In the event that the proposed Structure Plan is modified in order to address the matters raised by the Council, the City be consulted prior to the proposal being determined by the Western Australian Planning Commission.

3. Determination of the Structure Plan should consider the advice and recommendations outlined in this report.

Committee Recommendation

Moved Cr Summers, seconded Cr McManus:

That Council APPROVES the following recommendations to the Western Australian Planning Commission, with respect to the proposed Structure Plan prepared over Lot 295 Baldivis Road and Lots 55, 56, 294 and 772 Kerosene Lane, Baldivis:

1. The proposed Structure Plan should not be approved until such time as the following matters have been satisfactorily addressed:
   (i) The proposed Structure Plan being amended to protect and enhance the environmental attributes of the site, including the ridgeline running south of Kerosene Lane forming the high point of the site.
   (ii) The distribution of Public Open Space on the proposed Structure Plan being amended to provide greater emphasis on the retention of remnant vegetation, the delivery of a landmark Public Open Space reserve at the high point of the site consistent with the intent of the District Structure Plan and spaces for informal active recreation.
   (iii) The Western Australian Planning Commission to consider and determine the desired road profile and widening requirements for Kerosene Lane and Baldivis Road, in light of the recommended designation as regional roads in the draft South Metropolitan and Peel Sub-Regional Planning Framework.
   (iv) The Bushfire Management Plan being amended to address the issues raised by the Department of Fire and Emergency Services and the City.
   (v) The Local Water Management Strategy being amended to address the issues raised by the Department of Water and the City.
   (vi) The Structure Plan Report (Part One) being amended to require that notifications be placed on titles for new residential lots created within 300 metres of the active quarry operations and that the 300m buffer is required to be shown on the Structure Plan Map.
   (vii) The Structure Plan interface to the adjoining ‘The Chase’ estate being reviewed to ensure the impact of level differences to existing dwellings is minimised.
   (viii) The proposed Structure Plan being amended to provide for a more direct east-west neighbourhood road connection between Nairn Drive and Baldivis Road.
   (ix) The Structure Plan Report being amended to comply with the requirements of the Structure Plan Framework, and to correct and update to the documentation as set out in this Report.

2. In the event that the proposed Structure Plan is modified in order to address the matters raised by the Council, the City be consulted prior to the proposal being determined by the Western Australian Planning Commission.

3. Determination of the Structure Plan should consider the advice and recommendations outlined in this report.

Committee Voting – 5/0

The Committee’s Reason for Varying the Officer’s Recommendation

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
**Planning and Development Services**

**Strategic Planning and Environment Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-046/16</th>
<th>Proposed Amendment to Structure Plan (West Karnup)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1593-15</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Roberts Day Group Pty Ltd (trading as RobertsDay)</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td>Gold Right Pty Ltd</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Tristan Fernandes, Senior Strategic Planning Officer</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Jeff Bradbury, Co-ordinator Strategic Planning</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 August 2016</td>
<td></td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>September 2012 (SPE-024/12); March 2012 (SPE-004/12); March 2009 (PD43/3/09);</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 805 Mandurah Road, Karnup</td>
<td></td>
</tr>
<tr>
<td>Lot Area:</td>
<td>22.2369ha</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Development</td>
<td></td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td>Schedule of Submissions</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Proposed location of Karnup Train Station</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Advertised Structure Plan Map</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4. Location of Advertising</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5. Extract from draft South Metropolitan and Peel Sub-Regional Planning Framework.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6. Public Open Space Area C2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7. 800 metre Walkable Catchment to the Future Karnup Railway Train Station</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8. Structure Plan road pattern within proximity to the future Karnup Railway Train Station</td>
<td></td>
</tr>
</tbody>
</table>

**Purpose of Report**

To consider a proposed amendment to the ‘West Karnup’ Structure Plan following the completion of the advertising period.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 19 SEPTEMBER 2016
Background

Amendments under the Metropolitan Region Scheme

In 1993, Amendment No.937/33 to the Metropolitan Region Scheme (MRS) was initiated over Lots 3, 805 and 806 Mandurah Road, Karnup (see Figure 1 – Location Plan). The Amendment reflected the broader planning outcomes outlined in the adopted 1993 South Metropolitan Sub-Regional Structure Plan. Lots 3 and 806 were recognised as land suitable for urban development which was constrained, but which may become available for urban development in the longer term.

The Environmental Protection Authority formally assessed a number of specific proposals associated with the broader MRS amendment. The following matters were assessed and are applicable to the subject land:

- Creation of a rapid transport reserve (now the Perth to Mandurah Rail line);
- Deletion of System Six Areas; and
- Widening of Safety Bay Road, Ennis Avenue and Mandurah Road.

Following the gazettal of MRS Amendment No.937/33, Lot 3 and Lot 806 were zoned 'Urban Deferred' and Lot 805 (the subject land) was zoned 'Parks and Recreation' under the MRS.

The Amendment also resulted in the reservation of the land containing Paganoni Swamp for 'Parks and Recreation' located east of the subject landholding, which now forms part of the Rockingham Lakes Regional Park.

Through a 'Negotiated Planning Solution' between the former landowner of the site (Cemex, formally CSR Readymix) and the Western Australian Planning Commission (WAPC), a land swap agreement was reached to rezone Lot 805 from 'Parks and Recreation' to 'Urban Deferred' in exchange for the land immediately south of the subject site (Lot 807) being reserved as 'Parks and Recreation' under the MRS.

In 2003, MRS Amendment 1082/33 was initiated for the implementation of Bush Forever. Proposal 71 of the Amendment referred to the rezoning of Lot 805 from 'Parks and Recreation' to 'Urban Deferred' and Lot 807 (land located immediately south of the site) being zoned 'Parks and Recreation'. Lot 805 was assessed to have limited conservation value and could be made available for uses other than conservation.

The proposal was referred to the EPA in 2003 and it concluded that the overall environmental impacts would not be severe enough to warrant formal assessment pursuant to the Environmental Protection Act.

In October 2010, Amendment 1082/33 was adopted and published in the Government Gazette.

As a consequence of the MRS Amendment changing the designation of Lot 805 from 'Parks and Recreation' reservation to 'Urban Deferred' zone in the MRS, Lot 805 became unzoned land under the City of Rockingham Town Planning Scheme No.2 (TPS No.2).

Request for Lifting of Urban Deferment

The land has been zoned ‘Urban Deferred’ in the MRS since October 2010 and in this regard, development on the site could not progress until the land was rezoned to ‘Urban’ under the MRS.

In June 2011, the Applicant made a request to the WAPC to lift the Urban Deferment under the MRS for Lots 3, 805 and 806 Mandurah Road, Karnup.

The City initially responded to the WAPC in July 2011, stating it did not support the proposal for the following reasons:

(i) The Proposal was considered to be inconsistent with the WAPC's Guidelines for the Lifting of Urban Deferment, in that planning was not sufficiently advanced; and

(ii) The Indicative Development Outline submitted with the application was not sufficiently detailed to show an acceptable overall design to guide future development.

The City recommended the application be deferred pending the submission (and assessment) of a detailed Structure Plan.
Consideration of a Structure Plan and lifting of Urban Deferment was recommended to include the consideration of Lot 3 Mandurah Road, Karnup (located between Lots 805 and 806). Lot 3 is owned by the City of Rockingham.

The proposed Structure Plan was requested to address the requirements of the Guidelines for the Lifting of Urban Deferment, together with the requirements of Liveable Neighbourhoods and TPS No.2, and to also have regard to the proximity of the site to the proposed Karnup Train Station.

The City also recommended to the WAPC to review the zoning of the Parks and Recreation reserved land between the northern boundary of the site and Paganoni Road in the context of any investigations into transit-oriented development associated with the future Karnup Train Station.

In November 2011, the Applicant submitted an application for a proposed Structure Plan in response to the City’s advice to the WAPC.

In March 2012, the Council granted consent to advertise a proposed Structure Plan over Lots 3 and 806 Mandurah Road, Karnup.

In correspondence dated 3 April 2012, the City advised the WAPC that it supported the lifting of Urban Deferment. The City also reiterated its previous advice to the WAPC (provided in July 2011), that Lot 3 Mandurah Road be included in the lifting of Urban Deferment and for the WAPC to review the zoning of the Parks and Recreation reserved land between the northern boundary of the site and Paganoni Road in the context of any investigations into transit-oriented development associated with the future Karnup Train Station.

In November 2012, the WAPC advised the City that it had rezoned Lots 3, 805 and 806 Mandurah Road, Karnup to ‘Urban’ under the MRS. The WAPC also advised that it had concurrently rezoned Lot 805 Mandurah Road (which was unzoned land as a result of MRS Amendment 1082/33) to ‘Development’ zone in TPS No.2.

Extractive Industry Operation in the Structure Plan area

The subject site has been used for a Limestone Quarry since 1985. Since the commencement of the Extractive Industry numerous applications have been made to the City and WAPC to extend the life of the operation. The most recent request was in March 2009, seeking to continue operation until 2011. The Applicant did not seek to continue the Extractive Industry beyond this date.

Quarrying was confined to the central portion of Lot 805 and the eastern portion of Lot 806.

The site contractor ceased the operations at the end of 2011.

Proposed Karnup Train Station

A future train station is proposed to be located north of where Paganoni Road passes under the Mandurah Railway line (see Figure 2). The station had originally been identified by the State Government a future station to be built on the Mandurah line, although to date this station has yet to be recognised in the State Budget.

The Department of Transport’s Public Transport Plan for Perth 2031 identifies the Karnup Train Station as a priority that is needed in the “next five to ten years”. There is presently no funding commitment to construct the Station.

In 2009, the WAPC convened a Steering Committee to progress planning for Transit Oriented Development (TOD) at the future Karnup Station. It is noted the Applicant was represented on the Steering Committee. By definition, TOD is essentially a mixed-use area developed in proximity to public transport infrastructure that encourages use of the transit. It typically involves higher residential densities within a walkable catchment to the public transport.

In the time around 2011, there were ongoing design workshops and investigations with all major stakeholders to progress the design of the TOD and the associated governance issues and delivery.

In 2014, the Department of Planning advised that land use planning for the TOD precinct would not be progressed until the regional road framework in proximity to the site is established through the Southern Metropolitan and Peel Sub-Regional Structure Plan. Although the Department of Planning has undertaken some preliminary investigation into heritage and environmental matters to inform a Structure Plan for the TOD precinct, advice provided in 2014 from the Department confirmed that the project has been deferred until further notice.
2. Proposed location of Karnup Train Station

Previous consideration of the West Karnup Structure Plan

As part of the initial Structure Plan application for West Karnup, Lot 805 was included within the Structure Plan area. As part of the decision to advertise the proposed Structure Plan, the City determined that it was appropriate to remove Lot 805 from the Structure Plan area because the land was not appropriately zoned 'Development' under TPS No.2.

The City also identified that because Lot 805 was located within the 800m catchment of the proposed Karnup Train Station, it should be considered 'in concept' as part of the Structure Plan. The City outlined that Lot 805 should be subject to further consideration in conjunction with the Karnup TOD at a future time. In this regard, the following notation was placed on the Structure Plan:

"The progression of planning over Stage 2 (comprising Lot 805 Mandurah Road, Karnup) is deferred until such time as there is an agreed Paganoni Road alignment, agreed intersection treatment of Mandurah Road and Crystaluna Drive, and planning for the Karnup TOD is sufficiently advanced."

In addition to the notation, the following matters were recommended to be reviewed as part of the consideration of Lot 805 as follows:

- Conservation of vegetation; and
- Further consideration of residential densities appropriate in the context of the future Karnup transit orientated development and walkable catchment to the future Karnup Train Station.

In September 2012, the Council adopted the West Karnup Structure Plan over Lots 3 and 806 Mandurah Road. The Structure Plan included the following elements:

- The creation of approximately 900 lots;
- Residential density coding ranges from R25 - R40 (average lots areas from 220m² - 350m²);
- A proposed Neighbourhood Centre (retail floor space of approximately 5,300m²) at the intersection of Singleton Beach Road and Mandurah Road;
- A Primary School site of 3.5ha co-located with a proposed 4.5ha Public Open Space reserve;
- A total of 9.42ha of Public Open Space provided in seven parcels, ranging in area from 0.33ha to 4.5ha;
- 18.50ha of Regional Open Space to form part of the Rockingham Lakes Regional Park;
- The introduction of signalised intersections at Crystaluna Drive and Singleton Beach Road east into the Structure Plan area;
- A central Neighbourhood Connector road designed to accommodate a future feeder bus route from the proposed Karnup Station;
- A proposed Neighbourhood Connector road connection north into the proposed Karnup Train Station precinct was accommodated by the design, but the connection was dependent on the final design outcomes of the Karnup TOD design process; and
- A left in/left out southern access arrangement proposed on Mandurah Road abutting the proposed Neighbourhood Centre.

The City has since approved three minor modifications to the Structure Plan to:

(i) Reorientate the Neighbourhood Centre main street off Redwood Avenue onto Verdigris Road;
(ii) Relocate a sewer pump station as a result of detailed subdivision design; and
(iii) Introduce R-MD Residential Design Code variations into the Structure Plan area.

Details

The Applicant has received support from Department of Planning to submit an application to amend the West Karnup Structure Plan to include Lot 805 Mandurah Road in the absence of the consideration of planning for the intended transit orientated development and Karnup Train Station precinct, as outlined within the existing Structure Plan.

In this regard, the City has received an application seeking approval to amend the approved ‘West Karnup’ Structure Plan to incorporate Lot 805 Mandurah Road, Karnup into the Structure Plan area to incorporate the following elements:

- Residential densities ranging from R25 - R60 to facilitate the development of approximately 330 dwellings. Overall the Structure Plan area is intended to facilitate development of approximately 1,255+ dwellings;
- Four (4) additional parks providing an additional 3.4ha of Public Open Space; and
- An extension of Aquamarine Parade to a new intersection at Paganoni Road.
3. Advertised Structure Plan Amendment

Lot 805 Mandurah Road (Land subject to Structure Plan Amendment)
Implications to Consider

a. Consultation with the Community

Advertising Methodology

The proposed Structure Plan Amendment was advertised for a period of 28 days, commencing on 6 May 2016 and concluding on 3 June 2016. Public advertising was carried out in the following manner:

- Nearby owners (374 referrals) and the Singleton Residents Association were notified of the proposal in writing and invited to comment (as shown on Figure 4 within the red border);
- The Applicant erected two signs on the property in prominent locations near the intersection of Paganoni Road and Mandurah Road and the intersection of Mandurah Road and Redwood Avenue;
- The Applicant placed a notice in the Weekend Courier newspaper on 6 May 2016;
- Copies of the proposed Structure Plan Amendment and relevant documents were made available for inspection at the City’s Administrative Offices and placed on the City’s website.

Advertising was undertaken in accordance with the requirements of Schedule 2, Part 4, clause 18 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).

Public Submissions: Following the close of the advertising period, the City had received twelve (12) public submissions.

A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment No.1 to this Report). The content of the issues raised in these submissions are summarised and addressed as follows:
4. Location of Advertising

Properties notified of proposed Structure Plan Amendment contained within red border

Structure Plan Area
Lot 805 Mandurah Road, Karnup
<table>
<thead>
<tr>
<th>Amenity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) <strong>New toilet block (PU) possible attraction for vandalism.</strong></td>
</tr>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>No new toilet block proposed as part of LSP</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>The land shown on the Structure Plan as ‘PU’ is a site set aside for a Water Corporation Sewer Pump Station. With respect to potential anti-social behaviour, the Structure Plan has been assessed to ensure that adequate surveillance is provided to all public areas, including streets, parks, and paths to discourage anti-social behaviour in accordance with the WAPC’s <em>Designing Out Crime: Planning Guidelines</em> (2006). The Guidelines outline urban design standards for crime prevention through environmental design (CPTED) to reduce the potential for crime. In this regard, the document encourages passive surveillance into the public realm provided from habitable spaces within dwellings.</td>
</tr>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(ii) <strong>Additional traffic on Aquamarine Parade will generate excessive noise levels.</strong></td>
</tr>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
</tbody>
</table>
| - The inclusion of Lot 805 will yield approximately 330 lots, which will result in a modest increase in traffic on Aquamarine Road. Aquamarine will be designed for 50km/hr traffic speed and will not cater for heavy vehicles.  
- Aquamarine will function as a Neighbourhood Connector A. The noise assessment submitted with the LSP addresses noise associated with major transportation routes, being Mandurah Road and the rail corridor, consistent with the requirements of SPP 5.4. |
| **City's Comment:** |
| The City has assessed the potential noise impacts in accordance with State Planning Policy 5.4 - *Road and Rail Transport Noise and Freight Considerations in Land Use Planning* and the *Environmental Protection (Noise) Regulations* (1999). In this regard, the projected traffic volumes for Aquamarine Parade do not trigger the requirement for noise mitigation measures for new dwellings. |
| **Submission:** |
| (iii) **There is an existing dust nuisance within the Vista’s which is not being addressed.** |
| **Applicant's Response:** |
| - Not relevant to the Structure Plan proposal.  
- Proponent to address separately with contractors/advise City of Rockingham of action taken. |
| **City's Comment:** |
| The Subdivision Approval issued for the existing stages of development required a Dust Management Plan to be prepared and implemented to manage the potential impact of dust from the subdivision works. The concerns raised in relation to dust impacts to existing residents are acknowledged and City Officers will ensure that the requirements of the Dust Management Plan are being complied with. The City will recommend conditions of Subdivision Approval to require that Dust Management Plans be prepared and implemented to manage the potential impact of dust from the construction of future stages of the Structure Plan area. |
## Structure Plan Design

### Submission:

(i) Concern that the number of parcels of Public Open Space located adjacent to Aquamarine Parade is inappropriate and represents a safety concern to residents using the open space.

**Applicant’s Response:**

- POS area is sited for optimum accessibility to the residential catchments. The narrow shape of the northern portion of the LSP area and fixed alignment of Aquamarine Parade makes it difficult to achieve reasonably sized POS area away from Aquamarine Parade.
- POS Area A is required in this location to provide maximum flexibility for the northern access solution (which may involve a 4-way signalized intersection at Crystaluna and decommissioning of existing Paganoni / Mandurah Rd intersection).
- Benefit of having POS areas adjacent to Aquamarine include improved opportunities for Crime Prevention Through Environmental Design principles and green relief to the compact urban form proposed adjacent to this avenue.
- Design of POS areas will ensure safety considerations are addressed. This may include use of bollards and careful placement of playground equipment / kick-a-bout areas away from the road.

**City’s Comment:**

The location of Public Open Space (POS) within the northern section of the proposed Structure Plan amendment has been distributed across the site to achieve a number of outcomes including accessibility (i.e. within 200 metres walking distance of a local park), visibility/surveillance, drainage functions and possible vegetation retention.

The design of the POS and the interface with Aquamarine Parade will ultimately influence the use and perception of safety. It is anticipated that the future enhancement of the POS undertaken by the Developer will acknowledge the relationship to Aquamarine Parade and will be designed accordingly, for example locating play spaces away from the immediate road edge.

### Submission:

(ii) Request for shops and services to be located within the Estate.

**Applicant’s Response:**

The Structure Plan makes provision for range of local facilities/services includes a public primary school, range of parks, and neighbourhood centre incorporating a main street retail environment on Verdigris Road.

A Development Application is currently being considered by the City for the neighbourhood centre and the park for Stages 1 and 2 is near completion. Developer will be holding discussions with DoE regarding earliest timing for primary school.

**City’s Comment:**

The Structure Plan area will be well serviced with local facilities/services, due to the neighbourhood shopping centre located at the corner of Redwood Avenue and Mandurah Road. An application for Development Approval is currently being considered by the Joint Development Assessment Panel for the Centre.
<table>
<thead>
<tr>
<th>Traffic</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) Aquamarine Parade will be used as an alternative route for regional traffic travelling from Paganoni Road to Mandurah and Singleton.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant's Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed Structure Plan design responds to the City's request for improved northern access to Structure Plan area. It was agreed between the City, Department of Planning and applicant that a single access at Singleton Beach Road would be insufficient to service full build-out of the Structure Plan area. Northern access and Aquamarine Parade will be designed for local traffic and to discourage through movements from regional traffic.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The City recognises that providing access to Paganoni Road may encourage regional traffic to use local roads within the Estate. The City will require traffic calming measures being implemented along Aquamarine Parade to discourage regional traffic on local roads within the Estate.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ii) The extension to Aquamarine Parade requires traffic calming treatment to control traffic speeds by introducing additional roundabouts, speed bumps or other traffic calming measures.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant's Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noted - extension of Aquamarine Parade will be designed for low to moderate vehicular speeds (30 - 50km/hr). This will be achieved through a combination of lane width, on-street parking, tree-planting alignments, and intersection frequency.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The submission is supported. It is recommended that the Traffic Report be modified to state the intended measures proposed to be implemented at subdivision stage to ensure traffic speeds are controlled to its intended function.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Recommendation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>That the Traffic Report be amended to outline a requirement for traffic calming measures to be designed and implemented to the satisfaction of the City of Rockingham at subdivision stage.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(iii) Providing the extension of Aquamarine Parade will change landowner expectations of this street from a quiet street to a thoroughfare road.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant's Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extension of Aquamarine Parade north to Paganoni Road is the result of extensive negotiations with the City, Main Roads WA and Department of Planning to improve the level of access servicing Lot 805 residents. The extension will improve the distribution of northbound and southbound movements on Aquamarine Parade. Without this extension, all vehicles would be required to travel south resulting in additional traffic on the southern portion of Aquamarine (where there is existing residents), as well as on Redwood Avenue.</td>
</tr>
</tbody>
</table>
| Traffic (Cont…)
| ---
| **City's Comment:**
The original approval of the Structure Plan for the Vista’s Estate outlined an intended access onto Paganoni Road and to Crystaluna Drive. In this regard, Aquamarine Parade has been designed as a neighbourhood connector road and the main north/south internal traffic route and future bus route within the Vista’s Estate.

As such, Aquamarine Parade was always intended to perform an important local traffic function within the estate.

**Submission:**

(iv) New access point to Paganoni Road may encourage excessive traffic.

**Applicant's Response:**
Proposed Structure Plan design responds to the City’s request for improved northern access to Structure Plan area. It was agreed between the City, Department of Planning and applicant that a single access at Singleton Beach Road would be insufficient to service full build-out of the Structure Plan area.

Northern access & Aquamarine Parade will be designed for local traffic and to discourage through movements from regional traffic.

**City's Comment:**
The northern access to Paganoni Road and Mandurah Road is necessary to provide convenient access for future properties within the northern portion of The Vista’s Estate, without needing to enter the Estate via Redwood Parade and Mandurah Road intersection.

The provision of access onto Paganoni Road allows residents within the Estate access to the Kwinana Freeway and future Karnup Railway Train Station proposed to be located immediately north of Paganoni Road.

An analysis of the traffic modelling prepared to inform the Structure Plan shows that the provision of an additional access point improves the overall traffic movements within the Structure Plan area and as such the connection is determined to be required.

**Submission:**

(v) Request for less traffic on Redwood Avenue.

**Applicant's Response:**
Redwood Avenue is a 4-lane dual-carriageway with a left-turn pocket and a left-turn slip lane in place to accommodate the Structure Plan area right-turns merging with Mandurah Road southbound traffic.

The Structure Plan makes provision for a full movement intersection onto Paganoni Road via a staged crossing or 3-way controlled roundabout (north of the LSP area). Opportunity to connect into the TOD precinct and to provide a connection through to Crystaluna Drive is also preserved by locating POS and a local road reserve adjacent to the northern LSP boundary. The Proposed northern access will result in an improvement on the distribution of traffic and for traffic volumes on Redwood Avenue in particular. Traffic will be able to exit the site via Paganoni Road (not reliant on the Singleton Beach Road/Mandurah Road intersection for access).

**City's Comment:**
According to vehicle projections contained with the Traffic Report, traffic will ultimately increase along Redwood Parade with the progressive build out of the Structure Plan area.

The provision of the second access point provided for by the Structure Plan Amendment is modelled to reduce the amount of traffic anticipated to use Redwood Avenue.

With the inclusion of a second access point onto Paganoni Road from within the Estate, it is anticipated that some internal local traffic will use Aquamarine Parade to access the Freeway or Mandurah Road. The City will require traffic calming measures to be installed along Aquamarine Parade to discourage regional traffic using this route as a shortcut.
b. Consultation with Government Agencies

As mentioned above, relevant government agencies and servicing authorities were notified of the proposal in writing and invited to comment, pursuant to Schedule 2, Part 4, clause 18(1)(b) of the Regulations. In this regard, the City invited comments from the following agencies:
- Alinta Gas
- Department of Aboriginal Affairs
- Department of Education
- Department of Environment Regulation
- Department of Fire and Emergency Services
- Department of Health
- Department of Parks and Wildlife
- Department of Transport
- Department of Water
- Main Roads WA
- Public Transport Authority
- Telstra
- Water Corporation
- Western Power

Following the close of the advertising period, the City had received fourteen (14) submissions from State Agencies. A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment to this Report). The submissions that raised issues for consideration are summarised and addressed as follows:

### Department of Parks and Wildlife

**Submission:**

(i) Parks and Wildlife has concerns regarding the proposed extension of Aquamarine Parade to a new intersection at Paganoni Road because it will impact a naturally vegetated area that is reserved for Parks and Recreation in the Metropolitan Region Scheme (MRS), and is within the boundary of Rockingham Lakes Regional Park.

Department of Parks and Wildlife acknowledges that the Department of Planning, as the landowner, has given in principle support for a connection from Lot 805 to Paganoni Road in the north via a staged crossing (West Karnup Structure Plan Report Part 2 page 63). It is also acknowledged that the parcel of land of approximately 1.3 hectares (Part Lot 172) has become isolated from Paganoni Swamp since construction of the railway.

Should the amendment be endorsed, in order to protect remaining conservation values, Parks and Wildlife recommends measures be taken to ensure the protection of the native vegetation, including mature tuart trees, where possible. A minor MRS amendment should also be initiated to reflect the proposed change in land use.

**Applicant’s Response:**

Noted - northern access will be designed to meet minimum required reserve width and its geometry will seek to minimise impact on mature tuarts.

A road reserve can be created within land that is reserved P&R under MRS. Ultimately there is an expectation this land will be zoned Urban in MRS to form part of future Karnup TOD.

**City’s Comment:**

The submission comment is noted and supported. In this regard, the alignment of the road connection to Paganoni Road through the Parks and Recreation reserve should be located to minimise loss of remnant vegetation.
Department of Parks and Wildlife (Cont…)

Recommendation:
That the alignment of the road connection to Paganoni Road through the Parks and Recreation reserve be located to minimise loss of remnant vegetation.

Submission:
(ii) The Department of Parks and Wildlife wishes to clarify its position in regard to the protection of native vegetation of high conservation value. Since September 2011 DEC and Parks and Wildlife have provided comments on various stages of the development at Lot 3, Lot 805 and Lot 806 Mandurah Road (i.e. the MRS amendment, the local structure plan, application for bulk earthworks, and the subsequent subdivisions), in which there was a consistent emphasis on the protection of areas of high conservation value within the approximately 95 hectare total development area.

It is to be noted that although the 'Agreement to Reserve' area under section 308 of the Soil and Conservation Act 1945 (ATR) is protected, as it is an offset for previously approved clearing for the quarry, it is also excluded from the POS allocations. Given that the ATR area is excluded from POS allocations, Parks and Wildlife considers that the amended structure plan does not adequately protect areas of high conservation value within proposed POS.

It is noted that the amended Structure Plan Report does not show the location of priority or significant flora or habitat trees in relation to the POS locations and there is little commitment to protect the vegetation. Page 26 of the Environmental Assessment and Management Strategy (Emerge Associates 2016) states the following, for example:

“Opportunities for the retention of remnant vegetation in other areas of the site, such as within POS areas or streetscapes, are significantly constrained by the bulk earthwork requirements associated with the highly variable nature of existing surface levels, with significant cut and fill requirements necessary across the site, limiting the feasibility of retaining remnant vegetation.”

Further, on page 28
“…fauna habitat outside of the Reserve for Conservation is not able to be retained.”

The Department reiterates that the environmental issues raised by the Environmental Protection Authority (EPA) in the proposed lifting of urban deferment for the site included remnant vegetation and fauna (MRS Amendment 1243/27). The Office of the EPA has since advised that potential environmental impacts of the lifting of urban deferment can be adequately managed through the planning process, particularly by the City of Rockingham's Town Planning Scheme No.2.

Lots 3 and 805 are still to be approved for development. These two lots have extensive areas of high conservation value, such as vegetation in good or better condition and comprises priority or significant flora or habitat trees, for which Parks and Wildlife anticipates these areas will be retained and incorporated into future development as POS reserved for conservation and passive recreation.

Applicant’s Response:
Vegetation retention outcomes have been achieved within the Reserve for Conservation in southern portion of Lot 806. As discussed in the Environmental Assessment Management Strategy text, the significant earthwork requirements to mitigate the disturbance of historical (quarry) land uses do not allow for the retention of remnant vegetation outside of the Reserve for Conservation.

City’s Comment:
The City has assessed the Environmental Assessment Report (EAR) accompanying the Structure Plan and recommends that the Report be modified to include an overlay of the Indicative Earthworks Plan, the Potential Black Cockatoo Habitat Map and the Structure Plan Map to identify if there is potential to retain habitat trees in areas of POS that are not impacted upon by earthworks within Lot 805.
Additionally, the Structure Plan Report and EAR are recommended to be amended to require that a Tree Protection Management Plan be submitted to the City and the WAPC at subdivision stage, with satisfactory arrangements being made for the implementation of the approved Tree Protection Management Plan. The Plan is to ensure the protection and management of significant trees on the site identified for retention.

**Recommendation**

(i) That the Environmental Assessment Report be modified to include an overlay of the Indicative Earthworks Plan, the Potential Black Cockatoo Habitat Map and the Structure Plan Map to identify if there is potential to retain habitat trees in areas of POS that are not impacted upon by earthworks within Lot 805.

(ii) That the Part One Implementation Section Report be amended to require that a Tree Protection Management Plan will be submitted to the City and the Western Australian Planning Commission at subdivision stage, with satisfactory arrangements being made for the implementation of the approved plan. The Plan is to ensure the protection and management of significant trees on the site identified for retention.

**Submission:**

(iii) Parks and Wildlife notes that the proponent has submitted a referral to the Department of the Environment (DotE) for the urban development of Lot 805 Mandurah Road. This is due to the potential impact to Carnaby’s cockatoo (Calyptrorhynchus latirostris) which is protected by the Commonwealth’s Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The DotE’s referral decision was “the proposed action is not a controlled action”.

The EPBC Act referral prepared by Emerge Associates (reference 2015-7481) states that:

“an additional area of approximately 18 ha of intact remnant vegetation within Lot 806 has been added to the Paganoni Swamp conservation reserve” (page 7).

However, cadastral data from Landgate shows that the balance lot (Lot 9005 on DP406698) has not yet been subdivided to create a separate conservation reserve and therefore this statement is inaccurate. Parks and Wildlife expects to be contacted by the proponent without further delay in relation to the land administration requirements of the reserve creation.

**Applicant’s Response:**

Environmental Assessment Management Strategy text states that the transfer process of the reserve to DPAW’s ownership is progressing. The text does not state that this has already occurred and as works are still progressing adjacent to the reserve, it is likely that the subdivision and vesting of this land will occur in association with the final subdivision of Stage 4. Fencing works, fire breaks and other management commitments associated with this bushland will also be completed at this time.

**City’s Comment:**

In 2007, the previous landowner (Cemex), applied for a clearing permit under the Environmental Protection Act (1986), in order to clear vegetation for the purposes of expanding the Extractive Industry (Limestone Mining) operation being undertaken on Lot 806. A condition was imposed on the Clearing Permit under the provisions of the Soil and Land Conservation Act which prohibited any clearing on 18.5ha of the southern portion of Lot 806, except where required pursuant to the Bush Fires Act (1954). This condition was registered as a memorial on the Certificate of Title to protect the native vegetation in perpetuity. It is intended this 18.5ha of remnant bushland will form part of the Rockingham Lakes Regional Park.

This vegetation has been shown on the approved portion of the Structure Plan as District Open Space and is to be given up by the developer to the Crown at subdivision stage. It is noted that the transfer has yet to occur and the 18.5ha of remnant bushland is currently contained within a balance of title lot.
Main Roads WA

Submission:
The proposed Structure Plan as presented to incorporate Lot 805 are not supported by Main Roads for the following reasons outlined below.

(i) It is noted that there has been some SIDRA analysis undertaken for a new northern connection to Paganoni Road with various intersection treatments and road geometry. However, there have been no SIDRA modelling undertaken for the network performance/Level of Service for the existing intersection of Mandurah Road/Paganoni Road with this new northern connection with its anticipated extra traffic volumes.

Applicant's Response:
Noted - Following our meeting on 14/6 Main Roads WA is undertaking recommended SIDRA analysis for this intersection noting we had previously undertaken analysis at this locations for superseded access scenarios. We understand this work is now being undertaken both by City of Rockingham and Main Roads WA.

City's Comment:
This matter is considered in the ‘Comments’ section of this Report.

Submission:

(ii) With the impending Federal election next month and the State Election in March 2017, Labour has committed to funding the construction of the Karnup Railway Station under its MetroNet plan with the intention to enshrine MetroNet within legislation ensuring it is built.

Therefore the timing of the delivery of this train station and the propensity to open up surrounding land to support higher density growth as part of a TOD development could be brought forward significantly earlier than the previously predicted 10+ year timeframe.

With the possible construction of the Karnup Railway Station and subsequent TOD in the foreseeable future, this will have significant impacts not only on the surrounding road network requiring major upgrading but will also have impacts for this revised Structure Plan concept.

This road concept which supports the Structure Plan illustrates a northern road connection through the WAPC owned land to Paganoni Road. The proponents planned connection to Paganoni Road is located just east of the existing Perth to Mandurah railway line. This road realignment will utilise the planned second carriageway of Paganoni Road (westbound). The provision of this alternative alignment from the developer’s Structure Plan to Paganoni Road is in lieu of any intersection upgrades required for Mandurah Road/Singleton Beach Road/Redwood Avenue.

It would seem reasonable that if a northern connection cannot be achieved, then the developer, at its own cost must explore alternative access arrangements and/or provide for significant upgrades to the existing Redwood Avenue/Mandurah Road/Singleton Beach intersection to the satisfaction of Main Roads.

Applicant’s Response:
Noted - further work is being undertaken by City of Rockingham / Main Roads WA to consider preferred design of northern access that considers requirement for future duplication of Paganoni Road. We do believe a one-way connection, with extended design domain, can be located under the southern span but acknowledged more detail is required.

Notwithstanding Main Roads WA’s concerns regarding proposed northern access, an access to the north of the LSP area remains a requirement of City of Rockingham and Department of Planning to ensure an adequate level of service is available to Lot 805 residents. The northern access is needed to improve the level of access servicing Lot 805 residents instead of having a single access at Singleton Beach Road which would be insufficient to service the full build-out of the LSP area. Without this access, vehicles would be traveling south resulting in additional traffic on Redwood Avenue and on the southern portion of the Aquamarine.

Upgrade of southern intersection unrealistic within the scope of this amendment proposal.
### Main Roads WA (Cont...)

**City's Comment:**
This matter is considered in the ‘Comments’ section of this Report.

**Submission:**

(iii) Acoustic Noise Report

Main Roads offers the following comments in respect to the Acoustic Noise report presented:

1. **SPP 5.4** recommends consideration is given to a 15 -20 year transport planning horizon. Therefore Main Roads recommends the proponent re-run noise modelling using the correct traffic data for 2011 and the most up to date data for 2031 or 2041. Contact should be made with Main Roads Traffic Modelling Branch for data on speed, heavy vehicle percentages and potential road surface types.

2. Confirm whether recent noise monitoring data has been compared against predicted noise levels for the section of the proposal that has been established, to validate the accuracy of the model. Main Roads notes that modelling predicted noise levels exceed the limit behind the existing noise wall. This is not acceptable.

3. Noise barrier walls of up to 6 m height are currently in use in the Peth region and could be considered by the proponent.

4. Main Roads suggests that there are reasonable noise mitigation alternatives to barrier walls available. These should be investigated by the developer before deciding to transfer the onus of noise management to the resident via a requirement for building treatment packages.

5. The fourth dot-point in section 6 of the noise assessment report refers only to achieving the limit in an outdoor area. Where the noise target cannot reasonably be achieved, section 5.3.1 of the Implementation Guidelines for SPP 5.4 recommends customised noise mitigation measures be implemented to achieve noise levels within the margin (i.e. between the target and the limit) in at least one outdoor living area. The noise assessment report should address this requirement.

**Applicant’s Response:**

The report already utilises 2011 monitoring data to verify 2011 traffic volumes, the 2005 label in Table 3-5 is a typo that will be amended. The assessment provided predicts future volumes to 2031 which is a 20 year horizon as per SPP 5.4 recommendation. This can be emphasized further in the report if required.

As per above, noise monitoring was undertaken in 2011 and used to calibrate the noise model to 2011 traffic volumes. From here the traffic volumes are increased to 2031 numbers and noise contour plots generated accordingly and accurately. This is all stated in the methodology section of the report, but can be clarified further if necessary. Please note there is no “existing” noise wall in place for lot 805, hence why the report recommends that a 2.5m wall be constructed. Existing noise walls are in place for Lot 806 to the south.

Noise barriers are considered and recommended in the report, as well as house mitigation measures where necessary. Figure 6-1 shows the noise predictions with a 2.5m barrier.

By achieving the *limit*, we are within the *margin* or better. This can be reworded if necessary, noting no further action is required to address this comment.

**City’s Comment:**

The Acoustic Report recommendations have been assessed to be consistent with the approved Structure Plan Acoustic Report and are considered satisfactory to reduce the traffic noise impact on the future residents.
Water Corporation

Submission:
The proposed addition of Lot 805 to yield around 330 dwellings has been allowed for in the Corporation's Peelhurst Sewer District Wastewater conveyance planning and in the design of the receiving waste water pumping station located in "The Vistas" to the south of Lot 805.

Water servicing to the future subdivision of Lot 805 is likely to require the developer to extend a large water reticulation main (usually 250mm diameter) into the area from the north or west. The Corporation will prepare a draft reticulation plan for the area in due course, which will provide a guide for the developer’s consulting engineers at the subdivision stage.

City's Comment:
The matters raised by the Water Corporation are noted.

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:

Aspiration D: Sustainable Environment

Strategic Objective: Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy

State Planning Policies

Directions 2031

Directions 2031 and Beyond: Metropolitan Planning Beyond the Horizon ("Directions 2031") was released by the WAPC in August 2010 as the plan to provide a vision for the future growth of the Metropolitan and Peel region. It provides a broad framework to guide detailed planning and the delivery of the various elements that provide for growth.

Directions 2031 seeks to increase the proportion of infill development to the ratio of new 'greenfield' development sites. A target of 47% infill development is sought under the Policy. As of 2009, only 30% infill development was being achieved. This Policy seeks a 50% improvement from the existing trend.

To achieve this target, the Policy sets a density target of 15 dwellings per gross urban zoned hectare in new development areas.

The Structure Plan Report states that the density target of 15 dwellings per gross urban zoned hectare will be achieved.

Draft South Metropolitan and Peel Sub-Regional Planning Framework (2015)

The draft South Metropolitan and Peel Sub-Regional Planning Framework, released for public comment by the WAPC in 2015, identifies the subject land as 'Urban'. The draft Framework identifies key design considerations that need to be given due regard in the consideration of the Structure Plan Amendment. These include:

- The identification of a future Railway Train Station north of Paganoni Road, adjacent to the Structure Plan area;
- An extension of the regional road link from Paganoni Road to Crystaluna Drive; and
- A future grade separated interchange at Dampier Drive and Mandurah Road, extending east to the future alignment to Nairn Drive.
5. Extract from draft South Metropolitan and Peel Sub-Regional Planning Framework.

The assessment for the manner in which the Structure Plan addresses the Framework is contained within the ‘Comments’ and State Planning Policy No.1.6 - Planning to Support Transit Use and Transit Orientated Development ‘Policy’ section of this Report.

### Liveable Neighbourhoods

*Liveable Neighbourhoods (LN)* has been prepared to implement the objectives of the State Planning Strategy and State Sustainability Strategy, and operates as a sustainable development control policy to guide structure planning and subdivision. The document outlines all the requirements for a new Structure Plan and the supporting documentation needed to assess such. These requirements are intended to facilitate the State Government's objective to create communities that reduce dependency on private vehicles and are more energy and land efficient.

LN contains eight ‘elements’ under which Structure Plans and subdivisions are assessed, as follows:

- Element 1 - Community Design
- Element 2 - Movement Network
- Element 3 - Lot Layout

- The school is located outside the walkable catchment of a neighbourhood centre.
Liveable Neighbourhoods (Cont…)

Element 4 - Public Parkland
Element 5 - Urban Water Management
Element 6 - Utilities
Element 7 - Activity Centres and Employment
Element 8 - Schools

Each Element has two components - 'Objectives' and 'Requirements'. Objectives describe the principal aims of each Element, and Requirements present a range of qualitative and quantitative responses to meeting the Objectives. Requirements include matters that 'should' be considered, where there is a range of design solutions, and matters that 'must' be satisfied.

The City has assessed the proposal in accordance with the Objectives' and 'Requirements' of Liveable Neighbourhoods. The assessment outcomes are summarised as follows:

Element 1 - Community Design

The proposed amendment to the Structure Plan appropriately integrates with the existing Structure Plan approved for Lots 3 and 806 Mandurah Road.

The State Government has not progressed planning for the Karnup TOD and Train Station and it is unclear how the Structure Plan area is required to respond to these future identified land uses.

The Structure Plan as proposed is not sufficiently robust to accommodate for future potential regional traffic movements, convenient access to the train station for residents in 'The Vista’s' Estate and provision of residential densities appropriate in the context of a railway train station.

In this regard, the Structure Plan requires modifications to ensure:

1. Access to Mandurah Road at the Crystaluna Drive intersection can be achieved to allow the option for the State Government to create a future 4-way signalised intersection in this location.
2. The access provided to Paganoni Road and the future Karnup Railway Train Station must does not impact the ability of Paganoni Road to be upgraded to a dual carriageway road.
3. Increase density within the 800m walkable catchment to the Train Station.
4. Provision for a road reserve on Aquamarine Parade within the context of the Train Station capable of accommodating 25.2m 'Integrator B Town Centre Main Street' profile road, which ensures provision for right hand turning pockets to be accommodated within medians.

The overall densities proposed across the Structure Plan is considered appropriate as it meets Liveable Neighbourhoods and Directions 2031 and Beyond targets.

With respect to densities proposed within the walkable catchment of the future Karnup Railway Train Station, the Structure Plan achieves Liveable Neighbourhoods density target but does not achieve the desired density target of 25 dwellings per gross hectare outlined within Development Control Policy No.1.6 - Planning to Support Transit Use and Transit Orientated Development, providing for 18.5 dwellings per gross hectare.

Liveable Neighbourhoods encourages a mixture of lot sizes distributed throughout neighbourhoods to provide housing choice. The Structure Plan Report does not document indicative housing typologies or outline a rationale for the provision of medium densities shown on the Structure Plan map.

The City recommends the Structure Plan and Report be modified to articulate how housing diversity will be addressed at subdivision stage.

Element 2 - Movement Network

The proposed amendment to the Structure Plan appropriately considers its southern context to the approved Structure Plan area and provides a permeable and efficient movement network.

As stated above in the Community Design element, the Structure Plan as proposed is not sufficiently robust to accommodate for future potential regional traffic movements.
Liveable Neighbourhoods (Cont…)

The City’s assessment also identified increased traffic volumes along Aquamarine Parade, to that shown within the Traffic Report and Structure Plan Report. The traffic volumes can be accommodated within the existing road reserve approved within the current Structure Plan.

For the Structure Plan area in context to the future Karnup TOD, the City does not support driveway access along Aquamarine Parade due to the traffic volumes shown in context to the train station. The City also considers that laneway access lots can provide uninterrupted shared use paths and cycle paths to access the future train station.

No specific analysis has been undertaken to understand if the existing level of service to Paganoni Road will be impacted upon with the introduction of an access point into the Structure Plan from Paganoni Road. Further information is required within the Traffic Report to provide information in relation to this intersection.

In addition to the matters raised above, the City’s assessment of the Transport Assessment identified some minor modifications, points of clarification and corrections required to be made to the document, the details of which will be forwarded to the WAPC for its consideration.

Further discussion on the traffic and movement network matters is contained within the ‘Comments’ section of this Report.

**Element 3 - Lot Layout**

The indicative lot layout demonstrates that the Structure Plan layout can effectively accommodate the siting and construction of dwellings on generally rectangular shaped lots. Part 2 of the Structure Plan Report outlines a range of lot sizes that are intended to be implemented. This will, however, require further consideration at subdivision stage to ensure a varied range of lot sizes to accommodate housing diversity throughout the Structure Plan area.

**Element 4 - Public Parkland**

The allocation of Public Open Space as proposed satisfies the requirements of *Liveable Neighbourhoods*.

The proposed Structure Plan provides for open space in what will be a future road connection to Mandurah Road and Crystaluna Drive. In this regard, the Structure Plan requires amendment to replace the POS with the required road reservation and the open space schedule should be updated accordingly.

POS C2 includes a narrow connection at the south eastern corner next to the Railway Corridor, similar to a pedestrian access way. This layout creates space with limited passive surveillance which can lead to undesirable behaviour. It does not meet Crime Prevention through Environmental Design principles and the City recommends that it is removed from the Structure Plan.

---

6. Proposed Public Open Space C2

Remove this section of POS
**Liveable Neighbourhoods (Cont…)**

To improve surveillance of this space, it is recommended that a trafficable street be provided to the eastern edge of the open space.

**Element 5 - Urban Water Management**

The City’s assessment of the Local Water Management Strategy has identified minor modifications, points of clarification and corrections required to be made to the document, the details of which will be forwarded to the WAPC for its consideration.

**Element 6 - Utilities**

The Structure Plan Report provides appropriate documentation of the utilities requirements to be implemented at subdivision stage.

**Element 7 - Activity Centres and Employment**

No changes are proposed to the Neighbourhood Centre located in the southern portion of the estate.

**Element 8 - Schools**

The existing access to schools meets the requirements of *Liveable Neighbourhoods* in that:
- All streets abutting the school a through streets;
- The school is proposed to be surrounded on all sides by a public road;
- The school does not abut residential land uses.

**Recommendation:**

That the Structure Plan be amended to remove the narrow connection at the south eastern corner of POS C2 and that local road be provided to the eastern edge of the POS to improve surveillance of this space.

---

**Development Control Policy No.1.6 - Planning to Support Transit Use and Transit Orientated Development**

This Policy seeks to maximise the benefits of providing a mix of compatible land uses near public transport infrastructure. The integration of land uses around transport networks aims to reduce the car dependence.

The draft *South Metropolitan and Peel Sub-Regional Planning Framework* (2015) and Public Transport Authority’s (PTA) draft strategic plan, *Public Transport for Perth in 2031* (2011) indicates the Karnup Transit Station will be constructed within a timeframe before 2025 to serve the urban corridor between Warnbro and Mandurah.

The Policy defines a transit orientated precinct as land located within a 10-15 minute walk (or 800m distance) to a rail station or major bus interchange and within a 5-10 minute walk (400m) distance from a frequent bus route (bus routes with a 15 minute interval or less between services during peak periods). It is recommended that within vicinity of these services that increased residential densities be applied to facilitate public transport use.

It is also accepted that development within a Transit Orientated Development (TOD) may exceed beyond the 800m walkable catchment up to and beyond 1600m.

Key matters that need consideration by the Structure Plan within the walkable catchment of a railway station include:

- Ensuring Structure Plan preparation and subdivision design in ‘greenfield’ situations making appropriate provision for the planning and operation of bus services and a grid-based street pattern designed to enhance, efficient transport options and general walkability to access to transit facilities.
- Encouraging a grid-based street pattern for development that make it easier to plan and efficiently operate public transport services, and for the existing and potential users of public transport to access those services.
- Ensuring the optimal use of land within transit oriented precincts by encouraging the development of uses and activities that will benefit from their proximity and accessibility to public transport, and which will in turn generate a demand for the use of transit infrastructure and services.
Development Control Policy No.1.6 - Planning to Support Transit Use and Transit Orientated Development (Cont…)

- Encourage a diversity of lot sizes in subdivisions within transit oriented precincts, to provide greater flexibility of development options, and enhance the robustness of the urban structure. Planning for a TOD needs to ensure a precinct can evolve over time through a progressive intensification of activities and change to uses that will more effectively support transit use.

- The Policy recommends higher residential densities within the walkable catchment of a TOD to achieve a minimum of 25 dwellings per gross hectare in close proximity to railway stations.

The Applicant has sought to address the Policy by preparing a TOD land use analysis within a 800m walkable catchment of the proposed location of the station. In terms of a walkable 800m to the future station, the Structure Plan area accounts for approximately 6% of the total catchment area, when accounting to the true walkable nature of the street network.

The ‘Ped-Shed’ analysis establishes that 1.9ha of net residential land within the Structure Plan area is located within a 400 to 800 metre travel distance of the station. Of this land, the density break-down is as follows:

- 0.55 hectares of net residential area is proposed as R40.
- 1.34 hectares of net residential area is proposed as R25.

The density of development within a 400-800 metre distance of the station equates to 26.9 dwellings per site hectare; this being consistent with the 20 - 30 dwelling target recommended by Liveable Neighbourhoods.

The Applicant also identifies that the Structure Plan demonstrates that a sufficiently robust design to allow for future more intensive subdivision and development as the project area matures and train services come on line. This includes the opportunity to increase residential densities up to R60 (serviced by laneways) within a future Structure Plan Amendment application, and locating POS and a road reserve adjacent to the northern LSP boundary to provide flexibility for future integration with transit-related development to the north.
8. Structure Plan road pattern within Proximity to the future Karnup Railway Train Station

In review of the justification and design intent, the City has assessed the densities shown on the Structure Plan, together with future traffic volume projections along the extension of Aquamarine Parade.

The densities proposed per gross hectare do not achieve the target 25 dwellings per gross hectare outlined by the Policy; providing for approximately 18.5 dwellings per gross hectare.

While the City supports the design intent to provide for increases in densities into the future through a modification to Structure Plan, the provision of traditional low density R25 lots along a strategic public transport bus route within the walkable catchment of a future Train Station is not supported. In this regard it is considered that densities befitting of a future TOD should be shown on the Structure Plan and provided upfront.
From an urban design perspective, the City considers that the walkable catchment to the future railway train station should provide for a more urban character that differentiates from the prevailing suburban densities and character located outside the walkable catchment to the Railway Train Station. This will reinforce the design intent for the future station precinct and help facilitate additional housing diversity throughout the structure plan area.

Furthermore, due to regional road and access considerations into the Structure Plan area, changes will be required to the road pattern to ensure a robust road network can be accommodated in the future. Further work completed with respect to traffic modelling at the request of the City, has identified a significant increase in the volume of traffic projected for Aquamarine Parade. The provision of traditional front access lots in context to potential future regional road connections and a Train Station is inappropriate, and it is recommended that the Structure Plan be modified to provide medium density laneway housing along Aquamarine Parade within the 800m walkable catchment radius of the future Train Station.

Further discussion is provided with respect to traffic and access considerations within the ‘Comments’ Section of this Report.

Recommendation:
That the Structure Plan be modified to provide medium density laneway lots along Aquamarine Parade within the 800m radius of the future Karnup Railway Train Station.

On 7 December 2015, the following documents were gazetted:
- Fire and Emergency Services (Bush Fire Prone Areas) Order 2015;
- Planning and Development (Local Planning Schemes) Amendment Regulations 2015;
- State Planning Policy No.3.7 - Planning in Bushfire Prone Areas; and
- Building Amendment Regulations (No.3) 2015.

The Department of Fire and Emergency Services (DFES) and the Western Australian Planning Commission (WAPC) concurrently released the:
- Map of Bush Fire Prone Areas (State Map); and
- Guidelines for Planning in Bushfire Prone Areas.

The Fire and Emergency Services Commissioner made an order under the Fire and Emergency Services Act 1998, which means the areas shown as bush fire prone on the state map are now designated under a power in legislation.

State Planning Policy No.3.7 - Planning in Bushfire Prone Areas (SPP3.7) applies immediately to all planning applications in designated bushfire prone areas identified on the Map of Bush Fire Prone Areas (State Map). It sets out policy measures applicable to the consideration of development in bushfire prone areas. SPP3.7 provides a general presumption against the introduction or intensification of land use in areas subject to extreme bushfire hazard (including BAL-40 and BAL-FZ) unless it is minor development or unavoidable development. The level of information required at each stage of the planning process is clearly articulated, including additional requirements for vulnerable and high risk land uses.


The State Map is based on the Office of Bushfire Risk Management’s Bushfire Prone Area Mapping Standard Western Australia (May 2014). It essentially includes any bush fire prone vegetation with a 100m buffer around the vegetation. It is a binary system, i.e. it is either bush fire prone or not. The mapping does not indicate any level of hazard; it is simply a tool to trigger further assessment.
The State Map is reviewed on an annual basis.

For all planning applications (Structure Plans, Scheme Amendments, Subdivision Applications, Development Applications), SPP3.7 and the Guidelines will apply immediately to all applications in designated bushfire prone areas identified on the State Map.

The Guidelines recommend that the following issues be addressed for Structure Plans:

- Location of bushfire prone areas within and adjacent to the structure plan area and the need for further assessment of the risk in such areas;
- Avoidance of land use and development intensification in any areas likely to maintain or generate a hazard level of extreme;
- Existing firefighting infrastructure such as response or suppression capacity, water tanks, brigades etc.;
- Existing and proposed road network, its’ likely effectiveness in a bushfire emergency, and any gaps in the local access network from a bushfire safety perspective;
- Biodiversity issues and their interrelationships with bushfire prone areas;
- Means of protection for areas with high conservation values to accommodate biodiversity objectives such as, adequate separation from existing or proposed buffers for wetlands and foreshores;
- Accommodation of biodiversity objectives such as, adequate separation from existing or proposed buffers for wetlands and foreshores; and
- Location of any vulnerable or high-risk land uses within identified bushfire prone areas and whether such uses may require management strategies to be prepared.

Comment was sought from the Department of Fire and Emergency Services and no response was provided in relation to the proposed Structure Plan Amendment.

The City has assessed the Bushfire Management Plan and the Applicant has provided comments in response to the assessment. The following key issues are raised in relation to the Bushfire Management Plan:

(i) Classified Vegetation
The Bushfire Management Plan does not provide distances and slopes to classified vegetation as required by the Guidelines.

(ii) Bushfire Attack Level (BAL) Contour Map
Part 2 of the Structure Plan Report outlines the subdivision lot layout. In this regard, a BAL Contour Map is required as per SPP3.7 and the Guidelines. The BAL Contour Map needs to consider both interim and ultimate situations and achieve and demonstrate ≤BAL-29.

(ii) Development interface to bushfire hazards
The Bushfire Management Plan does not appropriately address the interface to all hazards present in the Structure Plan area.

This includes:
- The report will need to consider sterilisation of some Lots on Lot 805 if the adjacent land on Lot 3 is not developed (i.e. hazard to the south).
- Wider road reserves are requested fronting onto bushfire prone vegetation areas to ensure future landowners are not burdened by mandatory building setbacks.
- Lots impacted by hazards during the staging of construction for the Structure Plan area.

The Structure Plan design also needs to ensure two access points are provided at all times for emergencies in the event of a fire.

Conclusion
The Bushfire Management Plan does not provide all the information required to determine the full extent of potential impact to future residential lots and it is recommended that the report be modified to demonstrate compliance with the Guidelines before the Structure Plan is approved.
State Planning Policy No.3.7 - Planning in Bushfire Prone Areas (December 2015) and Guidelines for Planning in Bushfire Prone Areas (December 2015) (Cont…)

In addition to the matters raised above, the City's assessment of the Bush Fire Management Plan did identify some minor modifications, points of clarification and corrections required to be made to the document, the details of which will be forwarded to the WAPC for its consideration.

**Recommendation:**
That the Bushfire Management Plan be amended to address the requirements of the Guidelines for Planning in Bushfire Prone Areas (December 2015).

---

State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning

This Policy seeks to minimise the adverse impact of transport noise, without placing unreasonable restrictions on noise-sensitive residential development, or adding unduly to the cost to transport infrastructure. The Policy applies for the consideration and management of the impacts of transport noise and freight operations when development is proposed in the following manner:

- New noise-sensitive development in the vicinity of existing or future major transport corridors or freight handling facilities;
- New major road or rail infrastructure projects, including major redevelopments, in the vicinity of existing or future noise-sensitive land uses; and
- The location of freight handling facilities.

The City assessed the Acoustic Consultant Report provided to demonstrate compliance with the outcomes of the Policy and supported the recommendations and acoustic treatments required to be implemented by the Applicant. In this regard, it is recommended the following action be taken at subdivision stage to implement the Acoustic Consultant Report:

- An Acoustic Wall built to the specification contained within the Acoustic Consultant Report is required to abut Mandurah Road and the railway corridor boundary;
- A revised Acoustic Report is required at subdivision stage, clearly showing the lots (and lot numbers) that exceed the target noise and limit noise levels as prescribed under State Planning Policy 5.4; and
- Lots identified as exceeding the target and limit noise levels will be subject to a notification on the Certificate of Title, and a Local Development Plan requiring a site specific acoustic report showing the design modifications that will be undertaken to achieve compliance with State Planning Policy 5.4.

---

Planning Bulletin No.112 - Medium-Density Single House Development Standards - Structure Plan Areas

**Comment:**
In May 2015, the WAPC released Planning Bulletin 112 to introduce new standard deemed-to-comply R-Code standards within a Structure Plan.

This approach is aimed to address the increasing use of variations to the R-Codes 'deemed-to-comply' standards promoted under local structure plans and local development plans which was resulting in:

- Poor streetscape outcomes with garage dominated streets;
- Fewer street trees and limited street parking on narrow lots;
- Predominately single storey dwellings with high site coverage built form;
- Minimal uncovered private open space; and
Planning Bulletin No.112 - Medium-Density Single House Development Standards - Structure Plan Areas (Cont...)

- Current and future loss of trees in greenfield housing estates.

The Planning Bulletin provides the opportunity for Applicants of Structure Plan areas to implement consistent for ‘deemed-to-comply’ standards and reduce dependency on local development plans.

The Applicant has outlined that the Residential-Medium Density (RMD) provisions be incorporated within the Structure Plan area. This is consistent with the Council's draft Planning Policy 3.3.22 - Medium-Density Single House Development Standards - Development Zones (R-MD Codes) plan for the Golden Bay Singleton locality.

Planning Policy 3.4.1 - Public Open Space

Comment:

Planning Policy 3.4.1 - Public Open Space provides guidance regarding the location and design of public open space within the City. The objectives of the Policy are:

- To ensure that all residential development is complemented by well-located areas of public open space that provide for the recreational and social needs of the community.
- To ensure that Public Open Space is designed, developed and maintained to an acceptable standard to enhance local amenity.

The location and distribution of POS on the proposed Structure Plan generally satisfies the objectives of the Planning Policy.

e. Financial

Nil

f. Legal and Statutory

Amendment to Structure Plan under Planning and Development (Local Planning Schemes) Regulations (2015)

Schedule 2, Part 4, clause 29 of the Regulations states that a structure plan may be amended by the Commission at the request of the local government or a person who owns land in the area covered by the plan. The Procedures for making a structure plan set out in the Regulations, with any necessary changes, are to be followed in relation to an amendment to a structure plan.


In accordance Clause 19(1) of the Regulations, the local government:

(a) must consider all submissions made to the local government within the period specified in a notice advertising the structure plan; and

(b) may consider submissions made to the local government after that time; and

(c) may request further information from a person who prepared the structure plan; and

(d) may advertise any modifications proposed to the structure plan to address issues raised in submissions.

Determination of a Structure Plan ultimately rests with the WAPC. In accordance with Clause 20 of the Regulations, the local government must perform the following actions:

(1) The local government must prepare a report on the proposed structure plan and provide it to the WAPC no later than 60 days after the day that is the latest of:

(a) the last day for making submissions specified in a notice given or published under clause 18(2); or
(b) the last day for making submissions after a proposed modification of the structure plan is advertised under clause 19(2); or 

(c) a day agreed by the Commission.

(2) The report on the proposed structure plan must include the following:

(a) a list of the submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the structure plan advertised under clause 19(2);

(b) any comments by the local government in respect of those submissions;

(c) a schedule of any proposed modifications to address issues raised in the submissions;

(d) the local government’s assessment of the proposal based on appropriate planning principles;

(e) a recommendation by the local government on whether the proposed structure plan should be approved by the WAPC, including a recommendation on any proposed modifications.

g. Risk

All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks  
Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The proposed Structure Plan has been assessed by City Officers and the following additional comments are provided:

Traffic and Transport

Assessment:

Consideration of Regional Traffic Outcomes

As outlined in the Policy section of this Report, the draft South Metropolitan and Peel Sub-Regional Planning Framework (Framework) has identified a number of regional road planning outcomes which have a relationship to the Structure Plan Amendment. These include:

- The identification of a future Railway Train Station north of Paganoni Road, adjacent to the Structure Plan area;
- An extension of the regional road link from Paganoni Road to Crystaluna Drive; and
- A future grade separated interchange at Dampier Drive and Mandurah Road, extending east to the future alignment to Nairn Drive.

In discussions with State Agencies, the City has been advised that further planning is yet to be undertaken to determine regional road planning requirements and Structure Plan work associated with the Karnup TOD.

Proposed Design Response within the Structure Plan

In response to the draft Framework, the Applicant has worked with State agencies to respond to the regional road requirements and future TOD. In response to discussions, the Applicant has proposed:

1. Public Open Space abutting Mandurah Road adjacent to the ‘T’ intersection at Crystaluna Drive that could accommodate a future road connection; and

2. A road connection to Paganoni Road east of the railway bridge from the Structure Plan area through land owned by the WAPC (Parks and Recreation reservation).

The Applicant also prepared a new Traffic Report for the entire West Karnup Structure Plan area to support the proposal.
Outcomes of the City’s Assessment

The City assessed the proposed movement network and also obtained an independent peer review from a specialist Traffic Consultant to assess the proposed movement network. The assessment outlined the following issues with the Traffic Report and Structure Plan:

1. There was no analysis undertaken to understand if the existing level of service to Paganoni Road will be impacted upon with the introduction of an access point into the Structure Plan area.

2. There was insufficient evidence provided to confirm whether the proposed connection to Paganoni Road will and could be built, which is a critical element to the traffic modelling and assumptions prepared to support the Structure Plan.

3. The design of the northern portion of the Structure Plan area is not sufficiently robust to accommodate future changes resulting from the implementation of the regional road network. This includes:
   (i) A requirement to show road reservation in lieu of POS for a future road connection at Crystaluna Drive (i.e. a potential 4-way intersection at Mandurah Road/Crystaluna Drive).
   (ii) Road reservation widths to accommodate future land uses and possible duplication of Paganoni Road.

4. Lot interface and driveway garage access to lots in the northern most portion of the Structure Plan area. The volumes outlined within the Traffic Report indicate laneway access should be implemented upfront.

5. Traffic volumes were determined to be incorrectly calculated along Aquamarine Parade within the revised Traffic Model.

Recommended Changes to Structure Plan

The City and Main Roads WA have completed further design investigation in relation to the issues raised within its assessment and have examined options for access to the northern portion of the Vista’s Estate. The following solution represents an agreed position between the City and Main Roads for access to address the concerns raised with the Structure Plan and Traffic Report:

1. Provision of a ‘T’ junction access point to Paganoni Road through the WAPC’s Parks and Recreation land, west of the railway bridge. The access point is to accommodate left-in, left-out and right-out movements. The provision of the intersection west of the railway line will allow a potential dual carriageway upgrade of Paganoni Road, based on the forecast contained within the Traffic Report.

   A portion of the dual carriageway for Paganoni Road is required from Mandurah Road to just east of the existing railway bridge. This provides for a two staged right turn movement and is required when access is built into the Structure Plan area from Paganoni Road at subdivision stage.

2. Provision of a left-in, left-out access point to Mandurah Road opposite Crystaluna Drive, taking into account a possible reconfiguration of the intersection to a full four-way intersection in the future. This intersection will also require the construction of a ‘sea gull’ traffic island in the Mandurah Road median to prevent right turning movements entering and exiting Mandurah Road from the development.

   As a result of the new intersection to Paganoni Road, upgrades to this road will be required. The Traffic Report and Part One Implementation Section of the Structure Plan will need to be modified to account for this requirement at subdivision stage.

3. The provision of an Integrator Arterial (dual carriageway) profile reservation for the access to Paganoni Road and the Mandurah Road/Crystaluna Drive intersection.

4. That the Aquamarine Parade road reserve accommodate a 25.2m ‘Integrator B Town Centre Main Street’ profile road. This road profile must ensure the provision for right hand turning pockets to be accommodated within medians northward from the POS area C2 roundabout, in light of the traffic volumes determined within revised modelling by the Applicant’s Traffic Consultant.
Traffic and Transport (Cont…)

The intended design solution is shown in the following Figure 9:


Other Traffic Issues

The City has identified a number of minor discrepancies with the Traffic Report relating to road reserve widths which are recommended to be modified consistent with LN requirements.

Key amongst these is to ensure the road reservation abutting the proposed acoustic attenuation wall to the Perth to Mandurah Rail Line satisfies the Safe Systems (safer roads / roadsides) requirements adopted by the Council.
Traffic and Transport (Cont…)

Recommendation:
That the Structure Plan be amended as follows:

(i) That a ‘T’ junction access point be provided to Paganoni Road west of the railway bridge. The access point is to accommodate left-in, left-out and right-out movements.

(ii) That a left-in, left-out access point be provided to Mandurah Road opposite Crystaluna Drive, taking into account a possible reconfiguration of the intersection to a full four-way intersection in the future. This intersection will also require the construction of a ‘sea gull’ traffic island in the Mandurah Road median.

(iii) The Traffic Report and Part One Implementation Section of the Structure Plan being amended to account for the requirement to upgrade Paganoni Road at subdivision stage.

(iv) That an Integrator Arterial (dual carriageway) profile reservation be provided for the access to Paganoni Road and the Mandurah Road/Crystaluna Drive intersection.

(v) That the Aquamarine Parade road reserve accommodate a 25.2m ‘Integrator B Town Centre Main Street’ profile road. This road profile must ensure the provision for right hand turning pockets to be accommodated within medians northward from the POS area C2 roundabout.

(vi) That the road reservation abutting the proposed acoustic attenuation wall to the Perth to Mandurah Rail Line satisfy the Safe Systems (safer roads / roadsides) requirements adopted by the Council.

(vii) That the Traffic Report be amended to address a number of minor discrepancies relating to road reserve widths which are recommended to be modified consistent with LN requirements.

Structure Plan Framework

Assessment:
The WAPC has released the Structure Plan Framework 2015 on a trial basis to outline the manner and form for the preparation of Structure Plans.

The proposal is generally compliant with the Structure Plan Framework, however, the following matters are required to be addressed within the Part One Implementation Section of the Structure Plan Report:

(i) Staging requirements to be outlined to address the following:
   - Access to Paganoni Road through Western Australian Planning Commission land north of the Structure Plan area.
   - Provision of required road upgrades to Paganoni Road and Mandurah Road.
   - Provision and any modifications to public infrastructure.

(ii) The Public Open Space Schedule should be moved to Part Two of the Structure Plan Report.

(iii) Remove Section 6.4 Bushfire Hazard, as there is now enabling legislation to designate Bushfire Prone vegetation and building requirements under Australian Standard 3595.

(iv) Outline subdivision requirements and reporting required as a result of the outcomes of the Structure Plan Report and its Technical Appendices.

In addition to the matters raised above, the City will also require minor corrections and updates to the documentation contained within the Part Two – Explanatory Section of the Structure Plan Report.

Recommendation:
That the Structure Plan Report be amended to comply with the requirements of the Structure Plan Framework, and to correct and update to the documentation as set out in this Report.
Conclusion

In light of the consideration of submissions received and the City's assessment of the Structure Plan proposal, it is recommended that the Western Australian Planning Commission be advised that the proposed Structure Plan Amendment should not be approved until such time as the following matters have been satisfactorily addressed:

(i) That a ‘T’ junction access point be provided to Paganoni Road west of the railway bridge. The access point is to accommodate left-in, left-out and right-out movements.

(ii) That a left-in, left-out access point be provided to Mandurah Road opposite Crystaluna Drive, taking into account a possible reconfiguration of the intersection to a full four-way intersection in the future. This intersection will also require the construction of a ‘sea gull’ traffic island in the Mandurah Road median.

(iii) The Traffic Report and Part One Implementation Section of the Structure Plan being amended to account for the requirement to upgrade Paganoni Road at subdivision stage.

(iv) That an Integrator Arterial (dual carriageway) profile reservation be provided for the access to Paganoni Road and the Mandurah Road/Crystaluna Drive intersection.

(v) That the Aquamarine Parade road reserve accommodate a 25.2m ‘Integrator B Town Centre Main Street’ profile road. This road profile must ensure the provision for right hand turning pockets to be accommodated within medians northward from the POS area C2 roundabout.

(vi) That the road reservation abutting the proposed acoustic attenuation wall to the Perth to Mandurah Rail Line satisfy the Safe Systems (safer roads / roadsides) requirements adopted by the Council.

(vii) That the Traffic Report be amended to:
- outline a requirement for traffic calming measures to be designed and implemented to the satisfaction of the City of Rockingham at subdivision stage.
- address a number of minor discrepancies relating to road reserve widths which are recommended to be modified consistent with LN requirements.

(viii) The alignment of the road connection to the Paganoni Road through the Parks and Recreation reserve be located to minimise loss of remnant vegetation.

(ix) That the Environmental Assessment Report be modified to include an overlay of the Indicative Earthworks Plan, the Potential Black Cockatoo Habitat Map and the Structure Plan Map to identify if there is potential to retain habitat trees in areas of POS that are not impacted upon by earthworks within Lot 805.

(x) That Part One Implementation Section be amended to require that a Tree Protection Management Plan will be submitted to the City and the Western Australian Planning Commission at subdivision stage, with satisfactory arrangements being made for the implementation of the approved plan. The Plan is to ensure the protection and management of significant trees on the site identified for retention.

(xi) The Structure Plan be amended to provide medium density laneway lots along Aquamarine Parade within the 800m radius of the future Karnup Railway Train Station.

(xii) That the Structure Plan be amended to remove the narrow connection at the south eastern corner of POS C2 and that local road be provided to the eastern edge of the POS to improve surveillance of this space.

(xiii) The Bushfire Management Plan be amended to address the requirements of the Guidelines for Planning in Bushfire Prone Areas (December 2015).

(xiv) That the Structure Plan Report be amended to comply with the requirements of the Structure Plan Framework, and to correct and update to the documentation as set out in this Report.

It is also recommended that the City be given the opportunity to assess any resulting modifications proposed to the Structure Plan and provide its recommendation to the WAPC for determination.

It is further recommended that the Council request that the WAPC consider the advice and recommendations outlined in this Report in its determination of the proposed Structure Plan.
Officer Recommendation

That Council APPROVES the following recommendations to the Western Australian Planning Commission, with respect to the proposed Structure Plan Amendment prepared over Lot 805 Mandurah Road, Karnup:

1. The proposed Structure Plan should not be approved until such time as the following matters have been satisfactorily addressed:
   (i) That a ‘T’ junction access point be provided to Paganoni Road west of the railway bridge. The access point is to accommodate left-in, left-out and right-out movements.
   (ii) That a left-in, left-out access point be provided to Mandurah Road opposite Crystaluna Drive, taking into account a possible reconfiguration of the intersection to a full four-way intersection in the future. This intersection will also require the construction of a ‘sea gull’ traffic island in the Mandurah Road median.
   (iii) The Traffic Report and Part One Implementation Section of the Structure Plan being amended to account for the requirement to upgrade Paganoni Road at subdivision stage.
   (iv) That an Integrator Arterial (dual carriageway) profile reservation be provided for the access to Paganoni Road and the Mandurah Road/Crystaluna Drive intersection.
   (v) That the Aquamarine Parade road reserve accommodate a 25.2m ‘Integrator B Town Centre Main Street’ profile road. This road profile must ensure the provision for right hand turning pockets to be accommodated within medians northward from the POS area C2 roundabout.
   (vi) That the road reservation abutting the proposed acoustic attenuation wall to the Perth to Mandurah Rail Line satisfy the Safe Systems (safer roads / roadsides) requirements adopted by the Council.
   (vii) That the Traffic Report be amended to:
      - outline a requirement for traffic calming measures to be designed and implemented to the satisfaction of the City of Rockingham at subdivision stage.
      - address a number of minor discrepancies relating to road reserve widths which are recommended to be modified consistent with LN requirements.
   (viii) The alignment of the road connection to the Paganoni Road through the Parks and Recreation reserve be located to minimise loss of remnant vegetation.
   (ix) That the Environmental Assessment Report be modified to include an overlay of the Indicative Earthworks Plan, the Potential Black Cockatoo Habitat Map and the Structure Plan Map to identify if there is potential to retain habitat trees in areas of POS that are not impacted upon by earthworks within Lot 805.
   (x) That Part One Implementation Section be amended to require that a Tree Protection Management Plan will be submitted to the City and the Western Australian Planning Commission at subdivision stage, with satisfactory arrangements being made for the implementation of the approved plan. The Plan is to ensure the protection and management of significant trees on the site identified for retention.
   (xi) The Structure Plan be amended to provide medium density laneway lots along Aquamarine Parade within the 800m radius of the future Karnup Railway Train Station.
   (xii) That the Structure Plan be amended to remove the narrow connection at the south eastern corner of POS C2 and that local road be provided to the eastern edge of the POS to improve surveillance of this space.
   (xiii) The Bushfire Management Plan be amended to address the requirements of the Guidelines for Planning in Bushfire Prone Areas (December 2015).
(xiv) That the Structure Plan Report be amended to comply with the requirements of the Structure Plan Framework, and to correct and update to the documentation as set out in this Report.

2. In the event that the proposed Structure Plan is modified in order to address the matters raised by the Council, the City be consulted prior to the proposal being determined by the Western Australian Planning Commission.

3. Determination of the Structure Plan should consider the advice and recommendations outlined in this report.

Committee Recommendation

Moved Cr Hamblin, seconded Cr Whitfield:

That Council APPROVES the following recommendations to the Western Australian Planning Commission, with respect to the proposed Structure Plan Amendment prepared over Lot 805 Mandurah Road, Karnup:

1. The proposed Structure Plan should not be approved until such time as the following matters have been satisfactorily addressed:
   (i) That a ‘T’ junction access point be provided to Paganoni Road west of the railway bridge. The access point is to accommodate left-in, left-out and right-out movements.
   (ii) That a left-in, left-out access point be provided to Mandurah Road opposite Crystaluna Drive, taking into account a possible reconfiguration of the intersection to a full four-way intersection in the future. This intersection will also require the construction of a ‘sea gull’ traffic island in the Mandurah Road median.
   (iii) The Traffic Report and Part One Implementation Section of the Structure Plan being amended to account for the requirement to upgrade Paganoni Road at subdivision stage.
   (iv) That an Integrator Arterial (dual carriageway) profile reservation be provided for the access to Paganoni Road and the Mandurah Road/Crystaluna Drive intersection.
   (v) That the Aquamarine Parade road reserve accommodate a 25.2m ‘Integrator B Town Centre Main Street’ profile road. This road profile must ensure the provision for right hand turning pockets to be accommodated within medians northward from the POS area C2 roundabout.
   (vi) That the road reservation abutting the proposed acoustic attenuation wall to the Perth to Mandurah Rail Line satisfy the Safe Systems (safer roads / roadsides) requirements adopted by the Council.
   (vii) That the Traffic Report be amended to:
       - outline a requirement for traffic calming measures to be designed and implemented to the satisfaction of the City of Rockingham at subdivision stage.
       - address a number of minor discrepancies relating to road reserve widths which are recommended to be modified consistent with LN requirements.
   (viii) The alignment of the road connection to the Paganoni Road through the Parks and Recreation reserve be located to minimise loss of remnant vegetation.
   (ix) That the Environmental Assessment Report be modified to include an overlay of the Indicative Earthworks Plan, the Potential Black Cockatoo Habitat Map and the Structure Plan Map to identify if there is potential to retain habitat trees in areas of POS that are not impacted upon by earthworks within Lot 805.
   (x) That Part One Implementation Section be amended to require that a Tree Protection Management Plan will be submitted to the City and the Western Australian Planning Commission at subdivision stage, with satisfactory arrangements being made for the implementation of the approved plan. The Plan is to ensure the protection and management of significant trees on the site identified for retention.
   (xi) The Structure Plan be amended to provide medium density laneway lots along Aquamarine Parade within the 800m radius of the future Karnup Railway Train Station.
(xii) That the Structure Plan be amended to remove the narrow connection at the south eastern corner of POS C2 and that local road be provided to the eastern edge of the POS to improve surveillance of this space.

(xiii) The Bushfire Management Plan be amended to address the requirements of the Guidelines for Planning in Bushfire Prone Areas (December 2015).

(xiv) That the Structure Plan Report be amended to comply with the requirements of the Structure Plan Framework, and to correct and update to the documentation as set out in this Report.

2. In the event that the proposed Structure Plan is modified in order to address the matters raised by the Council, the City be consulted prior to the proposal being determined by the Western Australian Planning Commission.

3. Determination of the Structure Plan should consider the advice and recommendations outlined in this report.

Committee Voting – 5/0

The Committee’s Reason for Varying the Officer’s Recommendation

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Purpose of Report

To consider amending Planning Policy 3.3.20 - Residential Design Codes Alternative Acceptable Development Provisions (PP3.3.20), for consistency with State Planning Policy 3.1 - Residential Design Codes (R-Codes), to amend the provisions relating to outbuildings and for secondary street setbacks.

Background

In March 2009, Council adopted PP3.3.20 which provides for alternative acceptable development provisions to the R-Codes.

In March 2011, Council amended PP3.3.20 to include additional alternative acceptable development provisions for ‘Buildings up to a Boundary’ for lots coded R30 and above and a new design element for 'Interaction with Public Spaces'.

Details

The following amendments to PP3.3.20 are proposed:
(a) **R-Codes**

The R-Codes were amended in 2013 and on 23 October 2015. Amendments are proposed to PP3.3.20 to modify the terminology and provisions to be consistent with the amended R-Codes, as follows:

- 'Deemed-to-Comply' provisions in lieu of 'Acceptable Development' provisions;
- 'Design Principles' in lieu of 'Performance Criteria'; and
- 'R-Codes' in lieu of 'The Codes'.

(b) **Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)**

The Regulations were gazetted on 25 August 2015 and took effect on 19 October 2015, replacing the *Town Planning Regulations 1967*. PP3.3.20 terminology is amended to be consistent with the Regulations (e.g. 'Development Approval' in lieu of 'Planning Approval').

(c) **Amended Provisions of PP3.3.20**

The amended Deemed-to-Comply provisions that are proposed are highlighted in red as follows:

**Design Element 5.1.2 C2.2 and Table 1 - Secondary Street Setbacks**

<table>
<thead>
<tr>
<th>Existing Deemed-to-Comply provision: (R-Codes)</th>
<th>Alternative Deemed-to-Comply provision: (PP3.3.20)</th>
</tr>
</thead>
<tbody>
<tr>
<td>In areas coded R15 - R35, buildings setback 1.5m from the secondary street boundary.</td>
<td>For Grouped Dwellings and Single Houses in areas coded R15 - R35 and higher, flat roofed and pitched roofed patios and carports with wall lengths not exceeding 9.0m and wall heights not exceeding 2.7m may be setback a minimum of 0.5m from the secondary street boundary. Eaves not to project into the 0.5m setback.</td>
</tr>
<tr>
<td>In areas coded R40 and higher, buildings setback 1m from the secondary street boundary.</td>
<td></td>
</tr>
</tbody>
</table>

**Design Element 5.4.3, C3 - Outbuildings**

<table>
<thead>
<tr>
<th>Existing Deemed-to-Comply provision: (R-Codes)</th>
<th>Alternative Deemed-to-Comply provision: (PP3.3.20)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collectively do not exceed 60m² or 10 percent in aggregate of the site area, whichever is lesser.</td>
<td>In areas coded R20-R5 to R25, collectively do not exceed 75m².</td>
</tr>
<tr>
<td>Are not within the primary or secondary street setback area and are setback in accordance with Tables 2a and 2b.</td>
<td>Code requirements are not varied by this Policy. Are not within the primary or secondary street setback area. Walls may be built up to a lot boundary behind the street setback, not higher than 2.7m up to a maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback, to two side boundaries, or one side boundary and the rear boundary.</td>
</tr>
</tbody>
</table>

(d) **Delete Design Element**

The design element 'Interaction with Public Spaces' ensures that the major entry of a dwelling is oriented towards the street as this was not previously dealt with by the R-Codes. This design element can be removed from PP3.3.20 as the R-Codes now addresses this through 5.2.3 'Street Surveillance'.

(e) **R-MD Codes**

PP3.3.20 is amended to state that it does not apply to areas where the R-MD Codes are included in approved Structure Plans, as shown in Appendix 2 of PP3.3.22 - Medium-density single house development standards - Development Zones (PP3.3.22.), which was adopted by Council in June 2016. The PP3.3.22 outlines acceptable variations to the R-Codes for medium-density single houses in Development Zones.
The proposed changes to the delegation are required to reflect the Regulations rather than clause 8.10 of TPS2, as follows:

“Applications for Building Permit which comply in all respects with this Policy are Codes Approval exempt, in accordance with c.61(4)(c) of the Planning and Development Regulations 2015 and will be determined under delegated authority, pursuant to the Delegated Authority Register.”

Implications to Consider

a. Consultation with the Community
   Under clause 4(1) of the deemed provisions in the Regulations, if the local government resolves to amend a Planning Policy, the local government must advertise the proposed amendments to the Policy as follows:
   (i) publish a notice of the proposed Policy in a newspaper circulating in the Scheme area giving details of:
       (a) the subject and nature of the proposed amended Policy; and
       (b) the objectives of the proposed amended Policy; and
       (c) where the proposed amended Policy may be inspected; and
       (d) to whom, in what form and during what period submissions in relation to the proposed amended Policy may be made;
   (ii) if, in the opinion of the local government, the Policy is inconsistent with any State Planning Policy, give notice of the proposed Policy to the Commission;
   (iii) give notice of the proposed Policy in any other way and carry out any other consultation the local government considers appropriate.

Under Clause 4(2), the period for making submissions in relation to a local Planning Policy must not be less than a period of 21 days commencing on the day on which the notice of the Policy is published under subclause (1)(a).

b. Consultation with Government Agencies
   Nil

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:
   
   **Aspiration D:** Sustainable Environment
   
   **Strategic Objective:** Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy
   The amended PP3.3.20 must be advertised in accordance with Clause 4(1) (Local Planning Policies) of the Regulations. The Policy changes include operational improvements to the Policy measures and update delegation legislation.

e. Financial
   Nil

f. Legal and Statutory
   Under the deemed provisions (Local Planning Policies) in the Regulations, the Council may prepare, modify or revoke a Planning Policy. If the Council resolves to amend the PP3.3.20, the City is required to publicly advertise the proposed changes for a period of 21 days.
   PP3.3.20 is not part of TPS2, and does not bind the Council in respect of any application for development approval, but the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.
g. **Risk**

All Council decisions are subject to risk assessment according to the City’s Risk Framework. Implications and comment will only be provided for the following assessed risks.

- Customer Service / Project management / Environment: High and Extreme Risks
- Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

<table>
<thead>
<tr>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council’s consent is sought to advertise the proposed amendments to PP3.3.20, following which any public submissions will be considered, before referring the matter back to Council for adoption.</td>
</tr>
</tbody>
</table>

**Secondary Street Setbacks**

In areas coded R40-R60, buildings are required to be setback 1m from the secondary street boundary. The proposed changes to the PP3.3.20 permit lots coded R40 and above to setback patios and carports a minimum of 0.5m from the secondary street boundary, in addition to lots coded R15-R35.

**Outbuildings**

Outbuildings that collectively do not exceed 60m² are permitted under the R-Codes. Under PP3.3.20 outbuildings must not collectively exceed 75m², on lots coded R20-R25. PP3.3.20 is proposed to be amended so that this provision is extended to lots codes R5-R25. The new provision is intended to apply the same allowance to lots coded R5 to R15, which provide larger lot sizes and can accommodate larger outbuildings.

Outbuildings are required to be setback in accordance with Tables 2a and 2b of the R-Codes. PP3.3.20 is proposed to be amended so that outbuildings can be built to two side or rear boundaries, which is permitted for Single Houses and Grouped Dwellings under PP3.3.20.

<table>
<thead>
<tr>
<th>Voting Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simple Majority</td>
</tr>
</tbody>
</table>

**Officer Recommendation**

That Council **ADOPT** the revised (modifications in bold and red) Planning Policy 3.3.20 Residential Design Codes Alternative Deemed-to-Comply Provisions, for the purpose of public advertising.

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Summers:

That Council **ADOPT** the revised (modifications in bold and red) Planning Policy 3.3.20 Residential Design Codes Alternative Deemed-to-Comply Provisions, for the purpose of public advertising:

**PLANNING POLICY 3.3.20**

**RESIDENTIAL DESIGN CODES - ALTERNATIVE ACCEPTABLE DEEMED-TO-COMPLY PROVISIONS**

1. **Introduction**

The City of Rockingham Town Planning Scheme No.2 requires that unless otherwise provided for in the Scheme, all residential development is to be dealt with by the Residential Design Codes ("R-Codes") and is to conform with the R-Codes.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the Council shall have regard to in the assessment and determination of applications for Development Approval and/or a Building Permit, that seek to apply the 'Design Principles' of the R-Codes.

2. **Background**

The R-Codes incorporate a performance-oriented approach, which includes 'deemed-to-comply' provisions and 'design principles'. For instances where a proposal does not comply with the 'deemed-to-comply' provisions, a proposal may be approved if the relevant 'design principles' are satisfied. Design Principles provide different ways of achieving acceptable design outcomes, if consistent with the objectives of the R-Codes.
3. Policy Application

This Policy:

(a) varies certain Deemed-to-Comply provisions applying to all residential development to which the R-Codes apply;

(b) augments the R-Codes by providing additional Deemed-to-Comply provisions; and

(c) does not exempt compliance with other requirements of the R-Codes, the City of Rockingham Town Planning Scheme No. 2, other City Policies and the Building Code of Australia.

Any variations to the Deemed-to-Comply requirements of the R-Codes will be dealt with in the assessment of an application for a Building Permit and applications for Development Approval.

This Planning Policy complies with the scope of Local Planning Policies that may vary or replace the Deemed-to-Comply provisions set out in Part 5 of the R-Codes.

Planning Policy No.3.3.22 - Medium-Density Single House Development Standards - Development Zones (R-MD Codes) outlines acceptable variations to the Residential Design Codes (R-Codes) for medium-density Single Houses in Development Zones. This Planning Policy 3.3.20 does not apply to areas where the R-MD Codes are included in approved Structure Plans, as shown in Appendix 2 of Planning Policy 3.3.22.

4. Policy Objective

The objectives of this Planning Policy are as follows:

(a) To promote the orderly and proper development of land by making suitable provisions relating to the design and siting of residential development.

(b) To secure the privacy and amenity of the locality through appropriate development requirements.

(c) To vary the Deemed-to-Comply provisions of the R-Codes and augment the R-Codes by providing additional variations in the circumstances described in the policy statement.

5. Policy Statement

5.1 Where a proposal meets as relevant the following alternative Deemed-to-Comply provisions, the City will consider the Design Principles relating to that aspect of the development under the R-Codes as being satisfied, without the need for consultation with adjoining/adjacent owners.

5.2 Where a proposal for a Single House or two Grouped Dwellings, including any outbuildings meets the additional Deemed-to-Comply provisions of this policy, and/or the Deemed-to-Comply provisions of the R-Codes, the proposal will not require Development Approval (clause 6.1.2(c) of TPS2).

5.3 Where a proposal as relevant does not meet all of the following alternative Deemed-to-Comply provisions, the City will consider the proposal at its discretion, in accordance with the relevant Design Principles under the R-Codes, having regard to Clause 2.5.1 of the R-Codes.

5.4 Design Element 5.1.2, C2.2 and Table 1- Secondary Street Setbacks

<table>
<thead>
<tr>
<th>Existing Deemed-to-Comply provisions:</th>
<th>Alternative Deemed-to-Comply provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>In areas coded R15 – R35, buildings set back 1.5m from the secondary street boundary.</td>
<td>For Grouped Dwellings and Single Houses in areas coded R15 and higher, flat roofed and pitched roofed patios and carports with wall lengths not exceeding 9.0m and wall heights not exceeding 2.7m may be setback a minimum of 0.5m from the secondary street boundary. Eaves not to project into the 0.5m setback.</td>
</tr>
<tr>
<td>In areas coded R40 and higher, buildings setback 1m from the secondary street boundary.</td>
<td></td>
</tr>
</tbody>
</table>
5.5  Design Element 5.1.3, C3.2- Building up to a Lot Boundary

<table>
<thead>
<tr>
<th>Existing Deemed-to-Comply provisions:</th>
<th>Alternative Deemed-to-Comply provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>In areas coded R20 and R25, walls built up to a lot boundary behind the street setback line. The street setback line in areas coded R20 and R25 is 6m from the primary street.</td>
<td>In areas coded R20 and R25, garage walls may be built up to a lot boundary, a minimum of 4.5m from the primary street.</td>
</tr>
</tbody>
</table>

5.6  Design Element 5.1.3 - Buildings up to a Lot Boundary

*Note: The term 'up to a lot boundary' means a wall, on or less than 600mm, from any lot boundary, other than a street boundary.*

<table>
<thead>
<tr>
<th>Existing Deemed-to-Comply provisions:</th>
<th>Alternative Deemed-to-Comply provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>In areas coded R20 and above, walls not higher than 3.5m with an average height of 3m or less, up to a maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback, to one side boundary only.</td>
<td>In areas coded R20 and R25, walls not higher than 3.5m with an average height of 3m or less, up to a maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback, to two boundaries.</td>
</tr>
<tr>
<td>In areas coded R30 and higher, walls not higher than 3.5m with an average height of 3m for two-thirds the length of the balance of the lot boundary behind the front setback, to one side boundary only.</td>
<td>In areas coded R30 and higher, walls not higher than 3.5m with an average height of 3m for two-thirds the length of the balance of the lot boundary behind the front setback, to two boundaries.</td>
</tr>
</tbody>
</table>

5.7  Design Element 5.4.3 - Outbuildings

<table>
<thead>
<tr>
<th>Existing Deemed-to-Comply provisions:</th>
<th>Alternative Deemed-to-Comply provisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collectively do not exceed 60m$^2$ or 10 percent in aggregate of the site area, whichever is lesser.</td>
<td>In areas coded R5 to R25, collectively do not exceed 75m$^2$.</td>
</tr>
<tr>
<td>Do not exceed a wall height of 2.4m</td>
<td>Do not exceed a wall height of 2.7m.</td>
</tr>
<tr>
<td>Are not within the primary or secondary street setback area and are setback in accordance with Tables 2a and 2b.</td>
<td>Are not within the primary or secondary street setback area. <strong>Walls may be built up to a lot boundary behind the street setback, not higher than 2.7m up to a maximum length of the greater of 9m or one-third the length of the balance of the lot boundary behind the front setback, to two side boundaries, or one side boundary and the rear boundary.</strong></td>
</tr>
</tbody>
</table>

6.  Application Procedure

Where an application for Development Approval or an application for a Building Permit complies with this policy, an R-Codes approval application form is not required.

7.  Authority

This Planning Policy has been adopted by the Council under Clause 4 of the deemed provisions in the Regulations and whilst it is not part of the Town Planning Scheme No.2 and does not bind the Council in respect of any application for Development Approval, the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

8.  Interpretations

For the purposes of this Planning Policy, the following terms shall have the same meaning as in Town Planning Scheme No.2:
**Council** means the Council of the City of Rockingham.

**Residential Design Codes (R-Codes)** means State Planning Policy 3.1 Residential Design Codes, as amended from time to time.

For the purposes of this Planning Policy, the following term shall have the same meaning as in the Residential Design Codes:

- **Deemed-to-Comply** means a proposal, or a component of a proposal, that complies with the Deemed-to-Comply provisions of the R-Codes, or an adopted local planning policy.
- **Buildings up to a Lot Boundary** means a wall, on or less than 600mm, from any lot boundary, other than a street boundary.
- **Garage** means any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling.
- **Outbuilding** means an enclosed non-habitable structure that is detached from any dwelling.
- **Design Principles** means specific design objectives for each element of the R-Codes which are to be met by all residential development in Western Australia and are to be used in the preparation, submission and assessment of proposals for the purpose of determining their compliance with the R-Codes. A proposal is required to demonstrate compliance with Design Principles where it does not satisfy the corresponding Deemed-to-Comply provisions.

9. Consultation

Consultation with neighbours is not required where an application complies with this policy.

10. Delegation

Applications for Building Permit which comply in all respects with this Policy are Codes Approval exempt, in accordance with c.61(4)(c) of the Planning and Development Regulations 2015 and will be determined under delegated authority, pursuant to the Delegated Authority Register.

11. Adoption

This Planning Policy was originally adopted by the Council at its ordinary Meeting held on 24 March 2009.

12. Amendment

This Planning Policy was amended by the Council at its ordinary Meeting held on 22 March 2011 and ________________.

Committee Voting – 5/0

**The Committee’s Reason for Varying the Officer’s Recommendation**

Not Applicable

**Implications of the Changes to the Officer’s Recommendation**

Not Applicable
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-048/16 Proposed Plant Nursery and Rural Pursuit</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2016.00000204.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr G and Mrs M Simmonds</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr V Elezovich</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Keara Freeley, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Miss Donna Shaw, Senior Planning Officer</td>
</tr>
<tr>
<td></td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 August 2016</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 888 (No.77) Fletcher Road, Karnup</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>2.1ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Rural</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Rural</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Schedule of Submissions</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
</tr>
<tr>
<td></td>
<td>3. Site Plan</td>
</tr>
<tr>
<td></td>
<td>4. Photo of Existing Dwelling and Shed and Adjoining Property to the North</td>
</tr>
<tr>
<td></td>
<td>5. Aerial Photo of Location of Crossover</td>
</tr>
<tr>
<td></td>
<td>6. Photo Looking South (Existing Market Garden)</td>
</tr>
<tr>
<td></td>
<td>7. Consultation Plan</td>
</tr>
</tbody>
</table>
Purpose of Report

To consider an application seeking Development Approval for a Plant Nursery and Rural Pursuit at Lot 888 (No.77) Fletcher Road, Karnup.
Background

The subject land has previously been used for market gardening purposes.

Details

The applicant seeks approval to establish a Plant Nursery and Rural Pursuit on the subject site, which will include native and exotic species. The site is currently vacant and approximately 50% is covered by various weed species. There is one existing Tuart tree onsite, which is to be retained and is located adjacent to the existing dwelling.

The site is flat and contains an existing small dwelling and shed located to the northern side of the property. The lot is surrounded by rural and rural/residential land uses. There is an operating market garden on the adjoining lot to the south, Lot 18 (No.89) Fletcher Road, which grows spring onions. There is a Cattery that operates on the adjoining land to the north, Lot 100 (No.69) Fletcher Road.

The details of the application are as follows:

- During the first 12 months of operation, it is intended to commence growing stock over an area of approximately 5,000m², on the front portion of the lot;
- The majority of the area will be used for above-ground potted plantings, with the exception of a plant display area up to 1,000m² in area. Pot sizes will range from 60mm diameter to 300L capacity;
- The driveway will be relocated 45m south from the existing driveway. A parking area is proposed, which will accommodate 26 car bays, including 2 universally accessible bays;
- A vegetated buffer is proposed around the boundaries of the lot to prevent any spray drift and to protect the amenity of the neighbouring properties;
- A wire and shade cloth windbreak screen is proposed behind the plant nursery area, across the centre of the lot;
- After 1 - 3 years, the applicants intend to open on weekends or by appointment from 8:00am to 4:00pm;
- After 3 years, it is intended to open the Plant Nursery 7 days a week from 8:00am to 5:00pm;
- After 3 years, subject to a further application for Development Approval, the Plant Nursery stock will be expanded to 15,000m², to include the full development of the site; and
- The nursery will be run by the applicants, who intend to reside onsite part-time in the existing residence.

The applicant has provided a Nutrient and Irrigation Management Plan (NIMP) in support of the proposal (which is to the satisfaction of the City's Environment Team).
4. Existing Dwelling and Shed and Adjoining Property to the North

5. Location of Crossover
6. Looking South (Existing Market Garden)

**Implications to Consider**

a. **Consultation with the Community**

The application was referred to adjacent and nearby property owners and occupiers, in accordance with Clause 6.3 of Town Planning Scheme No.2 (TPS2), for a period of 14 days. At the close of the advertising period, four submissions objecting to the proposal were received. A consultation plan is depicted below:

![Consultation Plan](image)

7. Consultation Plan
The key points raised in the submissions, along with the City's comments, are provided below:

(i) Chemical spray;
(ii) Noise of machinery;
(iii) Traffic and road maintenance;
(iv) Safety of Access and Egress;
(iv) Potential complaints from customers visiting the Plant Nursery relating to spray drift, noise and odour from the existing market garden on the adjoining lot;
(v) Need for barrier between properties to prevent chemical drift and to provide a visual screen; and
(vi) Consistency of the development with the Western Australian Planning Commissions draft Perth and Peel @ 3.5 million documents.

### Traffic

#### Submission:

(i) Concerned with the impact this development could have upon vehicular traffic safety due to the number of vehicles and the location of the entrance being on the brow of a hill.

#### Proponent’s Response:

The property is on a 'No Through Road' with minimal traffic. We don't expect a large customer base and we believe there will be no notable changes. We believe the current entrance to the property to be in an appropriate area.

#### City’s Comment:

The scale of the proposed development is within the existing capacity of the road network and will not create vehicle numbers that will have an adverse effect on the condition of the road and traffic safety.

Following concerns raised in the submission's, regarding the original crossover being at the brow of a hill, the City's Engineering Technical Officer recommended that the accessway was required to be relocated further south. AS2890.1 - Parking facilities - Off-street car parking, requires a minimum sight distance of 111m, as the speed limit is 80km/h. The existing crossover provides a 70m sight distance; therefore the entrance is required to be moved at least 41m south.

The applicants have amended the plan to relocate the crossover accordingly.

### Amenity

#### Submission:

(i) A buffer is required to ensure pesticides and herbicides do not blow onto other properties and to ensure that the development will not adversely impact on the visual amenity of the area.

#### Proponent’s Response:

With regard to the use of chemicals, minimal chemical use is expected with no wind drift. Minimal chemicals will be used and if so will be in strict accordance with their registration. Organic products such as white oil will be used wherever possible. Should any product require the use of a chemical, control and application will be by best practise.

We intend to grow boundary screen plants around the property and also establish display gardens within the boundary, softening and beautifying the property.

#### City’s Comment:

Under the City's Rural land Strategy, development is required to be setback 10m from the side and rear boundaries and 30m from the primary street. Additionally, the Department of Health (DoH) has Guidelines for the Separation of Agricultural and Residential Land Uses.
A vegetative buffer in accordance with a landscaping plan to the satisfaction of the City, is recommended to be planted and established within the setback areas, prior to the Plant Nursery commencing. The vegetative buffer along with the required firebreak, on the applicant's property, will provide a reasonable measure to address spray drift and visual amenity concerns.

Recommendation 1:

A landscaping plan being submitted and approved by the City, to include a vegetative buffer, to be established within the side, rear and front setback areas, prior to the occupation of the development. The plan is to include the location and spacing of trees and shrubs and a list of tree and shrub species.

Submission:

(ii) The land use is incompatible with adjoining land uses. The plant nursery will be located adjacent to an operating Market Garden that has been operating for 16 years.

Proponent’s Response:

Our boundary line will be fenced with a 1.8m wire fence with shade cloth attached where appropriate and boundary screen plants at our cost. In the longer term our plan was to open up to 7 days a week but this is solely up to market conditions and is some years away. Please note that public will only have access to the front half of the property.

My work as Golf Course Superintendent at Meadow Springs Golf and Country Club, dealing with over 200 adjoining neighbours tells me spray programs can be carried out with minimal impact on neighbours with planning and consideration.

As explained we are a husband and wife team who have dreamed of this venture for many years. We have been growing stock for years to start up a boutique nursery and feel this property is ideally suited and these issues can be resolved amicably between neighbours.

City's Comment:

As detailed in Recommendation 1 above, a vegetative buffer is recommended to be planted and established prior to the Plant Nursery commencing.

The vegetative buffer along with the required firebreak, on the applicant’s property, will provide a reasonable measure to address spray drift from the existing Market Garden.

Submission:

(iii) Noise of machinery will impact on the amenity of surrounding properties.

Proponent’s Response:

Very little machinery will be used. Most potted plants will be manoeuvred with trollies or by hand, only bigger pots will need the help of a tractor to move, less than a market garden.

City’s Comment:

The applicant's response is considered to sufficiently address this concern. To ensure that noise will not impact the amenity of surrounding properties, a condition is recommended to restrict the use of machinery between the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 5:00pm Sunday and public holidays, for the duration of the development. An advice note will also be applied to approval, advising of the requirement to comply with the Environmental Protection (Noise) Regulations 1997.

Consistency with Planning Legislation

Submission:

(i) Await the Direction 2031 process for the Perth and Peel region which is due to be released by the Department of Planning within a few months, to ensure that the proposed development is consistent with the report.
Proponent’s Response:
In regard to the WA Department of Planning, that is a matter for the City of Rockingham to consider.

City’s Comment:
The subject site is zoned as ‘Rural Residential’ in the draft WAPC South Metropolitan Peel Sub-regional Planning Framework. The site is zoned Rural and a Plant Nursery and a Rural Pursuit are discretionary uses in this zone, meaning that the use is not permitted unless the local government has exercised its discretion by granting planning approval. Therefore the proposed use can be considered under the current zoning of the land.

b. Consultation with Government Agencies
The site is adjacent a railway reservation, and was therefore referred to the Public Transport Authority (PTA) for comment. The application was also referred to the Department of Water (DoW), the Department of Environment Regulation (DER) and the Department of Parks and Wildlife (DPAW) due to the proximity of the site to Anstey Swamp and on the basis of the potential of the development to cause environmental impacts.

The following responses were received:

<table>
<thead>
<tr>
<th>1. Public Transport Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) The PTA has no objections to the proposal, on the proviso that drainage from the lot be directed away from the rail reserve.</td>
</tr>
<tr>
<td><strong>Proponent’s Response:</strong></td>
</tr>
<tr>
<td>Noted.</td>
</tr>
<tr>
<td><strong>City’s Comment:</strong></td>
</tr>
<tr>
<td>A condition of Development Approval requiring all drainage to be contained onsite is recommended.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Department of Water</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) The DoW has no objection to the proposal and recommends the following conditions:</td>
</tr>
<tr>
<td>1. Drainage systems should be designed and constructed consistent with the Stormwater Management Manual for Western Australia; and</td>
</tr>
<tr>
<td>2. The nursery should be managed in accordance with the best management practices described in the DoW’s Water Quality Protection Note 32 Nurseries and garden centres (WQPN 32). WQPN 32 advises on minimising fertiliser application, efficient irrigation, construction and management.</td>
</tr>
<tr>
<td>Furthermore, the DoW provides the following advice:</td>
</tr>
<tr>
<td>(i) The proposed development is located in the Stakehill Groundwater Area. A high proportion of groundwater in the Stakehill Groundwater Area is currently allocated. New developments and proposed land uses requiring groundwater should identify and potentially secure fit-for-purpose water early in the planning process by consulting with DoW.</td>
</tr>
<tr>
<td><strong>Proponent’s Response:</strong></td>
</tr>
<tr>
<td>Noted.</td>
</tr>
<tr>
<td><strong>City’s Comment:</strong></td>
</tr>
<tr>
<td>A condition of Development Approval requiring all drainage to be contained on site is recommended. An advice note will be attached to the approval addressing the other matters raised.</td>
</tr>
</tbody>
</table>
3. Department of Environmental Regulation

Submission:
The Department has no comment regarding emissions and/or discharges relating to this proposal.

City's Comment:
Noted.

4. Department of Parks and Wildlife

Submission:
The Department of Parks and Wildlife has no comments on the application.

City's Comment:
Noted.

c. Strategic
   Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:

Aspiration D: Sustainable Environment

Strategic Objective: Land Use and Development Control - Planning for population growth and guiding development to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy

Planning Policy No. 3.1.1 - Rural Land Strategy (PP3.1.1)

PP3.1.1 provides the basis for land use planning in the rural area of the district. In particular, it provides Council with a planning framework for its assessment of proposals to rezone, subdivide, manage and develop rural land in the City.

The subject property is located within ‘Planning Unit 4’ of PP 3.1.1. The primary objective of this Planning Unit is to encourage special rural/special residential development which recognises and enhances the landscape and natural resource attributes of the unit and provides a natural viewshed to Mandurah Road and a rural context to proposed urban development to the east. The proposed Plant Nursery and Rural Pursuit are consistent with a special rural/special residential land use; a Rural Pursuit is not permitted in the Special Rural zone, unless approval is granted by the Council. Additionally, the development will not prevent any special rural/special residential development from occurring in the future and it does not compromise the rural context to urban development to the east.

e. Financial

Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

Clause 3.2 - Zoning and Permissibility

Plant Nursery is interpreted under TPS2 as follows:

“means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticultural and garden activities”

Rural Pursuit is interpreted under TPS2 as follows:

“means any premises used for:
(a) the rearing or agistment of animals;
(b) the stabling, agistment or training of horses;
(c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or

(d) the sale of produce grown solely on the lot,

but does not include agriculture - extensive or agriculture - intensive.

A Plant Nursery and a Rural Pursuit are not permitted within the Rural Zone, unless Council has exercised its discretion by granting Development Approval.

Clause 4.11 - Rural Zone

Clause 4.11.1 - Objectives

The objective of the Rural Zone is to preserve land for farming and foster semirural development, which is sympathetic to the particular characteristics of the area in which it is located.

The proposal is considered to be consistent with the objective of the Rural zone, as it provides an agricultural type use.

Clause 4.11.2 (a) Setbacks

TPS2 requires all development to be setback 30m from Fletcher Road and 10m from all other boundaries.

The development is proposed to be located within the setback areas. As such, it is recommended that a vegetated buffer is established within the setback areas, prior to the occupation of the development.

Clause 4.15 - Carparking

Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table No.2 of TPS2.

The parking requirements for a Plant Nursery are 1 bay per 200m² of outdoor display area. 5,000m² of outdoor display area proposed under the current proposal, which equates to 25 car bays. 26 bays have been provided including 2 universally accessible bays.

Clause 6.6 - Matters to be considered by Council

Clause 6.6 of TPS2 provides matters to be considered by Council when considering an application for Planning Approval which include, but are not limited to:

"(i) The likely effect of the proposal on the natural environment and any means that are proposed to protect or mitigate impacts on the natural environment;

(ii) The preservation of the amenity of the locality;

(iii) The relationship of the proposal to the development of adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;

(iv) Any relevant submissions received on the application; and

iv) The comments or submissions received from any authority consulted."

It is considered that any impacts of the Plant Nursery on the natural environment, the amenity of the locality and the adjoining land can be mitigated.

g. Risk

All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks

Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The proposed Plant Nursery and Rural Pursuit are considered to be compliant with the relevant Policy framework and any potential adverse impacts associated with the development can be managed via conditions of approval.
The proposal is considered to be compatible with the surrounding land uses, through the implementation of a vegetative buffer within the setback areas. It is not considered that the proposal will have a detrimental impact on the environment or the amenity of the locality. The proposed development is therefore recommended for conditional approval.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVES** the Plant Nursery at Lot 888 (No.77) Fletcher Road, Karnup.

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Summers:

That Council **APPROVES** the Plant Nursery at Lot 888 (No.77) Fletcher Road, Karnup, subject to the following conditions:

1. All development must be carried out in accordance with the approved plan as listed below and including any amendments to that plans as shown in red:
   - Site Plan, received 27.07.2016
2. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.
3. All stormwater must be contained and disposed of on-site at all times.
4. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to the occupation of the development:
   - the vegetative buffer to be installed within the side, rear and front setback areas;
   - the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   - any lawns to be established;
   - any natural landscape areas to be retained;
   - those areas to be reticulated or irrigated; and
   - verge treatments.

   The landscaping must be completed prior to the commencement of the Plant Nursery operating and must be maintained at all times to the satisfaction of the City
5. The carpark must:
   - 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;
   - include 2 car parking space(s) dedicated to people with disability 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;
   - provide a minimum of 24 parking bays; and
   - be constructed, sealed, kerbed, drained 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.
6. The existing crossover must be removed and the verge must be reinstated to the satisfaction of the City, prior to the occupation of the development.
7. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
8. 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 erecting any signage and implemented as such for the duration of the development.

9. The development must be carried out in accordance with the Nutrient Irrigation Management Plan dated July 2016, at all times.

10. Manure and any other odour causing mulch/soils must be stored in sealed containers or bags when on-site.

11. No soil blending or composting is permitted on site.

12. Clients and customers arrival and departure times are limited to the hours of 8.00am to 5.00pm from Monday to Sunday.

13. Access of service vehicles or operation of forklifts is be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 5:00pm Sunday and public holidays, for the duration of the development.

14. Deliveries are not permitted prior to 9.00am on Sundays and Public Holidays;

15. The use of machinery is be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 5:00pm Sunday and public holidays, for the duration of the development.

Advice Notes:

(i) The crossover must be to the specifications of the City; the applicant should liaise with the City's Engineering Services in this regard.

(ii) Existing onsite waste water treatment must not be paved over or in a trafficable area

(iii) A Permit to Take Water for the use of groundwater may need to be obtained; the applicant should liaise with the Department of Water in this regard.

(iv) Drainage systems should be designed and constructed consistent with the Stormwater Management Manual for Western Australia, prepared by the Department of Water.

(v) The nursery should be managed in accordance with the best management practices described in the Department of water's Water Quality Protection Note 32 Nurseries and garden centres (WQPN 32). WQPN 32 advises on minimising fertiliser application, efficient irrigation, construction and management.

(vi) The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City's Health Services for information on confirming requirements.

(vii) With respect to condition No.4, the applicant and owner should liaise with the City's Land Infrastructure and Development department to confirm requirements for landscaping plans. The following information is provided as a guide regarding the vegetative buffer to be established on the southern boundary adjacent to existing market garden.

The vegetative buffer should:

(a) be located as close as practicable to the point of release of the spray;

(b) contain random plantings of a variety of tree and shrub species of differing growth habitats, at spacing's of 4m to 5m;

(c) include species with long, thin (needle-like) and rough (furry/hairy) foliage which facilitates the more efficient capture of spray droplets and which are fast growing and hardy;

(d) foliage should be from the base to the crown; mixed plantings of trees may be required to ensure there are no gaps in the lower canopy;

(e) provide a permeable barrier which allows air to pass through the buffer – a porosity of 0.5 is acceptable (that is, approximately 50 per cent of the screen should be air space);

(f) have a mature tree height twice the height of the spray release height; and

(g) have mature height and width dimensions which do not detrimentally impact upon adjacent crop land.

Committee Voting – 5/0
**The Committee's Reason for Varying the Officer's Recommendation**

Not Applicable

**Implications of the Changes to the Officer’s Recommendation**

Not Applicable
## Planning and Development Services
### Statutory Planning Services

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>PDS-049/16 Proposed Building Envelope Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>DD024.2016.00000006.001</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Mr Ian and Mrs Rhonda Findlay</td>
</tr>
<tr>
<td><strong>Owner:</strong></td>
<td>Mr Ian and Mrs Rhonda Findlay</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Miss Keara Freeley, Planning Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Miss Donna Shaw, Senior Planning Officer</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>15 August 2015</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td>Tribunal</td>
</tr>
<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td>Tribunal</td>
</tr>
</tbody>
</table>

| **Site:**                  | Lot 1020 (No.60) Peelfold Glen, Golden Bay     |
| **Lot Area:**              | 2,368m²                                        |
| **LA Zoning:**             | Special Residential                            |
| **MRS Zoning:**            | Rural                                          |

### Attachments:

1. Location Plan
2. Aerial Photograph
3. Photo of Tuart tree at rear of Building Envelope
4. Existing and Proposed Building Envelope Plan
5. Consultation Plan
1. Location Plan

2. Aerial Photograph
Purpose of Report

To consider an application to vary the approved Building Envelope at Lot 1020 (No.60) Peelfold Glen, Golden Bay.

Background

In June 2014, the Western Australian Planning Commission (WAPC) granted approval to subdivide Lots 135-137, 151 and 9004 Gaze Grove, Lots 133,138, 140-145 Peelfold Glen and Lots 146-150 and 9003 Ayrton Court, Golden Bay into 31 lots. As part of the subdivision process Building Envelopes were identified for the proposed lots.

The approved Building Envelope is set back 12m from the western boundary, 2.9m from the northern boundary, 2m from the southern boundary, and 16.3m from the eastern boundary.

The topography of the lot is generally flat, but slopes upwards to the rear of the lot. The lot is predominantly clear of vegetation with the exception of three tuart trees, one in front of the dwelling and two to the rear.

Details

The applicant seeks approval to increase the size of the approved Building Envelope from 600m² to 660m² (an increase of 10%) by extending it by 3m to the rear. The modification of the Building Envelope is to allow for the construction of a shed.

The applicant has provided the following justification for the proposal:

- There will be no adverse impact on privacy or amenity of the subject or adjoining properties; and
- No vegetation will be removed.

Arborist’s advice was sought on the Building Envelope modification as there is a Tuart tree to the rear of the property, which has previously been pruned as required by the Bushfire Management Plan for the Peelfold Estate. The advice provided by the Arborist is as follows:

“I have viewed and assessed the Tuart tree in mention and can advise that in my opinion, this Tuart tree could easily sustain pruning and removal of branches overhanging the proposed garage location. There is no foliage of this Tuart that overhangs the proposed shed location, the tree will however need some crown restoration and re-structure in 2-3 years’ time. Mulching and fertilising of the trees absorbing root zone is vital to assist in positive tree health and retention. The health of the tree will need to be monitored annually to ensure tree health and management is maintained.”
3. Tuart tree at rear of Building Envelope
4. Existing and Proposed Building Envelope Plan
Implications to Consider

a. Consultation with the Community

In accordance with Clause 6.3.3 of Town Planning Scheme No.2 (TPS2) and Planning Policy 3.3.17 – Variations to Building Envelopes, Building Envelopes may be varied at the discretion of the Council, only after consultation with the owners of affected or adjoining properties. The application was referred to the two adjacent property owners for a period of 14 days as shown on the Consultation Plan below. At the close of the advertising period, no submissions were received.

b. Consultation with Government Agencies

Not Applicable

c. Strategic

Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:

**Aspiration D:** Sustainable Environment

**Strategic Objective:** Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.
**d. Policy**

**Planning Policy 3.3.17 – Variations to Building Envelopes (PP3.3.17)**

The following is an assessment against the relevant requirements of PP3.3.17.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application complies with TPS2.</td>
<td>Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.</td>
<td>Yes</td>
</tr>
<tr>
<td>It is demonstrated that the varied Building Envelope will not result in an adverse environmental impact.</td>
<td>The Tuart tree to the rear of the Building Envelope is required to be pruned to ensure that it will not overhang the proposed shed. The applicant sought advice from an Arborist who has stated that the tree can sustain further pruning to remove the branches that are overhanging the proposed garage location. The City's Environmental Planning Officer supports the advice provided by the Arborist.</td>
<td>Yes</td>
</tr>
<tr>
<td>It is demonstrated that the varied Building Envelope will not result in an unacceptable level of bushfire risk.</td>
<td>The Bushfire Management Plan (BMP) approved for the subdivision required all buildings to be constructed to a Bushfire Attack Level (BAL) of 19 and the installation of 20m wide Asset Protection Zone (APZ). The dwelling was not constructed to a BAL, therefore the shed is not required to be constructed to these standards. To ensure compliance with the APZ, the tree to the rear of the Building Envelope is required to be pruned, and the shed should not contain any flammable materials, which can be conditioned at Development Application stage.</td>
<td>Yes</td>
</tr>
<tr>
<td>There are no unacceptable amenity impacts to neighbours.</td>
<td>The amendment was referred to the adjoining neighbours and no objections were received. The modification for the shed will have minimal effect on the neighbouring properties.</td>
<td>Yes</td>
</tr>
<tr>
<td>The variation results only in a minor increase in the size of the approved Building Envelope. An increase up to a maximum of 10% of the area of the original approved Building Envelope will be considered.</td>
<td>The Building Envelope variation proposes an increase of 10%.</td>
<td>Yes</td>
</tr>
<tr>
<td>Building Envelopes are to be of a regular shape and comprise one single contiguous area.</td>
<td>The proposed Building Envelope is of a regular shape and comprises one single contiguous area.</td>
<td>Yes</td>
</tr>
<tr>
<td>The location of the envelope must maintain the rural attributes and appearance of the land, looking westward from Mandurah Road and looking east from the suburbs of Singleton and Golden Bay.</td>
<td>The proposed modification does not require the removal of any vegetation and the rural attributes and appearance of the land will not be compromised.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Planning and Engineering Services Committee Minutes  
Monday 15 August 2016
PDS-049/16

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 19 SEPTEMBER 2016

PRESIDING MEMBER

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 19 SEPTEMBER 2016

PRESIDING MEMBER

e. Financial
   Nil

f. Legal and Statutory
   Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.

   All Council decisions are subject to risk assessment according to the City’s Risk Framework.
   Implications and comment will only be provided for the following assessed risks:
   Customer Service / Project management / Environment: High and Extreme Risks
   Finance / Personal Health and Safety: Medium, High and Extreme Risks
   Nil

   Comments
   The proposed Building Envelope complies with TPS2 and PP3.3.17. There are no adverse environmental impacts associated with the proposed Building Envelope, as confirmed by the advice provided by the Arborist. The modification will also not result in an increased fire risk. The impact of the proposed Building Envelope in comparison to the approved Building Envelope, on the amenity of neighbouring properties, is considered minimal given no vegetation is adversely affected and no objections were raised to the proposal by adjoining owners. It is recommended that the proposed Building Envelope be approved.

   Voting Requirements
   Simple Majority

   Officer Recommendation
   That Council APPROVES the application to vary the Building Envelope at Lot 1020 (No.60) Peelfold Glen, Golden Bay.

   Committee Recommendation
   Moved Cr Summers, seconded Cr McManus:
   That Council APPROVES the application to vary the Building Envelope at Lot 1020 (No.60) Peelfold Glen, Golden Bay.

   Committee Voting – 5/0

   The Committee’s Reason for Varying the Officer’s Recommendation
   Not Applicable

   Implications of the Changes to the Officer’s Recommendation
   Not Applicable
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-050/16 Proposed Building Envelope Variation¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD024.2016.00000003.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Marsh Outdoor Living Centres Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr Daren and Mrs Jill Safe</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Keara Freeley, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Miss Donna Shaw, Senior Planning Officer</td>
</tr>
<tr>
<td></td>
<td>Mr David Waller, Co-ordinator Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 August 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 1021 (No.62) Peelfold Glen, Golden Bay</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>2,324m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Special Residential</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Rural</td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photograph</td>
</tr>
<tr>
<td></td>
<td>3. Existing and Proposed Building Envelope Plan</td>
</tr>
<tr>
<td></td>
<td>4. Consultation Plan</td>
</tr>
</tbody>
</table>

¹ Correction of typographical error
Purpose of Report

To consider an application to vary the approved Building Envelope at Lot 1021 (No.62) Peelfold Glen, Golden Bay.

Background

In June 2014, the Western Australian Planning Commission (WAPC) granted approval to subdivide Lots 135-137, 151 and 9004 Gaze Grove, Lots 133,138, 140-145 Peelfold Glen and Lots 146-150 and 9003 Ayrton Court, Golden Bay into 31 lots. As part of the subdivision process Building Envelopes were identified for the proposed lots.

In September 2014, the Council approved a modification to the Building Envelope was approved to be increased to from 600m² to 659m² to allow for the construction of the dwelling, septic tanks and a garage. The approved Building Envelope is setback 13.6m from the eastern boundary, 0.7m from the northern boundary, 18.7m from the western boundary and 2m from the southern boundary.

The topography of the lot is generally flat, but slopes upwards to the rear of the lot. There are five mature tuart trees located to the south and south-western portions of the lot.

Details

The applicant seeks approval to reduce the size of the approved Building Envelope slightly from 659m² to 644.5m² and modify the shape of the Building Envelope to allow for the construction of a shed. The proponents are seeking to relocate the garage from the northern boundary, to the south western boundary, to ensure that the garage does not block the major opening to the rear of the dwelling. The amended Building Envelope will be setback 4m from the western boundary.
3. Existing and Proposed Building Envelope Plan
Implications to Consider

a. Consultation with the Community

In accordance with clause 6.3.3 of Town Planning Scheme No.2 (TPS2) and Planning Policy 3.3.17 - Variations to Building Envelopes, Building Envelopes may be varied at the discretion of the Council, only after consultation with the owners of affected or adjoining properties. The application was referred to the adjacent landowners by the landowner, as shown on the Consultation Plan below. Both landowners have provided support for the proposed modification.

b. Consultation with Government Agencies

Not Applicable

c. Strategic Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:

Aspiration D: Sustainable Environment

Strategic Objective: Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy

Planning Policy 3.3.17 – Variations to Building Envelopes (PP3.3.17)

The following is an assessment against the relevant requirements of PP3.3.17:
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application complies with TPS2.</td>
<td>Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.</td>
<td>Yes</td>
</tr>
<tr>
<td>It is demonstrated that the varied Building Envelope will not result in an adverse environmental impact.</td>
<td>The Building Envelope modification is to allow for the construction of a shed. The shed was originally intended to be located to the rear of the dwelling, adjacent to the northern boundary. As the shed would block a major opening of a habitable room, the shed is proposed to be relocated. The proposed location of the shed will not require the removal of any vegetation. The proposed location of the shed will have minimal environmental impact and is thus supported by the City’s Environmental Planning Officer.</td>
<td>Yes</td>
</tr>
<tr>
<td>It is demonstrated that the varied Building Envelope will not result in an unacceptable level of bushfire risk.</td>
<td>The Bushfire Management Plan (BMP) approved for the subdivision requires all buildings to be constructed to a Bushfire Attack Level (BAL) of 19 and the installation of 20m wide Asset Protection Zone (APZ). The dwelling has been constructed to BAL-19, therefore the shed is required to be constructed to this standard, unless there is a 6m separation distance between the dwelling and the shed. The shed has been located 13m from the dwelling and the location of the shed has been selected as there will be no trees overhanging the shed and therefore the bushfire risk for the lot will not increase. The shed should not contain any flammable materials, which can be conditioned at Development Application stage.</td>
<td>Yes</td>
</tr>
<tr>
<td>There are no unacceptable amenity impacts to neighbours.</td>
<td>The amendment was referred to the adjoining neighbours and no objections were received. The modification for the shed will have minimal effect on the neighbouring properties.</td>
<td>Yes</td>
</tr>
<tr>
<td>The variation results only in a minor increase in the size of the approved Building Envelope. An increase up to a maximum of 10% of the area of the original approved Building Envelope will be considered.</td>
<td>The Building Envelope variation proposes a decrease in size.</td>
<td>Yes</td>
</tr>
<tr>
<td>Building Envelopes are to be of a regular shape and comprise one single contiguous area.</td>
<td>The proposed Building Envelope is of a slightly irregular shape, however, considering that there will be no adverse environmental impact, and the bushfire risk is not increasing, this is considered to be acceptable.</td>
<td>No</td>
</tr>
</tbody>
</table>
The location of the envelope must maintain the rural attributes and appearance of the land, looking westward from Mandurah Road and looking east from the suburbs of Singleton and Golden Bay.

The proposed modification does not require the removal of any vegetation and the rural attributes and appearance of the land will not be compromised.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The location of the envelope must maintain the rural attributes and appearance of the land, looking westward from Mandurah Road and looking east from the suburbs of Singleton and Golden Bay.</td>
<td>The proposed modification does not require the removal of any vegetation and the rural attributes and appearance of the land will not be compromised.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

e. Financial
Nil

f. Legal and Statutory
Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.

Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.

g. Risk
All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.
Customer Service / Project management / Environment: High and Extreme Risks
Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments
The proposed Building Envelope complies with TPS2 and PP3.3.17 with the exception of the requirement for the Building Envelope to be of a regular shape. It is considered that this is acceptable as the proposed location of the shed will not result in an adverse environmental impact or an increased bushfire risk. The impact of the proposed Building Envelope in comparison to the approved Building Envelope on the amenity of neighbouring properties is considered minimal given no vegetation is required to be removed and no objections were raised to the proposal by adjoining owners. It is recommended that the proposed Building Envelope be approved.

Voting Requirements
Simple Majority

Officer Recommendation
That Council APPROVES the application to vary the Building Envelope at Lot 1021 (No.62) Peelfold Glen, Golden Bay.

Committee Recommendation
Moved Cr Summers, seconded Cr Hamblin:
That Council APPROVES the application to vary the Building Envelope at Lot 1021 (No.62) Peelfold Glen, Golden Bay.

Committee Voting – 5/0

The Committee's Reason for Varying the Officer's Recommendation
Not Applicable

Implications of the Changes to the Officer's Recommendation
Not Applicable
## Joint Development Assessment Panel Application - Amendment to Development Approval for the Proposed Singleton East Neighbourhood Centre

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-051/16 Joint Development Assessment Panel Application - Amendment to Development Approval for the Proposed Singleton East Neighbourhood Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2016.00000177.001</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Aigle Royal Developments</td>
</tr>
<tr>
<td>Owner:</td>
<td>ARP No 3 Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Neels Pretorius, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Greg Delahunty, Senior Projects Officer</td>
</tr>
<tr>
<td></td>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 August 2016</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>June 2016 (PDS-041/16)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 1 Mandurah Road, Karnup</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>2.5ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Development (Commercial in the West Karnup Local Structure Plan)</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Responsible Authority Report</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
</tr>
<tr>
<td></td>
<td>3. Site Plan</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial Photo
Purpose of Report

To provide clarification of proposed conditions to the Metro South-West Joint Development Assessment Panel (SWJDAP) in relation to the proposed Singleton East Neighbourhood Centre. This report only deals with the clarification of proposed conditions 7, 16, 17 and 19.

Background

Site Information
The subject site is located on Mandurah Road, within the Vistas development immediately south of Redwood Avenue. The site has a total land area of 2.5 hectares. The site is vacant, flat and cleared. Vehicle access is currently obtained from Redwood Drive via Mandurah Road.

History of Approvals
On 4 July 2014 approval was issued for a supermarket, six speciality shops, a medical centre and three fast food outlets. (It is now proposed to consider planning approval as per a new development proposal.)

Council meeting 28 June 2016
At the Council meeting on 28 June 2016 Council resolved to approve the Responsible Authority Report for Development Approval for the proposed Singleton East Neighbourhood Centre.

SWJDAP meeting 8 July 2016
At its meeting on 8 July 2016 the SWJDAP resolved to defer Development Assessment Panel (DAP) Application reference DP/13/00706 to a further DAP meeting held on or before 5 September 2016 to allow the City and applicant to clarify proposed conditions 7, 16, 17 and 19 relating to the requirements for car-parking, active street frontages, customer access to the medical centre and a Section 70A notification.
Details

The following conditions were disputed at the SWJDAP meeting held on 8 July 2016:

**Condition:**
7. **The carpark must:**
   
   (i) provide a minimum of 399 parking spaces;
   
   (ii) 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 including details on threshold treatments on the internal access way from Road 1 and Road 25, prior to applying for a Building Permit;
   
   (iii) include nine car parking space(s) 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;
   
   (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
   
   (v) have lighting installed, prior to the occupation of the development;
   
   (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times; and
   
   (vii) provide for one tree per eight car bays.

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

   **Reason:**

   The condition includes the carparking allocation for the two fast food pad sites. The applicant has indicated that these will be the subject of a separate Development Application.

**Condition:**
16. **Entries and window frontages of ground floor tenancies facing the Redwood Avenue, Verdigris Road and the internal access street must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development at all times.**

   These tenancies must provide an active frontage that incorporates shopfronts with a minimum of 66% of the ground floor street frontage as transparent glazing that allows visual connectivity between the inside and outside of the building, at all times.

   **Reason:**

   The applicant sought clarification that the condition relates to entries and windows which have a requirement for active street frontages as stipulated by the approved Detailed Area Plan.

**Condition:**
17. **Public or customer access for the tenancies fronting Verdigris Road must be provided from Verdigris Road.**

   **Reason:**

   This condition cannot be fulfilled given the location of the electrical transformer. The transformer is a district facility and is not feasible to re-locate.

**Condition:**
19. **Prior to the occupation of the development, the owner must lodge a Section 70A Notification on Lot 806, pursuant to the Transfer of Land Act 1893 (as amended), advising of a factor or hazard affecting the enjoyment of the land. This notification shall read as follows:**
"The proposed access from Mandurah Road into the southern area of the development will be subject to review by Main Roads if and when the Mandurah Road or Singleton Beach Road intersection is upgraded to 6 lanes. Please contact Main Roads for further information regarding timing of any upgrade."

**Reason:**
The applicant considered that given the uncertainty of the review and the notification, that it was not a valid planning condition and that an Advice Note would suffice.

**Implications to Consider**

**a. Consultation with Government Agencies**

**Main Roads Western Australia (MRWA)**
The application was referred to Main Road WA as the development involves an increase of traffic to Mandurah Road which is a Primary Regional Road under the Metropolitan Region Scheme (MRS).

The following comment was provided by Main Roads WA in a letter dated 24 June 2016.

**MRWA Submission:**
Main Roads insists that notifications or caveats are registered on Certificate of Titles for all Lots created within this commercial precinct, including any other interest granted over the said Lots such as lease agreements, sub-leases, licence or any other form or deed of agreement to operate a commercial entity on the said premises. The notification/caveat is to advice wording to the effect of:

"The proposed access from Mandurah Road into the southern area of the development will be left-in only and this will be subject to review by Main Roads when Mandurah Road or Singleton Beach Road / Mandurah Road is upgraded to 6 lanes.

In the event that the existing left in only deceleration lane is removed upon the upgrading of Mandurah Road to the 6 lane configuration, the registered land owner of each Lot including any of its lessees, sub-lessees tenants is advised that no compensation will be sought by the applicant or the applicants successors upon the potential removal of the left in only access."

**City Response:**
Section 70A of the Transfer of Land Act 1893 (WA) (TL ACT) permits a notification as requested by Main Roads only where the local government considers it desirable that proprietors and prospective proprietors of the land be made aware of a factor affecting the use or enjoyment of the land or part of the land.

The section 70A notification sought by Main Roads is vague and does not provide certainty as a condition of Development Approval, therefore, in this instance, a footnote is considered to be adequate notification of the possibility. The Commissioner of Main Roads has statutory power to close an access road to a main road if it is appropriate to do so and it will be possible to do without a Section 70A notification.

**Recommendation:**
That MRWA’s condition not be supported.

**b. Strategic**

**Community Plan**
This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:

**Aspiration D:** Sustainable Environment

**Strategic Objective:** Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.
c. **Policy**

Nil

e. **Financial**

Nil

f. **Legal and Statutory**

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

**Clause 4.2 - Development Zone**

The subject site is zoned ‘Development’ under TPS2 where a prerequisite to development is an approved structure plan. The West Karnup LSP was adopted by Council in May 2013. As per the Regulations, the decision-maker for an application for development approval in an area that is covered by a structure plan is to have due regard to the structure plan when deciding the application.

Under the West Karnup LSP, the site where the proposed development is located in an area that is zoned Commercial. In this regard, the application of the Commercial zone provisions of TPS2 is appropriate.

**Clause 4.6.1 – Objective**

The development is considered to be consistent with the objective of the Commercial zone, being:

“To provide for the development of District, Neighbourhood and Local shopping facilities to cater for the present and future residents of the City consistent with the Council’s Local Commercial Strategy and supported by any other Plan or Policy that the Council from time to time may adopt as a guide for the future development within the Zone.”

**Clause 4.6.2 – Form of Development**

Consistent with Clause 4.6.2 of TPS2, the proposed development is considered to be of an appropriate scale for the site and that its built form, elevations and landscaping of the development positively contributes to the streetscape, appearance and amenity of the locality.

**Clause 4.6.3 - Carparking**

Pursuant to clause 4.15.1.1 of TPS2, car parking is required to be provided in accordance with Table No.3 of TPS2.

Table 1 outlines the parking requirements for the overall development based on the TPS2 parking requirements.

<table>
<thead>
<tr>
<th>Use</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supermarket (3,230m²)</td>
<td>6 bays/ 100m² NLA 194</td>
</tr>
<tr>
<td>Speciality shops (1,120m²)</td>
<td>6 bays/ 100m² NLA 68</td>
</tr>
<tr>
<td>Medical Centre (383m² - 9 practitioners)</td>
<td>5 bays/practitioner 45</td>
</tr>
<tr>
<td>Dentist Consulting Room (140m² - 2 Consultants)</td>
<td>5 bays/practitioner 10</td>
</tr>
<tr>
<td>Pharmacy (553m²)</td>
<td>6 bays/ 100m² NLA 34</td>
</tr>
<tr>
<td>Service Station (102m²)</td>
<td>6 per 100m² + 1 per employee 9</td>
</tr>
<tr>
<td>Total</td>
<td>360</td>
</tr>
</tbody>
</table>
Based on the TPS2 requirements, the proposed development requires the provision of a minimum of 360 parking spaces. The proposed development complies with TPS2 requirements.

g. Risk

All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks
Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

Conditions

The SWJDAP has requested that the City and applicant clarify conditions 7, 16, 17 and 19.

Clarifications of the conditions are provided below:

Condition 7 - Car-parking.

Condition 7 needs to be amended because the proposed fast food tenancies are now excluded from the development. The required number of bays will now be 360 as opposed to the previous requirement of 399.

Condition 16 - Requirement for active street frontages.

A modification to condition 16 is required to make it clear that the purpose of the condition is to facilitate active street frontages on those internal streets that are required to provide active frontages by the approved Detailed area Plan.

Condition 17 - Requirement for customer access to medical centre from Verdigris Road.

The condition cannot be fulfilled in its present form because of the location of the existing electrical transformer which obscures access to the medical centre. The condition will be amended to exclude the medical centre from the requirement.

Condition 19 - Requirement for a Section 70A notification.

The matter to be notified is in relation to the possible future review by Main Roads of Mandurah Road adjoining the development that may include the closure of the left in access to the development. At this stage it is not certain if the access road is going to be closed or not and in this instance a footnote will be adequate notification of the possibility. The condition will be deleted.

Conclusion

The City accepts the applicant’s request that conditions 7, 16 and 17 in the Responsible Authority Report need to be amended in order to clarify the purpose of the condition. It is also accepted that given the uncertainty of any future review of Mandurah Road, that condition 19 be deleted. It is recommended that amended conditions and deleted be reflected in the previously approved Responsible Authority Report.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the amendment of conditions 7, 16, 17 and the deletion of condition 19 in the Responsible Authority Report, approved at the ordinary Meeting of Council held on 28 June 2016, for the Amendment to Development Approval for the proposed Singleton East Neighbourhood Centre as follows:

Conditions

7. The carpark must:
   (i) provide a minimum of 360 parking spaces;
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 19 SEPTEMBER 2016
PRESIDING MEMBER

(ii) 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 including details on threshold treatments on the internal access way from Road 1 and Road 25, prior to applying for a Building Permit;

(iii) include nine car parking space(s) 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;

(iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;

(v) have lighting installed, prior to the occupation of the development;

(vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times; and

(vii) provide for one tree per eight car bays.

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

16. Entries and window frontages of ground floor tenancies facing Redwood Avenue, Verdigris Road and the internal access streets, which are required to facilitate active street frontages, must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development at all times.

These tenancies must provide an active frontage that incorporates shopfronts with a minimum of 66% of the ground floor street frontage as transparent glazing that allows visual connectivity between the inside and outside of the building, at all times.

17. Public or customer access for the tenancies fronting Verdigris Road, except for the Medical Centre, must be provided from Verdigris Road.

19. Prior to the occupation of the development, the owner must lodge a Section 70A Notification on Lot 806, pursuant to the Transfer of Land Act 1893 (as amended), advising of a factor or hazard affecting the enjoyment of the land. This notification shall read as follows:

"The proposed access from Mandurah Road into the southern area of the development will be subject to review by Main Roads if and when the Mandurah Road or Singleton Beach Road intersection is upgraded to 6 lanes. Please contact Main Roads for further information regarding timing of any upgrade."

Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin:

That Council APPROVES the amendment of conditions 7, 16, 17 and the deletion of condition 19 in the Responsible Authority Report, approved at the ordinary Meeting of Council held on 28 June 2016, for the Amendment to Development Approval for the proposed Singleton East Neighbourhood Centre as follows:

Conditions

7. The carpark must:

   (i) provide a minimum of 360 parking spaces;

   (ii) 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 including details on threshold treatments on the internal access way from Road 1 and Road 25, prior to applying for a Building Permit;
(iii) include nine car parking space(s) 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;

(iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;

(v) have lighting installed, prior to the occupation of the development;

(vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times; and

(vii) provide for one tree per eight car bays.

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

16. Entries and window frontages of ground floor tenancies facing Redwood Avenue, Verdigris Road and the internal access streets, which are required to facilitate active street frontages, must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development at all times.

These tenancies must provide an active frontage that incorporates shopfronts with a minimum of 66% of the ground floor street frontage as transparent glazing that allows visual connectivity between the inside and outside of the building, at all times.

17. Public or customer access for the tenancies fronting Verdigris Road, except for the Medical Centre, must be provided from Verdigris Road.

19. Prior to the occupation of the development, the owner must lodge a Section 70A Notification on Lot 806, pursuant to the Transfer of Land Act 1893 (as amended), advising of a factor or hazard affecting the enjoyment of the land. This notification shall read as follows:

“The proposed access from Mandurah Road into the southern area of the development will be subject to review by Main Roads if and when the Mandurah Road or Singleton Beach Road intersection is upgraded to 6 lanes. Please contact Main Roads for further information regarding timing of any upgrade.”

Committee Voting – 5/0

The Committee's Reason for Varying the Officer's Recommendation

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable
### Planning and Development Services

#### Directorate, Planning Services

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>PDS-052/16 Proposed Planning Policy 3.2.12 – Southern Gateway and Rockingham Station Sectors</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>LUP/1846</td>
</tr>
<tr>
<td><strong>Risk Register No:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Owner:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr Greg Delahunty, Senior Projects Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>15 August 2016</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td>March 2016 (PDS-019/16)</td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td>Executive</td>
</tr>
<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td></td>
</tr>
</tbody>
</table>

#### Site:

- **Lot Area:**
- **LA Zoning:** Residential R20, Residential R40, Public Open Space Reserves and Public Purposes Reserve
- **MRS Zoning:** Central City Area

#### Attachments:

1. Schedule of Submissions
2. Draft Planning Policy No.3.2.12 – Development Policy Plan Southern Gateway and Rockingham Station Sectors

#### Maps/Diagrams:

1. Location Plan
2. Rockingham Strategic Metropolitan Centre Boundary
3. Overall Sector Plan
4. Regional Centre Concept Plan
5. Regional Centre Framework Plan
6. Regional Centre Height and Density Overlay
7. Consultation Plan
8. Location Plan - Submissioners
1. Location Plan - Southern Gateway and Rockingham Station Sectors

**Purpose of Report**

To consider the adoption of ‘Planning Policy No.3.2.12 – Development Policy Plan – Southern Gateway and Rockingham Station Sectors’, following the completion of public advertising on the draft Policy.

Note: This Report should be read in conjunction with Agenda Report PDS-053/16 for Scheme Amendment No.150 to Town Planning Scheme No.2, which seeks to include land within the ‘Primary Centre Urban Living Zone’ and the ‘Primary Centre City Centre Zone’ to provide the statutory framework to the Development Policy Plan for the Southern Gateway and Rockingham Station Sectors.

**Background**

Under ‘Statement of Planning Policy 4.2 - Activity Centres for Perth and Peel’ (August 2010), the WAPC requires the City of Rockingham to prepare and maintain an endorsed Activity Centre Structure Plan (Centre Plan) to guide the development of public and private property within the Rockingham Strategic Metropolitan Centre.

In 2006, the City commissioned a review of its 1995 Development Policy Plan with the goal of producing a new Centre Plan that would cover the full extent of the area to be serviced by the Rockingham City Centre Transit System (RCCTS).

The scope of the Centre Plan project covers an area of almost 600 hectares between the Rockingham Train Station and Rockingham Beach and includes the area covered by the existing Central City Area zone in the Metropolitan Region Scheme. The location of the Centre Plan planning envelope is shown in Figure 2.
2. Rockingham Strategic Metropolitan Centre Boundary

Stage 1 of the Centre Plan Review laid down an overall Concept Plan that addressed the priority issues of a better connected access and movement network and a land use pattern based on contemporary ‘Main Street’ and ‘Transit Oriented Development’ (TOD) principles. A Framework Plan translated the Concept Plan into a general arrangement of legible street blocks, built form and public space.

The overall Centre Plan area was divided into 11 Sectors (refer to Figure 3) as follows:

- City Centre
- Waterfront Village
- Smart Village (South)
- Smart Village (North)
- Northern Gateway
- Campus
- Eastern
- Leeuwin
- Northern Waterfront
- Southern Gateway
- Rockingham Station
3. Sector Plan

In February 2008, following an extensive consultation process, the City of Rockingham endorsed the long term planning framework and transport network recommendations for the Strategic Metropolitan Centre, as proposed in the Stage 1 Report.

Stage 2 of the Centre Plan Review updated the 1995 Development Policy Plan (DPP) for the City Centre Sector, with a revised Indicative Development Plan and related Precinct Policies and Guidelines. The Council endorsed the Stage 2 Final Reports in September 2009.

In November 2009, the WAPC Statutory Planning Committee considered the Stage 2 Final Reports on the Review of the Rockingham Strategic Metropolitan Centre and resolved to endorse the documents as an appropriate Centre Plan to guide future planning and development.

**Planning Context – Approved Centre Plan**

The 2009 Centre Plan sets the broad planning framework for the Strategic Metropolitan Centre and provides general direction for the detailed planning investigations to follow, i.e. the preparation of Development Policy Plans (DPP’s) for each Sector.

The Centre Plan developed a ‘Vision’ to guide planning and development of the Centre:

“The vision is for a modern, distinctly coastal centre offering a wide range of mixed uses including retail, commercial, office, civic, residential, education and recreation within an accessible and highly inter-connected, urban-scaled townscape, comprising a major activity centre and related urban villages based on ‘Main Street’ principles.”

In addition, the Centre Plan laid out a series of guiding ‘planning and development’ principles covering:

- Built Form and Urban Design
- Access and Parking
- Public Domain
- Land Uses
- Safety and Security
- Sustainability
Regional Centre Concept Plan

An overall Regional Centre Concept Plan (refer to Figure 4) was developed in conjunction with the preparation of Access and Movement Network options. The Concept Plan sets out generalised land uses, with the local public transit system (i.e. the Rockingham City Centre Transit System) the focus of an intensified corridor of mixed-use development between the City Centre, education campuses and the beachfront.

The Concept Plan envisages the:

- ongoing development of commercial and retail land in the core of the City Centre.
- development of two new Smart Villages (north and south of Dixon Road).
- creation of a ‘main street’ mixed use activity corridor along the route of the transit system.
- intensification of residential development (densities and built form) along the coastal route of the transit system.

4. Regional Centre Concept Plan

Transit Oriented Development (TOD) Potential

The approved Activity Centre Plan applied sustainable development principles to land development and redevelopment options, with particular emphasis on the TOD potential of land within the Centre.

The Centre Plan committed to achieving the vision of a fixed route, streetcar transit system as the focus of a corridor of high intensity, mixed-use development between the rail station and the beachfront.

The Activity Centre planning envelope was divided into eleven sectors (refer to Figure 3), to enable the TOD potential of each Sector to be assessed.

With respect to TOD potential of the Southern Gateway and Rockingham Station Sectors, the Centre Plan states:
“Sector 10 – Southern Gateway
An existing residential area bounded by Council Avenue, Read Street, Ennis Avenue and Rae Road that is situated at the southern end of the transit route, with the majority of properties falling within its walkable catchment.

The area presents an opportunity to progressively upgrade residential capacity and introduce an urban built form consistent with proximity to transit and central uses. Existing areas of single storey group housing to the west of the transit route unlikely to change in the near term.

Sector 11 - Rockingham Station
The rail station will be serviced by park and ride car parks located on either side of Ennis Avenue. The station is relatively removed from the activity focus of the City Centre and does not present any obvious TOD opportunities.

The western-most car park has not been constructed at this time and presents a possible opportunity to locate multiple residential apartments over a future park and ride facility. However, priority should be given to TOD consolidation along the activated route of the transit system before any consideration is given to development over the more isolated park and ride car park.

Regional Centre Framework Plan
The approved Centre Plan presented a Framework Plan (refer to Figure 5), covering the 600 hectare Strategic Centre planning envelope, to illustrate a generalised arrangement of built form, movement networks, public and private spaces, which was consistent with the strategic arrangement of generalised land use functions, as shown on the Concept Plan.

The Framework Plan:
- recognises the potential for transit oriented development in each Sector.
- builds on the adopted Access and Movement Network.
- illustrates a long term (greater than 10 years) view of development and redevelopment.
- provides a platform for detailed master planning (ie. DPP’s) of each Sector.
Residential Density and Height

A ‘Residential Density and Height’ overlay plan was prepared in conjunction with the Regional Centre Framework Plan (refer to Figure 6). In respect of Residential Density, the overlay plan is designed to:

- guide the density of development, generally in accordance with the ‘Planning and Development Principles’ and the TOD framework, as described in the Centre Plan.
- distribute residential density in response to the land use functions, amenity and levels of mixed-use anticipated in each Sector.
- Locate high density residential development within 250 metres of the transit route, concentrated in the core of the City Centre, and along the central spine of the Smart Village, Northern Waterfront and Waterfront Village Sectors.

Building Height is proposed to increase as development gets closer to the central transit route and also activity generators such as the core the City Centre, the Smart Village ‘main street’, the coast and beachfront. The Centre Plan provided further guidance with respect to the profile of building bulk and scale, in relation to public streets and spaces.

6. Regional Centre Height and Density Overlay

Frontage Type

A ‘Frontage Type’ overlay plan was also prepared with the Regional Centre Framework Plan, in accordance with consolidated ‘main street’ principles, to generally require buildings to frame, address and activate the street network.

The Frontage Plan illustrates an orderly arrangement of frontage types in ‘main street’ and mixed-use areas, based on the common principle that buildings to all streets, major laneways and public spaces should be activated.

At least four Frontage Types are envisaged, with building frontages positioned (from the street boundary) and managed (level of required activation) according to the required streetscape character.
Sector Planning Guidelines

The approved Centre Plan recommended that more detailed master planning should be undertaken in each Sector, in accordance with the adopted required planning framework. The Centre Plan contains 'Guidelines for each Sector', to facilitate the preparation of DPPs.

In respect of ‘Sector 10 – Southern Gateway Sector’, the following planning guidelines are specified:

<table>
<thead>
<tr>
<th>Desired Future Character:</th>
<th>This Sector presents an opportunity to progressively upgrade residential capacity and introduce an urban townscape and built form more consistent with proximity to transit and central area uses. Existing areas of single storey group housing to the west of the transit route would be unlikely to change in the near term.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred Uses:</td>
<td>Appropriate TOD uses lining the Transit Route, Medium and high density residential</td>
</tr>
<tr>
<td>Elements:</td>
<td>Prepare a sector Development Plan with relevant changes to residential density codings to guide the progressive urban consolidation and transformation of this area consistent with its TOD context. Upgrade the landscape at all levels to convey a more distinctly urban townscape character. Give particular attention to the landscape treatment of Ennis Avenue, Rae Road, Read Street and the related entry points to the centre where planting, lighting and signage should convey a clear sense of arrival at the edge of a major urban centre. Ensure that all new development is planned in accordance with the sustainability principles listed in Section 3.1.6 and designed in detail to meet any applicable sustainability Key Performance Indicators endorsed by the City of Rockingham.</td>
</tr>
</tbody>
</table>

In respect of ‘Sector 11 – Rockingham Station Sector’, the following planning guidelines are specified:

<table>
<thead>
<tr>
<th>Desired Future Character:</th>
<th>The rail station will be serviced by park and ride car parks located on either side of Ennis Avenue. The station is relatively removed from the activity focus of the City Centre and does not present any obvious TOD opportunities. The western–most car park has not been constructed at this time and presents a possible opportunity to locate multiple residential apartments over a future park and ride facility. Priority should be given to TOD consolidation along the activated route of the transit system in the heart of the centre before any consideration is given to development over the more isolated park and ride car park.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred Uses:</td>
<td>TOD related uses</td>
</tr>
<tr>
<td>Elements:</td>
<td>Maintain and enhance the landscape at all levels to convey a distinctly urban townscape context. Give particular attention to the landscape treatment of Ennis Avenue and related entry points to the centre where planting, lighting and signage should convey a clear sense of arrival at the edge of a major urban centre. Ensure that all new development is planned in accordance with the sustainability principles listed in Section 3.1.6 and designed in detail to meet any applicable sustainability Key Performance Indicators endorsed by the City of Rockingham.</td>
</tr>
</tbody>
</table>
Statutory Implementation – Approved Centre Plan

As part of its September 2009 decision to endorse the Activity Centre Plan, Council directed that City Officers prepare any necessary changes to the Policy framework, Town Planning Scheme and Metropolitan Region Scheme.

In this regard, the following has occurred:

- Amendment No.91 to Town Planning Scheme No.2 was initiated in February 2010 and Final Approval was gazetted in February 2011. This Amendment introduced new provisions into the Scheme to create the ‘Primary Centre’ and the ‘Primary Centre - City Centre Zone’.
  The Amendment set up the Scheme to define the entire Strategic Metropolitan Centre as the ‘Primary Centre’, not as a single zone, but comprising up to eight (8) ‘Primary Centre’ zones.
- ‘Planning Policy 3.2.1: Development Policy Plan - City Centre Sector’. The draft DPP was endorsed for public consultation in February 2010, and adopted (without modification) in August 2010. It came into effect in February 2011, upon gazettal of Amendment No.91.
- Amendment No.113 to Town Planning Scheme No.2 was initiated October 2011 and Final Approval was gazetted in September 2012. The Amendment introduced new provisions into the Scheme to create the ‘Primary Centre – Urban Village Zone’ (a new zone for the Smart Village Sector) and the ‘Primary Centre – Waterfront Village Zone’ (existing Waterfront Village Zone updated), together with enabling provisions to give effect to associated DPP’s.
  - ‘Planning Policy 3.2.2: Development Policy Plan - Smart Village Sector’. The draft DPP was endorsed for public consultation in October 2011, and adopted (with minor modifications) in April 2012. It came into effect in September 2012, upon gazettal of Amendment No.113.
  - ‘Planning Policy No.3.2.5: Development Policy Plan – Waterfront Village Sector’. The draft DPP was endorsed (with minor modifications) in April 2012. It came into effect in September 2012, upon gazettal of Amendment No.113.
- Amendment No.129 to Town Planning Scheme No.2 was initiated in March 2013 and was Gazetted in June 2014. The Amendment introduced new provisions into the Scheme to create the ‘Primary Centre – City Living Zone’ and updated the provisions for the Primary Centre area to include reference to the ‘Primary Centre – City Living Zone’.
  - ‘Planning Policy No.3.2.6: Development Policy Plan – Northern Waterfront Sector’. The DPP was adopted (with minor modifications) in September 2013. It came into effect upon gazettal of Amendment No.129 in June 2014.
- Amendment No.137 to Town Planning Scheme No.2 was initiated in February 2014 and will be advertised concurrently with Planning Policy No.3.2.7: Development Policy Plan – Northern Smart Village Sector. The Amendment will introduce new provisions into the Scheme to create the ‘Primary Centre Enterprise Zone’ and, include additional land within the existing ‘Primary Centre Urban Village Zone.’ The City is currently awaiting State Government approval to proceed.
  - ‘Planning Policy No.3.2.7: Development Policy Plan – Northern Smart Village Sector’. The draft DPP was endorsed for public consultation in February 2014 and will be advertised concurrently with Amendment No.137 to Town Planning Scheme No.2. The City is currently awaiting State Government approval to proceed.
- Amendment No.140 to Town Planning Scheme No.2 was initiated in July 2014 and is currently with the Minister for Planning for consideration. The Amendment will introduce new provisions into the Scheme to create the ‘Primary Centre Campus Zone’.
  - ‘Planning Policy No.3.2.8: Development Policy Plan – Campus Sector’. The draft DPP was adopted by the Council in November 2014 and will come into operation following Gazettal of Amendment No.140 to Town Planning Scheme No.2.
- Amendment No.141 to Town Planning Scheme No.2 was initiated in September 2014 and was gazetted in February 2016. The Amendment introduced new provisions into the Scheme to create the ‘Primary Centre Urban Living Zone’.
  - ‘Planning Policy No.3.2.9: Development Policy Plan – Eastern Sector’. The draft DPP was approved for public consultation by the Council in September 2014 and adopted (with minor modifications) in April 2015. It came into effect following gazettal of Amendment No.141 in September 2015.
**Sector Planning and Approved Centre Plan - Alignment**

The preparation of detailed masterplans for each Sector (i.e. the DPPs) are required to be consistent with the endorsed regional planning framework, which is contained within the 2009 Centre Plan. As such, each DPP which is prepared for each individual Sector, is required to demonstrate consistency with Centre Plan in the following disciplines:

- the ‘Planning and Development Principles’.
- the TOD development framework model.
- the ‘Residential Density, Building Height and Frontage Type’ requirements of the Framework Plan.
- the ‘Sector Planning Guidelines’.

**Details**

In March 2016, Council resolved to advertise draft Planning Policy No. 3.2.12 – Southern Gateway and Rockingham Station Sectors’ for public comment.

At the conclusion of the advertising period 19 submissions had been received, 6 from State Government agencies and 13 from residents affected by the proposal. The comments received are detailed in the attached Schedule of Submissions.

Each submission has been assessed by City Officers and comments provided in response, as shown below in the ‘Comments’ section of this Report.

**Implications to Consider**

a. **Consultation with the Community**

   **Advertising Methodology**

   The draft DPP was advertised for a period of approximately seven (7) weeks, commencing on the 3 May 2016 and concluding on the 27 June 2016. Public advertising was carried out in the following manner:

   - Approximately 1,100 landowners and occupiers (as shown on Figure 7), servicing agencies and major stakeholders were notified of the proposal in writing and invited to comment;
   - The proposal was posted on the City’s Facebook;
   - The proposal was advertised on the City’s website and included the following:
     - background information;
     - supporting documents;
     - invitation to comment;
     - the option to provide on-line submissions; and
     - a schedule, containing anticipated ‘Frequently Asked Questions’.
   - Notices appeared in the general news and public notices section of the local Sound Telegraph newspaper on 18 and 25 May 2016;
   - Copies of the draft DPP were made available for inspection at the City’s Administrative Offices.

   Advertising was undertaken in accordance with (and beyond) the requirements of Regulation 4(1) Schedule 2 - Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.
b. **Consultation with Government Agencies**

The following Government Agencies were also consulted:
- Alinta Gas
- Water Corporation
- Western Power
- Public Transport Authority
- Telstra
- Main Roads WA
- Department of Health
- Department of Education

c. **Strategic**

Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:

**Aspiration A:** Tourism Lifestyle

**Strategic Objective:** Investment Attraction - A strategic and focussed approach to attracting major investment to the City’s coastal nodes, City Centre and inland settlements that promotes quality retail, commercial and residential development, improved civic infrastructure and leisure tourism experiences for residents and visitors.

d. **Policy**

The draft Planning Policy No.3.2.12 for the Southern Gateway and Rockingham Station Sectors has been prepared and advertised in accordance with Clause 3 Schedule 2 - Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regs).
The draft DPP has also been prepared in accordance with the Western Australian Planning Commission (WAPC) approved Centre Plan (November 2009), and in compliance with ‘State Planning Policy 4.2 - Activity Centres for Perth and Peel’ (August 2010).

The draft DPP is also consistent with the WAPC’s ‘Directions 2031 and beyond’ (August 2010).

The planning principles contained in WAPC ‘Development Control Policy 1.6 - Planning to Support Transit Use and Transit Oriented Development’ (January 2006) were also applied.

e. **Financial**

Nil

f. **Legal and Statutory**

Under the provisions of Clause 3 Schedule 2 - Deemed Provisions of the Regs, the Council may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.

g. **Risk**

All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

- Customer Service / Project management / Environment: High and Extreme Risks
- Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

**Comments**

A total of 19 written submissions were lodged in response to the public advertising of the draft DPP:

- 6 submissions from Government Agencies, offering no objection/comment;
- 1 submission supporting;
- 5 submissions making general comments;
- 7 submissions of objection, raising various matters as noted below:
8. Location Plan - Submissioners

Issues of Concern Raised in Submissions

Concerns raised in the submissions have been summarised into the following issues:

1. Redevelopment (General Objection)
2. Prioritisation of Transit Orientated Development
3. Road network (extension impacts)
4. Hefron Precinct Frontage Requirements
5. Residential density and building height
6. Changes to parkland
7. Land Acquisition

Response to Issues of Concern

1. Objection to redevelopment in general

**City's Comment:**
Redevelopment is not compulsory. The DPP provides a planning framework to facilitate sustainable urban renewal and presents options for future redevelopment over time.

2. Prioritisation of Transit Orientated Development (TOD) consolidation over development of the Rockingham train Station Carpark

**City's Comment:**
The draft DPP has been prepared to be consistent with the endorsed 2009 Activity Centre Plan (City of Rockingham; WAPC) for the Rockingham Strategic Metropolitan Centre and the ‘State Planning Policy 4.2 – Activity Centres for Perth and Peel’ (August 2010). The draft Policy is also consistent with WAPC ‘Directions 2031 and beyond’ (August 2010), which is the State Government principal strategic planning policy framework for the Perth metropolitan region.
2. Prioritisation of Transit Orientated Development (TOD) consolidation over development of the Rockingham train Station Carpark (Cont…)

The planning principles contained in WAPC ‘Development Control Policy 1.6 - Planning to Support Transit Use and Transit Oriented Development’ (January 2006) were also applied.

The RCCTS connects the Rockingham train station with the City Centre, education campuses and the beachfront. The street-based transit system has been planned and developed on the understanding that it will be upgraded to a light rail or similar operation once a more supportive level of development has been achieved along the route. The City is committed to achieving this outcome as the focus of a corridor of high intensity, mixed use development between the train station and the beachfront.

The juxtaposition of the eastern half of the Southern Gateway Sector between the City Centre and the Rockingham train station makes it imperative that any redevelopment is planned and constructed at higher densities to:

- support the operation of high frequency public transport
- provide greater levels of passive surveillance and activation of public spaces, including existing hidden parkland
- create more of an urban scale and character, bridging the townscape divide between the Rockingham Station and City Centre.

The route of the RCCTS connects the train station with the City Centre via Rae Road and Kitson Street. Higher residential densities are warranted within walking distance of this high frequency public transport route.

The Rockingham Train Station is relatively removed from the activity focus of the City Centre and does not present any obvious TOD opportunities. It is therefore considered appropriate to take advantage of TOD and consolidate density along streets serviced by the RCCTS.

3. Road Network (Extension Impacts)

City’s Comment:

There is no doubt that the orderly economic development of Rockingham Strategic Metropolitan Centre has been hampered because the road network is structurally incomplete and is therefore difficult to navigate. Increased connectivity is vital to the development of the Rockingham Strategic Metropolitan Centre. The adoption of all of the connecting links, as part of a long term, integrated plan, will deliver a robust and well-connected street network to serve the needs of the centre. It also presents the most equitable outcome. If all of the proposed links are adopted implemented, traffic volumes on each link will be moderate, minimising impacts on all members of the community.

With the adoption of the proposed Access and Movement Network by the City of Rockingham and its subsequent endorsement by the WAPC through its endorsement of the Centre Plan, the City will accommodate the proposed modifications to the road network in its more detailed planning. Accordingly, the Southern Gateway Sector DPP needs to make provision for the changed functions of Kitson, Henry and Hefron Streets and in particular, their connection with Rae Road.

The Indicative Development Plan (IDP) illustrates how each of these road connections to Rae Road can be implemented, subject to more detailed traffic engineering and related urban design being undertaken. As indicated in the Centre Plan, while it is desirable that all three of these road connections are completed to evenly distribute the traffic load, it is likely that they will be completed one at a time, with possibly the Kitson Street connection being the first to be implemented. Kitson Street provides the best opportunity in the short to medium term to improve connectivity from the south, as it connects directly into the transit street and the core of the City Centre.
4. Lot 301 Council Avenue (Hefron Precinct) Frontage Requirements

City’s Comment:
The Hefron Precinct acts as the western gateway to the Rockingham Strategic Metropolitan Centre and it is imperative that the development pattern responds to this context.

In terms of the DPP, Lot 301 requires Type 3 frontage fronting Council Avenue and Type 4 frontage fronting Read Street.

The type 3 frontage requirements prescribe a moderate level of activation with residential apartments and associated lobbies at ground level and a 2 to 3 storey façade positioned behind a variable 0 - 2 metre, green landscaped setback. The ground level would address the street with a façade that is transparent over at least 30% of its area.

The type 4 frontage is identical except that it prescribes a 1 to 3 storey façade positioned behind a 2 - 3.5 metre green landscaped setback.

These frontage requirements respond appropriately to the location of the site within the Rockingham Strategic Metropolitan Centre. They are also consistent with similar sites throughout the Rockingham Strategic Metropolitan Centre.

These frontage typologies require significantly less activation that Frontage Types 1 and 2 which are prescribed more centrally within the Rockingham Strategic Metropolitan Centre.

5. Residential Density & Building Height

City’s Comment:
The draft DPP recommends residential densities and building heights, which are consistent with the approved Centre Plan.

Whilst the draft Policy provides for densities in the range of 40 – 60 and 80 - 100 dwellings per hectare, and for building heights up to 3 - 5 storeys, it recognises that redevelopment options within these ranges may not always be possible, and will be dependent on existing lot configurations and built form decisions over recent years.

The draft DPP contains sufficient flexibility to allow the City the discretion to allow redevelopment outside these recommended density and height ranges, providing the overall policy objectives are not compromised.

Section 4.1 of the DPP refers to the residential density targets set down in State Planning Policy 4.2 - "Activity Centres for Perth and Peel". SPP 4.2 refers to a minimum net residential density target of 60-90 dwellings per hectare and the modest proposals for increasing residential density in the Sector will contribute to the attainment of the overall density target for the Rockingham Centre.

In reality, the residential densities and building heights proposed for the Southern Gateway and Rockingham Train Station Sectors are low by contemporary urban consolidation standards. This reflects the reality that existing, strata-titled medium density housing in the Hefron Precinct is unlikely to undergo significant redevelopment in the foreseeable future. The density and scale of that existing medium density housing influences the proposed redevelopment density and scale of nearby housing in the Haselmere and Careeba Precincts.

The submissions opposing modest increases in residential density and height are not supported.

6. Changes to Parkland

City’s Comment:
The City has recognised that the streets and parks within the Sector should be progressively upgraded to improve the overall public amenity of these spaces. This method has been successfully applied to the City Centre and Waterfront Village Sectors, with substantial public and private investment occurring as a result.
7. Land Acquisition

City's Comment:
There is no reference in the Policy to the acquisition of land within this Sector.
The Policy provides a planning framework to facilitate sustainable urban renewal and presents options for future redevelopment over time.

Conclusion

The submissions received during the advertising period did not raise any substantiated planning matters, which would provide cause for not adopting the proposed Planning Policy.

As such, it is recommended that Council adopt 'Planning Policy No.3.2.12 - Development Policy Plan - Southern Gateway and Rockingham Station Sectors.

Adoption of the proposed Development Policy Plan - Southern Gateway and Rockingham Station Sectors will ensure consistency with the adopted Centre Plan for the Rockingham Strategic Metropolitan Centre.

The Policy is also linked with Scheme Amendment No.150 to Town Planning Scheme No.2, which seeks to include land within the 'Primary Centre Urban Living Zone' and 'Primary Centre City Centre Zone'.

In this regard, the Development Policy Plan cannot be adopted until such time as Scheme Amendment No.150 is granted Final Approval by the Hon Minister for Planning.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPTS 'Planning Policy No.3.2.12 - Development Policy Plan - Southern Gateway and Rockingham Station Sectors, subject to Amendment No.150 to Town Planning Scheme No.2 being granted Final Approval by the Hon Minister for Planning.

Committee Recommendation

Moved Cr Whitfield, seconded Cr McManus:

That Council ADOPTS 'Planning Policy No.3.2.12 - Development Policy Plan - Southern Gateway and Rockingham Station Sectors, subject to Amendment No.150 to Town Planning Scheme No.2 being granted Final Approval by the Hon Minister for Planning.

Committee Voting – 5/0

The Committee’s Reason for Varying the Officer’s Recommendation

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Planning and Development Services
Directorate, Planning Services

Reference No & Subject: PDS-053/16 Amendment No.150 to Town Planning Scheme No.2 – Rezoning certain land within the Southern Gateway Sector to ‘Primary Centre Urban Living Zone’ and ‘Primary Centre City Centre Zone’

File No: LUP/1847

Applicant: Owner:

Author: Mrs Sharon Peacock, Projects Research Officer

Other Contributors: Mr Bob Jeans, Director Planning and Development Services

Date of Committee Meeting: 15 August 2016

Previously before Council: March 2016 (PDS-018/16)

Disclosure of Interest: Legislative

Site:

Lot Area:

LA Zoning: Residential R20, Residential R50, Residential R80, Special Commercial, Community Purposes, Civic and Cultural and Public Open Space Reserves

MRS Zoning: Central City Area Zone

Attachments: Scheme Amendment No.150 Report

Maps/Diagrams:
1. Proposed ‘Primary Centre - Urban Living Zone’
2. Consultation Location Plan
3. Submitter Location Plan

Purpose of Report

To consider granting Final Approval to Amendment No.150 to Town Planning Scheme No.2 to support the introduction of a new statutory planning framework for the area referred to as ‘Southern Gateway Sector and Rockingham Station Sectors’ of the approved Centre Plan for the Rockingham Strategic Metropolitan Centre, as adopted by the Council in September 2009.

Amendment No.150 seeks to rezone certain land located within the ‘Southern Gateway Sector’ and include that land within the existing provisions for the ‘Primary Centre - Urban Living Zone’ and ‘Primary Centre - City Centre’ zone.

Note: This Report should be read in conjunction with Agenda Report PDS-052/16 ‘Development Policy Plan No.3.2.12 - Southern Gateway and Rockingham Station Sectors’ which deals with the planning objectives and requirements to guide future development in this location.
1. Proposed ‘Primary Centre - Urban Living Zone’ and ‘Primary Centre - City Centre Zone’

**Background**

**Statutory Implementation – Approved Centre Plan**

In September 2009 Council endorsed the Final Strategic Planning Reports (Volumes 1 and 2) as the Centre Plan for the Rockingham Strategic Metropolitan Centre. The Western Australian Planning Commission endorsed the Final Reports in November 2009. Council also directed that City Officers prepare any necessary changes to the Policy framework, Town Planning Scheme and the Metropolitan Region Scheme.

In this regard, the following has occurred:

- Amendment No.91 to Town Planning Scheme No.2 was initiated in February 2010 and Final Approval was gazetted in February 2011. This Amendment introduced new provisions into the Scheme to create the ‘Primary Centre’ and the ‘Primary Centre - City Centre Zone’.

- The Amendment set up the Scheme to define the entire Strategic Metropolitan Centre as the ‘Primary Centre’, not as a single zone, but comprising up to eight (8) ‘Primary Centre’ zones.

- ‘Planning Policy 3.2.1: Development Policy Plan - City Centre Sector’. The draft DPP was endorsed for public consultation in February 2010, and adopted (without modification) in August 2010. It came into effect in February 2011, upon gazettal of Amendment No.91.

- Amendment No.113 to Town Planning Scheme No.2 was initiated October 2011 and Final Approval was gazetted in September 2012. The Amendment introduced new provisions into the Scheme to create the ‘Primary Centre – Urban Village Zone’ (a new zone for the Smart Village Sector) and the ‘Primary Centre – Waterfront Village Zone’ (existing Waterfront Village Zone updated), together with enabling provisions to give effect to associated DPP’s.

- ‘Planning Policy 3.2.2: Development Policy Plan - Smart Village Sector’. The draft DPP was endorsed for public consultation in October 2011, and adopted (with minor modifications) in April 2012. It came into effect in September 2012, upon gazettal of Amendment No.113.

- ‘Planning Policy No.3.2.5: Development Policy Plan - Waterfront Village Sector’. The draft DPP was endorsed for public consultation in October 2011, and adopted (with minor modifications) in April 2012. It came into effect in September 2012, upon gazettal of Amendment No.113.

- Amendment No.129 to Town Planning Scheme No.2 was initiated in March 2013 and was Gazetted in June 2014. The Amendment introduced new provisions into the Scheme to create the ‘Primary Centre – City Living Zone’ and updated the provisions for the Primary Centre area to include reference to the ‘Primary Centre – City Living Zone.’
• ‘Planning Policy No.3.2.6: Development Policy Plan – Northern Waterfront Sector’. The DPP was adopted (with minor modifications) in September 2013. It came into effect following gazettal of Amendment No.129 in June 2014.

• Amendment No.137 to Town Planning Scheme No.2 was initiated in February 2014 and will be advertised concurrently with Planning Policy No.3.2.7: Development Policy Plan – Northern Smart Village Sector. The Amendment will introduce new provisions into the Scheme to create the ‘Primary Centre Enterprise Zone’ and, include additional land within the existing ‘Primary Centre Urban Village Zone.’ The City is awaiting State Government approval to proceed.

• ‘Planning Policy No.3.2.7: Development Policy Plan – Northern Smart Village Sector’. The draft DPP was endorsed for public consultation in February 2014 and will be advertised concurrently with Amendment No.137 to Town Planning Scheme No.2. The City is currently awaiting State Government approval to proceed.

• Amendment No.140 to Town Planning Scheme No.2 was initiated in July 2014 and was gazetted in September 2015. The Amendment introduced new provisions into the Scheme to create the ‘Primary Centre Campus Zone’.

• ‘Planning Policy No.3.2.8: Development Policy Plan – Campus Sector’. The draft DPP was adopted by the Council in November 2014 and came into effect following gazettal of Amendment No.140 in September 2015.

• Amendment No.141 to Town Planning Scheme No.2 was initiated in September 2014 and was gazetted in February 2016. The Amendment introduced new provisions into the Scheme to create the ‘Primary Centre Urban Living Zone’.

• ‘Planning Policy No.3.2.9: Development Policy Plan – Eastern Sector’. The draft DPP was approved for public consultation by the Council in September 2014 and adopted (with minor modifications) in April 2015. It came into effect following gazettal of Amendment No.141 in September 2015.

Details

At the conclusion of the advertising period, 18 submissions had been received, 3 in support, 6 from servicing agencies, 3 in objection and 6 general comments.

Implications to Consider

a. Consultation with the Community

Scheme Amendments are required to be dealt with in accordance with the Planning and Development (Local Planning Schemes) Regulations 2014, which includes a requirement to advertise proposals for public comment over a period of 42 days, prior to Council considering Final Adoption.

Advertising Methodology

The draft Scheme Amendment and draft Development Policy Plan: ‘Southern Gateway and Rockingham Station Sectors’ were advertised concurrently for a period of approximately seven (7) weeks, commencing on the 13 May 2016 and concluding on 27 June 2016. Public advertising was carried out in the following manner:

- Approximately 1,100 landowners and occupiers (as shown on Figure 2), servicing agencies and major stakeholders were notified of the proposal in writing and invited to comment;
- The proposal was posted on the City’s Facebook;
- The proposal was advertised on the City’s website and included the following:
  • background information;
  • supporting documents;
  • invitation to comment;
  • the option to provide on-line submissions; and
  • a schedule, containing anticipated ‘Frequently Asked Questions’. 
- Notices appeared in the general news and public notices section of the local Sound Telegraph newspaper on the 18 and 25 May 2016;
- Copies of the draft Scheme Amendment and DPP were made available for inspection at the City’s Administrative Offices.

2. Consultation Location Plan

Advertising was undertaken in accordance with (and beyond) the requirements of the Planning and Development (Local Planning Scheme) Regulations 2014.

b. Consultation with Government Agencies

All Scheme Amendments are required to be referred to the Environmental Protection Authority (EPA) to determine if an environmental assessment is required, prior to advertising. The EPA advised that the Amendment should not be assessed under the Act, and that it was not necessary to provide any environmental advice or recommendations on the Amendment.

The following Government Agencies were also consulted:
- Alinta Gas
- Water Corporation
- Western Power
- Public Transport Authority
- Telstra
- Main Roads WA
- Department of Education

c. Strategic Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:

Aspiration A: Tourism Lifestyle
**Strategic Objective:** Investment Attraction - A strategic and focussed approach to attracting major investment to the City’s coastal nodes, City Centre and inland settlements that promotes quality retail, commercial and residential development, improved civic infrastructure and leisure tourism experiences for residents and visitors

---
d. **Policy**
A draft Development Policy Plan No.3.2.12 for the Southern Gateway and Rockingham Station Sectors has been prepared to detail the planning objectives and requirements for development in this area. Refer to Agenda Report PDS-052/16.

e. **Financial**
Nil

f. **Legal and Statutory**
The procedures for dealing with proposals to amend a local planning scheme, as per the Planning and Development Act 2005, are set out in the Planning and Development (Local Planning Schemes) Regulations 2014.

Regulation 47(3) provides that the City shall:

As soon as practicable after the end of the consideration period for a standard amendment to a local planning scheme, or if no submissions have been received within the submission period, after the end of the submission period, the local government must pass a resolution:

(a) to support the amendment to the local planning scheme with or without modification; or

(b) not to support the amendment to the local planning scheme.

g. **Risk**

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

- Customer Service / Project management / Environment: High and Extreme Risks
- Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

---

**Comments**

The submissions are set out in the Schedule of Submissions, together with comments and recommendations.

In summary:
- 6 submissions are from servicing agencies (offering no objection);
- 3 submissions are in support;
- 6 general comments; and
- 3 submissions are in objection and mainly relate to increased density and general opposition to any development and are not relevant to the consideration of the proposed Town Planning Scheme Amendment No.150 and are dealt with as part of the assessment of the draft Development Policy Plan for the Eastern Sector (refer to Agenda Report PDS-052/16).
Given that the issues raised in the submissions do not challenge the intent or the purpose of the proposed Amendment, it is recommended that the Council adopt Scheme Amendment No.150, and request the Hon Minister for Planning grant Final Approval.

**Voting Requirements**

**Simple Majority**

**Officer Recommendation**

That Council:

1. **ADOPTS** for Final Approval Amendment No.150 to Town Planning Scheme No.2.
2. **ADOPTS** the recommendations contained within the Schedule of Submissions.

**Committee Recommendation**

Moved Cr Summers, seconded Cr McManus:

That Council:

1. **ADOPTS** for Final Approval Amendment No.150 to Town Planning Scheme No.2.
2. **ADOPTS** the recommendations contained within the Schedule of Submissions as follows:

   **CITY OF ROCKINGHAM**
   **AMENDMENT NO.150 TO TOWN PLANNING SCHEME NO.2**
   **SCHEDULE OF SUBMISSIONS**
<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No.1 – Mr N Walkerden, Strategic Forecaster Telstra Operations, Locked Bag 2525 Perth WA 6011</strong>&lt;br&gt;Thank you for the above advice. At present, Telstra Corporation Limited has no objection.</td>
<td>Government Submission.&lt;br&gt;No objection.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td><strong>No.2 – Western Power, 363 Wellington Street, Perth WA 6000</strong>&lt;br&gt;Thank you for submitting your due diligence request to Western Power in relation to your proposed work. Your proposal is being reviewed, and we will contact you directly for more information if required.</td>
<td>Government Submission.&lt;br&gt;No objection. No further contact received from Western Power.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td><strong>No.3 – Mr B Coombes, Water Corporation, PO Box 100, Leederville WA 6902</strong>&lt;br&gt;Thank you for your letter of 13 May 2016 inviting comments on the above planning documents. Amendment No.150 and the related policies pertaining to the Rockingham Southern Gateway &amp; Station precinct are noted. The amendment area is situated within established systems of water and wastewater reticulation (water mains generally 100mm or 150mm diameter; gravity sewers generally 150mm or 225mm diameter). The additional development that may ultimately arise in the area over many years will mostly be served by connection to or extension from the existing reticulation mains that serve the area. However, in some areas developers and builders will need to undertake some upgrades to existing infrastructure and install new infrastructure to adequately service new, higher density developments.&lt;br&gt;The amendment area is traversed by existing water and/or sewerage pipes, which may affect the nett development potential of some building sites, such as the need for adequate building setbacks from the rear boundary of lots because of sewer easements along the rear of the lots. If feasible, water or sewer reticulation may need to be rationalised or relocated to another suitable alignment at the developer’s cost at the building stage.&lt;br&gt;Long term wastewater planning&lt;br&gt;The Water Corporation has adopted long term wastewater planning for the Rockingham Sewer District, which includes the city centre area. This planning has made provision for wastewater flows from the relatively high development densities (R60, R80, R100) and mixed land uses contemplated in the ‘Indicative Development’ plan. Further adjustments to the Water Corporations wastewater infrastructure planning will be made in future reviews, as necessary.</td>
<td>Government Submission.&lt;br&gt;No objection.</td>
<td>That the submission be noted.</td>
</tr>
</tbody>
</table>
**No.3 - Cont…**

**Long term water planning**

The Tamworth Gravity Scheme water planning was last reviewed in 2003. The Corporation intends to undertake a comprehensive review of the Tamworth scheme in 2017, when the Sub-regional Planning Frameworks have been finalised.

The review will include new development areas identified in sub-regional, district and local strategic planning documents, including redevelopment areas and proposed increases in density and land use mix in the Rockingham city centre and station precincts.

The city centre precinct is currently served by a large (760mm diameter) water distribution main that conveys water from Tamworth Hill Reservoir along Rockingham Road, Dixon Road, Ennis Avenue and Council Avenue. This main provides a robust system of water supply through the city centre precinct.

Several smaller water reticulation mains (typically 100mm and 150mm diameter) branch off the distribution main and run along the road reserves through the city centre and serve existing residences and businesses in the area. It is likely that some sections of these smaller water reticulation mains will need to be upgraded by land developers with larger mains in order to meet the flow and pressure demands of high density developments, in particular to achieve fire flow requirements for multi-storey commercial and mixed use buildings. The need for any water reticulation mains upgrades will be determined at the building stage and undertaken at the developers’ cost.

**Rockingham Main Drain Catchment**

The Rockingham city centre and adjoining land to the east and south fall within the catchment of the Rockingham North Main drain and the Rockingham Central Main Drain. These drains are operated and maintained by the Water Corporation under licence conditions stipulated by the Economic Regulation Authority.

The drains flow westwards and discharge into Lake Richmond and ultimately into the ocean at Mangles Bay. Lake Richmond, a fresh water lake and Mangles Bay are water courses with high environmental significance and discharge to these environments is subject to conditions regarding total volumes and rates of stormwater discharge. The Corporation is required to operate the system under conditions that maintain existing surface levels at Lake Richmond and subject to water quality management strategies.
No.3 - Cont…
The urban drainage system through the city centre area was originally designed and constructed to serve development of much lower density. The drains have piped and open sections that have a finite hydraulic capacity. The Corporation’s 2008 review of the drainage system concluded that the system was currently operating within the required levels of service stipulated in the operating licence. However, higher density, mixed use development across the city centre catchment could have a major impact on the operation of the drainage system into the future. The Corporation is not able to accept increased flows and rates of flow into the main drains.

Increasing the density of development and the extent of impervious surfaces across this part of the drainage catchment will require the City to review its local drainage strategies to ensure that stormwater runoff to the Corporation’s main drainage system is not increased and additional flows generated by the proposed developments in the area is detained with the local catchment until the peak flows subside in the main drain.

If necessary, the City may need to identify and set aside additional areas of land across the catchment for local drainage infrastructure to detain stormwater runoff in the catchment. The City should also ensure that commercial and residential developments in the drain catchment make adequate provision for on-site soakage as a condition of any planning and building approvals.

No.4 – Mr L Broadhurst, Main Roads Western Australia, PO Box 6202, East Perth WA 6892

Thankyou for your letter dated 13 May 2016 requesting Main Roads comments on the above proposal. Main Roads raises no objections to the Draft Planning Policy No.3.2.12 – Development Policy Plan – Southern Gateway and Rockingham Station Sectors and Amendment No150 to Town Planning Scheme No.2 proceeding.

No.5 – Mr S Muldoon, Department of Education, 151 Royal Street, East Perth WA 6004

Thank you, for your letter dated 13 May 2016 regarding the above Draft Planning Policy No.3.2.12. The Department of Education has reviewed the document and advises that it has no objection to rezone the land located within the Southern Gateway Sector.

<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
</table>
| No.3 - Cont… | The urban drainage system through the city centre area was originally designed and constructed to serve development of much lower density. The drains have piped and open sections that have a finite hydraulic capacity. The Corporation’s 2008 review of the drainage system concluded that the system was currently operating within the required levels of service stipulated in the operating licence. However, higher density, mixed use development across the city centre catchment could have a major impact on the operation of the drainage system into the future. The Corporation is not able to accept increased flows and rates of flow into the main drains.

Increasing the density of development and the extent of impervious surfaces across this part of the drainage catchment will require the City to review its local drainage strategies to ensure that stormwater runoff to the Corporation’s main drainage system is not increased and additional flows generated by the proposed developments in the area is detained with the local catchment until the peak flows subside in the main drain.

If necessary, the City may need to identify and set aside additional areas of land across the catchment for local drainage infrastructure to detain stormwater runoff in the catchment. The City should also ensure that commercial and residential developments in the drain catchment make adequate provision for on-site soakage as a condition of any planning and building approvals. | | }

| No.4 – Mr L Broadhurst, Main Roads Western Australia, PO Box 6202, East Perth WA 6892 | Government Submission. No objection. | That the submission be noted. |

<p>| No.5 – Mr S Muldoon, Department of Education, 151 Royal Street, East Perth WA 6004 | Government Submission. No objection. | That the submission be noted. |</p>
<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.6 – Mr V Andrich, Department of Health, PO Box 8172 Perth Business Centre WA 6849</td>
<td>Thank you for your letter (dated 13 May 2016) requesting comment from the Department of Health (DOH) on the above proposal. He DOH provides the following comment: 1. Water and Wastewater Disposal All developments for the densities proposed are required to connect to scheme water and reticulated sewerage as required by the Government Sewerage Policy – Perth Metropolitan Region. With the development of the plan the City of Rockingham should include options for the utilisation of grey water recycling. Such programs are to comply with DOH guidelines and requirements which are available for download. 2. Increased Density – Public Health Impacts The City of Rockingham should also use this opportunity to minimise potential negative impacts of the mixed density development such as: noise, odour, light and other lifestyle activities. Public health impacts draw attention to those issues and they should be appropriately and adequately addressed at this stage. To minimise adverse impacts on the residential component, the City of Rockingham could consider incorporation of additional sound proofing/insulation, double glazing on windows, or design aspects related to location of air conditioning units and other appropriate building/construction measures. DOH has also a document on 'Evidence supporting the creation of environments that encourage healthy active living' which may assist you with planning elements related to this structure plan.</td>
<td>Government Submission. No objection.</td>
</tr>
<tr>
<td>No.7 – Mr J Simpson, Ginza Pty Ltd, PO Box 907, Claremont WA 6910</td>
<td>We are the landowner of Lot 301, No.2-6 Council Avenue, Rockingham which Amendment No.150 to Town Planning Scheme No.2 (TPS2) proposed to rezone from ‘Special Commercial’ to ‘Primary Centre City Centre Zone’. We are generally supportive of the proposed rezoning however, request that clause 4.3A.3 ‘Minimum residential density’ of TPS2 be modified in association with Amendment No.150 to be consistent with the density provisions of the draft Planning policy 3.2.12 - Development Policy Plan: Southern Gateway and Rockingham Station Sectors (‘the draft Policy’) which is being advertised concurrently.</td>
<td>The submission seeks to retain the ‘City Centre’ zoning over Lot 301, but to reduce the minimum density requirement from one dwelling per 125m² of land (which is applicable to all residential development within the City Centre zone) to one dwelling per 250m² of land (which is the applicable density for the Southern Gateway and Eastern Sectors).</td>
</tr>
</tbody>
</table>
No.7 - Cont…
Existing clause 4.3A.3 of TPS2 prescribes a minimal residential density for the Primary Centre City Centre Zone of one dwelling per 125m² of land area for grouped or multiple dwelling developments. The minimum residential densities identified in the draft Policy however, are different and identify a density of 80-100 dwellings (minimum R60) for the land proposed to be rezoned to Primary Centre City Centre Zone under Amendment No.150. The minimum densities within the draft Policy specifically relate to the Southern Gateway Sector whereas the existing Primary Centre City Centre Zone is covered by a separate ‘City Centre Sector’ development Policy Plan. On this basis, we understand that the expected development outcomes and densities for the Southern Gateway Sector differ to the City Centre Sector, notwithstanding the same underlying zoning. The necessary modification to clause 4.3A.3 to address the different minimum density requirements is simple, and need only establish a point of difference between land within the Southern Gateway Sector and the City Centre Sector. Clause 4.3A.3 could potentially be amended as follows:

**With the exception of land within the Southern Gateway Sector as identified by the Rockingham Strategic Metropolitan Centre Plan, in the Primary Centre City Centre Zone, all development for the purpose of grouped or multiple dwellings must have a minimum of one dwelling per 125m² of land area. Residential densities within the Southern Gateway sector are to be consistent with the Development Policy Plan: Southern Gateway and Rockingham Station Sectors.**

We have prepared a separate submission on the draft Policy which provides comments on the minimum density requirements for the Southern Gateway Sector. We request that our comments within this submission are reviewed in conjunction with our submission on the draft Policy. Thankyou for the opportunity to comment. We would welcome the opportunity to discuss our submission further.

<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 8 – David &amp; Patricia Thomson, 9 Haselmere Circus, Rockingham WA 6168</td>
<td>Although the subject lot is located south of Council Avenue, the City has accepted the proposition that this land should be considered as integral to the City Centre zoning framework and developed accordingly. In particular, Lot 301 is: - Located at the intersection of Read Street and Council Avenue and is positioned at the most important southern entrance to the Strategic Metropolitan Centre; - It is a ‘Gateway Location’ and its development should befit its prominent location; - A substantial building, displaying good design and architecture, should occupy this important site; and - A minimum residential density of one dwelling per 125m² is considered more appropriate, as it will ensure a building of proper proportions on the site, with an appropriate mix of commercial, retail and residential, and which addresses both roads with the necessary height, scale and mass required of this location. Accordingly, the current minimum residential density applicable to the City Centre zone (one dwelling per 125m²) is considered appropriate.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>No.8 - Cont…</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
</tr>
<tr>
<td>-------------</td>
<td>---------</td>
<td>----------------</td>
</tr>
<tr>
<td>(Copy of submission extracted from Western Australian Planning Commission Metropolitan Region Scheme 1278/57 Report on Submissions):</td>
<td>The phrase “Previous submission” comment refers to a previous submission in response to a request from the WAPC to provide comments in relation to minor MRS Amt. 1278/57 to rezone two portions of land bordering the existing Central City Area zone from the Urban Zone to the Central City Area zone in the MRS. The purpose of the City of Rockingham Amendment No.150 is to provide a zoning framework consistent with that of the MRS zoning and the approved Activity Centre Plan. Landowners will not be forced out of their homes as a result of this or any rezoning proposal.</td>
<td></td>
</tr>
<tr>
<td>We are writing to appeal any decision to forcibly remove us from our home property at the above address due to any rezoning plan. We have bought the land and home and lived here since 1976, including ongoing renovations over this time. We have no plans in the foreseeable future to leave this address as we find it a perfect address for our happy lifestyle in Rockingham due to its obvious closeness to all amenities. As already stated we have lived here since 1976. God willing we wish to stay here until the day we pass on. This is our heritage.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No.9 – Vedama Wright – 5/5 Sepia Court, Rockingham WA 6168</td>
<td>Submission supports rezoning but not the nomenclature of Sectors. (This is not relevant to the amendment).</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>I am in agreement to the amendment for parts of the Southern Gateway Sector to be termed “Primary Centre Urban Living” zone, at R50. In addition I note that the Sepia Court group housing is unlikely to be affected by adjacent greater density development in the near to medium term. I am averse to, and do not agree with the City of Rockingham naming sectors bounding Dixon Road Smart Village (South) and Smart Village (North). Whilst this is not relevant to the proposed Amendment 150 (Southern Gateway) I want to state my opposition to those names.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No.10 – Mr Graeme Hinsey, 4/7 Sepia Court, Rockingham WA 6168</td>
<td>There is no reference in the amendment (or in the Policy) to the acquisition of land within this Sector. Landscape masterplans over all existing public open space Reserves within the Sector will be prepared over time to guide park improvements, safety and amenity.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>I am against land acquisition and taking parkland for families.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
<td>----------------</td>
</tr>
<tr>
<td>No.11 – Mr David Hawker, 68 Concordia Way, Rockingham WA 6168</td>
<td>I don’t agree with land acquisition. What is going to happen to the parks, ovals playgrounds for children to use!</td>
<td>See comment for submission No.10 That the submission be noted.</td>
</tr>
<tr>
<td>No.12 – Ms N Punch, 91 Haselmere Circus, Rockingham WA 6168</td>
<td>As I have lived at the above property for 16 yrs, have lost my husband, a son, a daughter, I would not like any more re-development, I am 83 yrs old and would not welcome any more changes in continuing the rest of my retirement.</td>
<td>Redevelopment is not compulsory. The amendment provides a zoning framework to facilitate sustainable urban renewal and presents options for future redevelopment over time consistent with the ‘Southern Gateway’ Development Policy Plan. That the submission be noted.</td>
</tr>
<tr>
<td>No.13 – Ms Shirley Eley, 64/17 Hefron Street, Rockingham WA 6168</td>
<td>Please keep the nature strip between Bradbury St and Rae Road. Rae Road is a very busy noisy road. The nature strip keeps the noise down. There are many birds in the bushes and trees in this nature strip. The nature strip could be enhanced with more plants. The buses in Kitson Street frequently prevent cars accessing from Bradbury St because they are blocking the entrance. A bus bay would enable following buses to pass so cars from Bradbury St could enter without having to go on the wrong side of the road.</td>
<td>The rezoning will not affect the nature strip. The draft Policy refers to enhanced streetscape plantings of Hefron Street and connection to Rae Road with an upgrade of perimeter landscaping over time to improve amenity and encourage pedestrian activity. That the submission be noted.</td>
</tr>
<tr>
<td>No.14 – Mr &amp; Mrs Ambrose, 2 Baystone Road, Baldivis WA 6171</td>
<td>?? Query as to whether you councillors intend on doing anything to the Springfields Retirement Village on Hefron Street.</td>
<td>The City has no intention of acquiring or undertaking any improvements to the Springfields Retirement Village landholding. The rezoning provides scope for future higher density redevelopment by landowners. That the submission be noted.</td>
</tr>
<tr>
<td>No.15 – Mr A Keeves, 28B Haselmere Circus, Rockingham WA 6168</td>
<td>These Submissions are a waste of time – You will do what you want to do – The residents didn’t want any of this dictatorship in the first place.</td>
<td>Comments are not supported. All submissions are taken into consideration. That the submission be not upheld.</td>
</tr>
<tr>
<td>No.16 – J L Hua, 11 Springpark Trail, Carramar WA 6031</td>
<td>I fully welcome any development of the proposed plan. Rockingham has a good geographical location. It has great potential to become a star not only as a residential place but also a tourist attraction! It certainly needs a ‘lift’ to bring up the sparkle!</td>
<td>Support for Amendment. That the submission be upheld.</td>
</tr>
<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>No.17 – Ms Rosemary Brown, 5-12 Hefron Street, Rockingham WA 6168</td>
<td>I purchased my residence with intentions of living here until my demise.  The area is very suitable, no inclines or steps which I don’t need with my back problems. So for myself I would like things to remain as is. Thankyou.</td>
<td>The comments are not relevant to the rezoning and the City has no intentions to alter the contours of land within the Amendment area. That the submission be noted.</td>
</tr>
<tr>
<td>No.18 – Ms A Greenup, 21/14 Hefron Street, Rockingham WA 6168</td>
<td>As I rent I would be disadvantaged by higher density development. Money would count and single level units would be sold. People need contact with the ground. Be it grass, trees, or anything that attracts birds and butterflies. The young need some free space to move. Our mental health is not improving with higher density living. We are going insane. Parks are good, but not sufficient. Already we have lost the squash courts. I am opposed to a change to higher density living.</td>
<td>The comments contained in this submission relating to higher density, provision of public open space and health and wellbeing of residents are not relevant to the consideration of the proposed amendment. A variety of residential height and density is proposed which is distributed across the sector in response to land use functions. The City has prepared a Masterplan for Anniversary Park which includes upgrades and improvements. Enhanced landscaping and planting of existing reserves is also proposed. That the submission be not upheld.</td>
</tr>
</tbody>
</table>

Committee Voting – 5/0

**The Committee’s Reason for Varying the Officer’s Recommendation**

Not Applicable

**Implications of the Changes to the Officer’s Recommendation**

Not Applicable
Planning and Development Services
Directorate, Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-054/16 Western Trade Coast Protection Area – Environmental Protection Authority Referral</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/407-09</td>
</tr>
<tr>
<td>Applicant:</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td></td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>November 2015 (PDS -080/15)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Advocacy</td>
</tr>
<tr>
<td>Site:</td>
<td>Western Trade Coast Protection Area (Within Rockingham – the Rockingham Industrial Zone, including the East Rockingham industrial area)</td>
</tr>
<tr>
<td>Lot Area:</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Various Zones and Reserves (predominantly Light Industry, General Industry and Special Industry, with some Service Commercial)</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Industry, Special Industry and some Central City Area</td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Western Trade Coast Protection Area (extract from Bill 2015)</td>
</tr>
</tbody>
</table>

**Purpose of Report**

To request the State Government, via the Environmental Protection Authority, to undertake a proper scientific examination of the entire Western Trade Coast Protection Area buffer line.

**Background**

On 21 October 2015, the State Government released the ‘Planning and Development Legislative Amendment (Western Trade Coast Protection Area) Bill 2015’ for public comment, to declare the WTC Protection Area.

Accompanying the Bill 2015, the Department of State Development released a ‘Fact Sheet’ which provided further ‘summary’ information and explanation to the proposed legislation. The Bill 2015 was released for public comment until 4 December 2015; legislative amendments were expected to be introduced into State Parliament in early 2016.

The process for dealing with any public submissions has not been specified.
**Western Trade Coast Protection Area (WTCPA)**

The WTCPA encompasses the industrial area known as the WTC, which includes the:

- Kwinana Industrial Area;
- Rockingham Industry Zone;
- Latitude 32 Industry Area;
- Australian Marine Complex;
- as well as a buffer of surrounding land (mainly rural land) which separates industry from residential areas.

**Proposed Legislation**

The legislative framework which is being proposed to prohibit residential and other 'sensitive' land uses is in two parts.

Firstly, there is draft legislation (a Bill) to amend the ‘Hope Valley Wattleup Redevelopment Act 2000’ (aka Latitude 32) and the ‘Planning and Development Act 2005’ to ‘provide for development restrictions in respect of the Western Trade Coast’.

Secondly, Regulations are proposed, known as the ‘Hope Valley Wattleup Redevelopment Amendment Regulations 2015’. These Regulations will apply to Latitude 32, and will come effect on the day that the ‘Planning and Development Legislation Amendment (Western Trade Coast Protection Area) Act 2015’ comes into operation.

The proposed Regulations set out:

- a list of prohibited classes of land use from the ‘protected area’ (ie the WTCPA); and
- the definitions for various land use classifications.

Draft Regulations were proposed for the Hope Valley Wattleup Redevelopment Area, however, none were put forward for the balance of the WTCPA, including the East Rockingham industrial precinct. No reasons were given by the State Government for this omission.
Western Trade Coast Protection Area

WTCPA Boundary

The WTCPA follows the line of the “Kwinana Industrial (including Air Quality) Buffer” which was endorsed by the WAPC in September 2010. This buffer evolved from work done by the EPA in the early 1990’s studying air quality in and around the Kwinana Industrial Area. In response to various request to alter the buffer line (in nine separate locations), the WAPC reviewed the boundary over eight years, with input from government agencies, industry and the public, prior to deciding to not make any changes to the 1992 buffer line.

There is no proposal to extend the WTCPA beyond the existing KAQB, only to define the current buffer in legislation.
Summary of WTCPA legislation:

- The State Government (via Department of State Development (DSD)) has proposed a Western Trade Coast Protection Area (WTCPA).
- The WTCPA is based on a line established in 1988 to monitor sulphur dioxide (SO₂) emissions.
- SO₂ is no longer considered a significant environmental consideration.
- The Premier withdrew the task of defining the WTCPA from the Western Australian Planning Commission (WAPC) and allocated it to the DSD.
- DSD has used the 1988 SO₂ line because the State Government has not undertaken any further research to refine the ‘buffer’ line.
- The DSD draft legislation proposed:
  - a Bill to define that buffer area and to allow regulations to restrict prohibitive land uses.
  - Regulations to prohibit uses from the Hope Valley Redevelopment Area (Latitude 32).
  - No Regulations were proposed for the WTCPA.

The WTCPA legislative framework was considered by Council at its November 2015 and it established the following position on the WTCPA:

- City accepts that a buffer is required to separate sensitive land uses.
- City accepts that a buffer is a legitimate land use planning tool.
- City expressed doubts about the current EPP buffer, which was formed in the late 1980’s as it was solely based on air quality criteria (SO₂ emissions). It is not an accurate or effective spatial guide for strategic land use planning or the protection of rights on affected landowners.
- City seeks a rational approach to the definition of a buffer area that is land use based, scientifically credible, robust and able to withstand challenges.
- City considers there is a need for a credible and logical solution to the delineation of an acceptable buffer.
- Any solution must use the existing WAPC approved planning framework and statutory processes.
- Any buffer must recognise its surroundings (North Rockingham residential cell, Hillman residential cell, the adjacent Strategic Metropolitan Centre and associated activities and industrial activities, including transitional land uses).
- An appropriate buffer must be identified by independent, robust, contemporary sensitive analysis. Science must assess the magnitude and real (or potential) impact of noise, odour, air quality, dust or other nuisance on competing land uses.
- Industrial land use activity contiguous to buffer line should be incremental. Transitional land uses are required within the buffer.

The following was presented as the City’s response to the proposed legislation:

- The City supports the State Government’s objective of legislative protection of the Western Trade Coast industrial area.
- The City supports the need for a strategically and scientifically identified buffer.
- A credible buffer serves to protect rights and interests of all landowners and stakeholders.
- There is a need to undertake contemporary credible and objective scientific research and analysis to identify an appropriate buffer area.
- The WAPC should implement the buffer using the State’s strategic policy and statutory planning framework.
- Local governments should align local planning policies, schemes and strategies to the agreed State Government planning framework.
- The City supports protection of the WTCPA.
• Defining sensible land use in the area will be essential for compatible and harmonious future development.

• The City has consistently (and publicly) supported the concept of a buffer zone to separate incompatible land uses. This is a sound town planning principle, and as a responsible local government planning authority, the City has always sought to apply this concept as part of its orderly and proper planning practices.

• The City’s position on buffers was founded on the delineation of buffer lines to be based on a credible scientific process, which would give authenticity to the line, and a justifiable defence against competing land-uses into the future.

• Credible science would allow for greater community understanding of the buffer, and therefore better acceptance of its need.

• The State Government’s current proposal is based on the KAQB line, which was formed in the late 1980’s as part of a legislative process to control sulphur dioxide emissions, as it has previously indicated that it is not prepared to expend funds on current research to establish the accuracy of the buffer for the proposed WTCPA.

• Instead, the State Government will rely on an out-of-date buffer line, which lacks context to current day planning.

• The boundary should be defined by modern measurement methods and based upon contemporary scientific data and not an antiquated 1980’s sulphur dioxide odour emission assessment, which is essentially irrelevant to current and future industrial and commercial activities within the zone.

• The City’s preferred view would be for an Act, not Regulations to clearly and unequivocally prohibit residential and other ‘sensitive’ land uses in the WTCPA; provided that the boundary was based upon contemporary scientific data and not an antiquated 1980’s sulphur dioxide odour emission assessment, which is essentially irrelevant to current and future industrial and commercial activities within and around the WTCPA.

**Detrimental effect on implementation of the Rockingham Strategic Metropolitan Centre**

• Proposed expanded buffer area inconsistent with WAPC approved Rockingham Strategic Metropolitan Centre planning envelope.

• Is inconsistent and deleterious to the existing approved planning framework that has evolved over many years for the Rockingham Industry Zone and Rockingham Strategic Metropolitan Centre.

• Two proposed Scheme Amendments have not been supported by the EPA due to proposed land uses which have been determined by the EPA and DSD as ‘sensitive land uses’ and are therefore inconsistent with the unlegislated expanded buffer area.

• Detrimental effect on future development of land adjacent to existing buffer with an appropriate zoning applied to support a planning framework for transitional land uses.

• City has twice attempted to rezone land within the WTCPA for service commercial, mixed business and ‘bulky goods’ development:
  - Amendment No.137 to TPS 2 - Adopted by Council February 2014
  - Amendment No.161 to TPS2 - Adopted by Council in November 2015

• Both Scheme Amendments have been blocked by the State Government, EPA and DSD on the grounds that the WTCPA legislation is not finalised.

• No residential land use proposed in either Amendment.

• Adversely impacts on the delivery of much needed investment and subsequent creation of employment generating businesses.

**Details**

Recently, there has been significant publicity given to the buffer dispute between the Satterley Property Group and the State Government, regarding the definition of the WTCPA buffer line in the Mandogalup locality.
Significant publicity was given to the dispute, and the fact that the buffer line had been proposed without any credible scientific foundation.

In an effort to resolve the dispute, the State Government (being the Minister for State Development, Hon Bill Marmion) referred the matter to the Office of Environmental Protection Authority, with a request for examination.

Subsequent media reports have attributed the following comments to the EPA Chairman, Tom Hatton:

“The EPA’s advice to the Minister for Environment will be in respect of potential health and amenity impacts of dust on urban development in the Mandogalup area. The Minister has requested the EPA to provide this advice under section 16 (c) of the Environmental Protection Act 1986, following a request from the Minister for State Development.”

It is clear from this statement that the EPA will not be reviewing the adequacy of the WTCPA buffer line within Rockingham.

### Implications to Consider

<table>
<thead>
<tr>
<th></th>
<th>Consultation with the Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Not applicable</td>
</tr>
<tr>
<td>b</td>
<td>Consultation with Government Agencies</td>
</tr>
<tr>
<td></td>
<td>Not applicable</td>
</tr>
<tr>
<td>c</td>
<td>Strategic Community Plan</td>
</tr>
<tr>
<td></td>
<td>This item addresses the Community's Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Community Plan 2015-2025:</td>
</tr>
<tr>
<td></td>
<td><strong>Aspiration C:</strong> Quality Leadership</td>
</tr>
<tr>
<td></td>
<td><strong>Strategic Objective:</strong> Financial Sustainability - A City that understands the importance of sustainable revenue streams, long term resource planning and allocation, and the need to prioritise spending on core services and strategic asset management programs. Governance - Governance systems that enable Council to make informed and considered decisions, effectively supported by an executive informing and implementing those decisions; all within an accountable, legally compliant, transparent and ethical environment.</td>
</tr>
<tr>
<td>d</td>
<td>Policy</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>e</td>
<td>Financial</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>f</td>
<td>Legal and Statutory</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>g</td>
<td>Risk</td>
</tr>
<tr>
<td></td>
<td>All Council decisions are subject to risk assessment according to the City’s Risk Framework. Implications and comment will only be provided for the following assessed risks.</td>
</tr>
<tr>
<td></td>
<td>Customer Service / Project management / Environment: High and Extreme Risks</td>
</tr>
<tr>
<td></td>
<td>Finance / Personal Health and Safety: Medium, High and Extreme Risks</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
</tbody>
</table>
Comments

The EPA review of the WTCPA buffer line is warranted, however, the planning and environmental principles which have prompted this review are applicable to the entire line buffer line, rather than just portions of it.

The WCTPA buffer is out of date, and not based on any credible scientific evidence.

It is recommended that the State Government be requested to ensure that the EPA conducts a thorough review of the entire WTCPA buffer line, to ensure a proper, justifiable and credible outcome.

Further, the WAPC is the proper authority to be resolving the land use planning framework surrounding the definition of the WTCPA buffer line.

Voting Requirements

Simple Majority

Officer Recommendation

That Council DIRECTS the Chief Executive Officer to write to the Minister of State Development and Minister for Environment to:

1. Express the Council’s concerns and opposition to the limited review being undertaken by the Environmental Protection Authority (EPA) on the Western Trade Coast Protection Area (WTCPA) buffer line in the Mandogalup locality;
2. Seek Ministerial intervention to direct the EPA to conduct a thorough review of the entire WTCPA buffer line, to ensure a proper, justifiable and credible outcome; and
3. Request that the Western Australian Planning Commission, as the State's leading planning agency, resolve the land use planning framework surrounding the definition of the WTCPA buffer line, using the State’s planning framework.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin:

That Council DIRECTS the Chief Executive Officer to write to the Minister of State Development and Minister for Environment to:

1. Express the Council’s concerns and opposition to the limited review being undertaken by the Environmental Protection Authority (EPA) on the Western Trade Coast Protection Area (WTCPA) buffer line in the Mandogalup locality;
2. Seek Ministerial intervention to direct the EPA to conduct a thorough review of the entire WTCPA buffer line, to ensure a proper, justifiable and credible outcome; and
3. Request that the Western Australian Planning Commission, as the State's leading planning agency, resolve the land use planning framework surrounding the definition of the WTCPA buffer line, using the State’s planning framework.

Committee Voting – 5/0

The Committee's Reason for Varying the Officer's Recommendation

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable
**Reference No & Subject:** EP-023/16 Tender T16/17-06 – Supply of Traffic Management Services

**File No:**

**Proponent/s:**

**Author:** Mr Darren Dropulich, Construction Engineer

**Other Contributors:**

**Date of Committee Meeting:** 15 August 2016

**Previously before Council:**

**Disclosure of Interest:**

**Nature of Council’s Role in this Matter:** Executive

**Site:**

**Lot Area:**

**LA Zoning:**

**MRS Zoning:**

**Attachments:** Schedule of Rates for T16/17-06

**Maps/Diagrams:**

---

**Purpose of Report**

Provide Council with details of the tenders received for Tender T16/17-06 - Supply of Traffic Management Services, document the results of the tender assessment and make recommendations regarding award of the tender.

---

**Background**

Tender T16/17-06 - Supply of Traffic Management Services was advertised in the West Australian on Saturday, 11 June 2016. The Tender closed at 2.00pm, Wednesday, 29 June 2016 and was publicly opened immediately after the closing time.

---

**Details**

The scope of the contract is for the Supply of Traffic Management Services. The type of works to be undertaken under the contract shall include the preparation of Traffic Management Plans (TMP) and the provision of traffic controllers and necessary traffic control devices to facilitate safe worksites for City employees and the public.
The period of the contract shall be from 1 October 2016 until 30 June 2019.

Tender submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contraflow Pty Ltd</td>
</tr>
<tr>
<td>Complete Cabling and Construction Pty Ltd T/As Complete Traffic</td>
</tr>
<tr>
<td>RSTM Pty Ltd T/As Roadsafe Traffic Management</td>
</tr>
<tr>
<td>Beaver Traffic Management Pty Ltd</td>
</tr>
<tr>
<td>Quality Traffic Management Pty Ltd</td>
</tr>
<tr>
<td>LGC Group Pty Ltd</td>
</tr>
<tr>
<td>Advanced Traffic Management (WA) Pty Ltd</td>
</tr>
<tr>
<td>WARP Pty Ltd T/As WARP Traffic Management</td>
</tr>
<tr>
<td>Evolution Traffic Control Pty Ltd</td>
</tr>
<tr>
<td>Workforce Road Services Pty Ltd</td>
</tr>
<tr>
<td>Joynson Enterprises Pty Ltd T/As SJ Roadworks</td>
</tr>
<tr>
<td>Nolan Bay Pty Ltd T/As All Sites Traffic Solutions</td>
</tr>
</tbody>
</table>

The Schedule of Rates for tender T16/17-06 is attached.

A panel nominated by the Director, and comprising of the Construction Engineer, Engineering Services Project Officer and Coordinator Maintenance Parks Services undertook tender evaluations.

Evaluation of the tender, in accordance with the advertised tender assessment criteria, produced the following weighted scores:

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. Points</td>
<td>40 Pts</td>
<td>20 Pts</td>
<td>40 Pts</td>
<td>100 Pts</td>
</tr>
<tr>
<td>WARP Pty Ltd T/As WARP Traffic Management</td>
<td>35</td>
<td>19</td>
<td>34.5</td>
<td>88.5</td>
</tr>
<tr>
<td>Advanced Traffic Management (WA) Pty Ltd</td>
<td>35</td>
<td>17</td>
<td>32.1</td>
<td>84.1</td>
</tr>
<tr>
<td>Contraflow Pty Ltd</td>
<td>32</td>
<td>15</td>
<td>36.4</td>
<td>83.4</td>
</tr>
<tr>
<td>Evolution Traffic Control Pty Ltd</td>
<td>33</td>
<td>17</td>
<td>28.9</td>
<td>78.9</td>
</tr>
<tr>
<td>Quality Traffic Management Pty Ltd</td>
<td>30</td>
<td>15</td>
<td>29.3</td>
<td>74.3</td>
</tr>
<tr>
<td>Beaver Traffic Management Pty Ltd</td>
<td>28</td>
<td>14</td>
<td>29.1</td>
<td>71.1</td>
</tr>
<tr>
<td>RSTM Pty Ltd T/As Roadsafe Traffic Management</td>
<td>25</td>
<td>12</td>
<td>32.9</td>
<td>69.9</td>
</tr>
<tr>
<td>LGC Group Pty Ltd</td>
<td>21</td>
<td>12</td>
<td>32.2</td>
<td>65.2</td>
</tr>
<tr>
<td>Workforce Road Services Pty Ltd T/As CQ Traffic Control</td>
<td>23</td>
<td>9</td>
<td>26.3</td>
<td>58.3</td>
</tr>
<tr>
<td>Joynson Enterprises Pty Ltd T/As SJ Roadworks</td>
<td>20</td>
<td>9</td>
<td>26.2</td>
<td>55.2</td>
</tr>
<tr>
<td>Nolan Bay Pty Ltd T/As All Sites Traffic Solutions</td>
<td>10</td>
<td>6</td>
<td>33.6</td>
<td>49.6</td>
</tr>
<tr>
<td>Complete Cabling and Construction Pty Ltd T/As Complete Traffic</td>
<td>9</td>
<td>6</td>
<td>33.4</td>
<td>48.4</td>
</tr>
</tbody>
</table>
The contract rates will be subject to a price variation every 12 months from 1 October 2016. Such a price variation will be calculated in accordance with the variation in the Consumer Price Index (CPI) for Perth Western Australia for all groups for the 12 months preceding the last completed CPI quarter as at the date the price variation is due.

<table>
<thead>
<tr>
<th>Implications to Consider</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a. Consultation with the Community</strong></td>
</tr>
<tr>
<td>Not Applicable</td>
</tr>
<tr>
<td><strong>b. Consultation with Government Agencies</strong></td>
</tr>
<tr>
<td>Not Applicable</td>
</tr>
<tr>
<td><strong>c. Strategic</strong></td>
</tr>
<tr>
<td><strong>Community Plan</strong></td>
</tr>
<tr>
<td>This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:</td>
</tr>
<tr>
<td><strong>Aspiration C:</strong> Quality Leadership</td>
</tr>
<tr>
<td><strong>Strategic Objective:</strong> Infrastructure - Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis.</td>
</tr>
<tr>
<td><strong>d. Policy</strong></td>
</tr>
<tr>
<td>In accordance with the City’s Purchasing Policy, for purchases above $150,000, a public tender process is to be conducted in accordance with the provision of section 3.57 of the Local Government Act 1995; and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11A(1).</td>
</tr>
<tr>
<td><strong>e. Financial</strong></td>
</tr>
<tr>
<td>Expenditure in accordance with the City’s Annual Budgets.</td>
</tr>
<tr>
<td>Historical expenditure for 2015/2016 was $1,998,049.</td>
</tr>
<tr>
<td><strong>f. Legal and Statutory</strong></td>
</tr>
<tr>
<td>‘Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than $150,000 unless sub regulation (2) states otherwise’.</td>
</tr>
<tr>
<td><strong>g. Risk</strong></td>
</tr>
<tr>
<td>All Council decisions are subject to risk assessment according to the City’s Risk Framework.</td>
</tr>
<tr>
<td>Implications and comment will only be provided for the following assessed risks.</td>
</tr>
<tr>
<td><strong>Customer Service / Project management / Environment:</strong> High and Extreme Risks</td>
</tr>
<tr>
<td><strong>Finance / Personal Health and Safety:</strong> Medium, High and Extreme Risks</td>
</tr>
<tr>
<td><strong>Nil</strong></td>
</tr>
</tbody>
</table>

**Comments**

Following consideration of the submissions in accordance with the tender assessment criteria, most companies demonstrated a capacity to provide the services for the tendered items. However, the submission received from WARP Pty Ltd T/As WARP Traffic Management is considered the best value to the City due to them having the best understanding of the tender requirements, and therefore recommended as the preferred tenderer.
**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ACCEPTS** the tender submitted from WARP Pty Ltd T/As WARP Traffic Management, for Tender T16/17-06 - Supply of Traffic Management Services in accordance with the tender documentation for the contract period 1 October 2016 to 30 June 2019.

**Committee Recommendation**

Moved Cr Hamblin, seconded Cr Summers:

That Council **ACCEPTS** the tender submitted from WARP Pty Ltd T/As WARP Traffic Management, for Tender T16/17-06 - Supply of Traffic Management Services in accordance with the tender documentation for the contract period 1 October 2016 to 30 June 2019.

Committee Voting – 4/1
(Cr Whitfield voted against)

**The Committee’s Reason for Varying the Officer’s Recommendation**

Not Applicable

**Implications of the Changes to the Officer’s Recommendation**

Not Applicable
## Engineering and Parks Services
### Engineering Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-024/16 Delegation of Authority to Support or Oppose Heavy Vehicle Haulage Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>TFT/6</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Qaisar Mehboob, Engineering Technical Officer-Traffic</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Ian Daniels, Manager Engineering Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 August 2016</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
</tr>
<tr>
<td>Site:</td>
<td></td>
</tr>
<tr>
<td>Lot Area:</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td></td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
</tr>
</tbody>
</table>

### Purpose of Report
For Council to consider a Delegation of Authority to the Chief Executive Officer (CEO) to either support or oppose heavy vehicle haulage applications on City of Rockingham controlled roads.

### Background
In December 2012, Main Roads WA (MRWA) consolidated the heavy haulage ‘permit’ system into a single ‘Notice’ which set up a network of roads across the state that certain types of heavy haulage trucks could use. These networks are called Restricted Access Vehicle (RAV) Networks.

The previous ‘permit’ system was deemed to be too onerous and time consuming for heavy haulage operators who needed a fast and efficient turn around system to allow them to transport their goods in a timely manner.

The new ‘Notice’ system is administered by MRWA, however, support from a Local Government (LG) is always requested when the application includes that LG’s controlled roads.

At the time the ‘Notice’ system was launched the City approved a number of roads to be included in the RAV Networks.
From time to time the City receives requests from heavy haulage operators who wish to operate outside these RAV Networks and these requests are submitted to Council for approval. These applications will either be for a one-off haulage operation, an extra road to be added to the RAV Network or for a higher class of vehicle than is already approved for a certain route.

Details

All operators of certain types of heavy vehicles must become accredited prior to gaining approval to use the RAV Networks.

Western Australian Heavy Vehicle Accreditation is mandatory for individuals and organisations that require a permit or notice to perform any transport task as part of a commercial business or for profit within Western Australia, including interstate operators.

Any single motor vehicle or combination which alone or together with its load exceeds the general access limits as defined in the MRWA Heavy Vehicle Classification System which is based on vehicle mass, dimension and loading parameters is considered to be a Restricted Access Vehicle (RAV).

Truck and trailer combinations having the following characteristics are considered “as of right” vehicles and don’t require any permit to operate on any road throughout Western Australia:

- Maximum Length 19.0 metres
- Maximum Width 2.7 metres
- Maximum Height 4.6 metres
- Maximum Gross Mass 42.5 Tonnes

However, combinations (and their loads) which are over height, oversize and/or overmass are subject to special operating conditions. In some instances, this may include the requirement to assess a route for suitability before the vehicle or combination is granted access to that part of the road network.

RAVs that exceed the above specified limits for “as of right” vehicles may be eligible to operate under a notice applicable to that vehicle. Notices provide greater dimension/mass limits with additional conditions and route restrictions for RAVs.

Implications to Consider

a. Consultation with the Community
   Not Applicable

b. Consultation with Government Agencies
   Officers have consulted with MRWA Heavy Vehicle Services and the Western Australian Local Government Association (WALGA).

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Community Plan 2015-2025:

   **Aspiration C:** Quality Leadership

   **Strategic Objective:** Civic Buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis

   **Strategic Objective:** Governance systems that enable Council to make informed and considered decisions, effectively supported by an executive informing and implementing those decisions; all within accountable, legally compliant, transparent and ethical environment.
Aspiration D: Sustainable Environment

Strategic Objective: Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy
Nil

e. Financial
Nil

f. Legal and Statutory

Section 5.42 of the Local Government Act 1995 – Delegation of some powers and duties to Chief Executive Officer

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

(a) this Act other than those referred to in section 5.43;

* Absolute majority required

Section 3.18 of the Local Government Act 1995 – Performing executive functions

(1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act

g. Risk

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks
Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

Approval of the Delegation of Authority to the Chief Executive Officer to support or oppose heavy vehicle haulage applications will streamline the process and provide a quicker and more efficient processing system for the heavy vehicle haulage applications. It will also enable the City and MRWA to comply with the approval process timeframe that is quoted to the industry by MRWA.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council APPROVES the following delegation of authority to the Chief Executive Officer to support or oppose heavy vehicle haulage applications.

### SUPPORT OR OPPOSE RESTRICTED ACCESS VEHICLE HEAVY HAULAGE APPLICATIONS

<table>
<thead>
<tr>
<th>Function Delegated:</th>
<th>Authority to support or oppose restricted access heavy vehicle haulage Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statutory Power being Delegated:</td>
<td>Local Government Act 1995 s3.18 Performing Executive Functions</td>
</tr>
<tr>
<td>Power is originally assigned to:</td>
<td>Local Government</td>
</tr>
</tbody>
</table>
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 19 SEPTEMBER 2016

SUPPORT OR OPPOSE RESTRICTED ACCESS VEHICLE HEAVY HAULAGE APPLICATIONS

s5.42 Delegation of some powers and duties to the CEO |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Power Delegated to:</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Council’s Conditions on Delegation:</td>
<td>Nil</td>
</tr>
</tbody>
</table>
| Statutory Power to Sub-Delegate: | Local Government Act 1995  
s5.44 CEO may delegate some powers and duties to other employees |
| Record Keeping | Evidence of determinations and notices to be retained in the appropriate file. |
| Compliance Links | • Local Government Act 1995  
• Road Traffic Act 1974  
• Road Traffic (Vehicles) Act 2012  
• Road Traffic (Vehicles) Regulations 2014  
• Road Traffic (Administration) Act 2008-Sect 132 |

Committee Recommendation

Moved Cr Whitfield, seconded Cr Summers:

That Council **APPROVES** the following delegation of authority to the Chief Executive Officer to support or oppose heavy vehicle haulage applications.

SUPPORT OR OPPOSE RESTRICTED ACCESS VEHICLE HEAVY HAULAGE APPLICATIONS

<table>
<thead>
<tr>
<th>Function Delegated:</th>
<th>Authority to support or oppose restricted access heavy vehicle haulage Applications</th>
</tr>
</thead>
</table>
s3.18 Performing Executive Functions |
| Power is originally assigned to: | Local Government |
s5.42 Delegation of some powers and duties to the CEO |
| Power Delegated to: | Chief Executive Officer |
| Council’s Conditions on Delegation: | Nil |
| Statutory Power to Sub-Delegate: | Local Government Act 1995  
s5.44 CEO may delegate some powers and duties to other employees |
SUPPORT OR OPPOSE RESTRICTED ACCESS VEHICLE HEAVY HAULAGE APPLICATIONS

<table>
<thead>
<tr>
<th>Record Keeping</th>
<th>Evidence of determinations and notices to be retained in the appropriate file.</th>
</tr>
</thead>
</table>
| Compliance Links | • Local Government Act 1995  
                  • Road Traffic Act 1974  
                  • Road Traffic (Vehicles) Act 2012  
                  • Road Traffic (Vehicles) Regulations 2014  
                  • Road Traffic (Administration) Act 2008-Sect 132 |

Committee Voting – 5/0

The Committee’s Reason for Varying the Officer’s Recommendation

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### Reference No & Subject:

EP-025/16	Renaming of Thundelarra Reserve, Golden Bay to Sam Silla Reserve

### File No:

R/50975

### Risk Register No:

Golden Bay Progress Association Inc.

### Proponent/s:

Mr Adam Johnston, Manager Parks Services

### Author:

Mr Adam Johnston, Manager Parks Services

### Other Contributors:

Golden Bay Progress Association proposal letter

### Date of Committee Meeting:

15 August 2016

### Previously before Council:

14 September 2015 (EP-041/15)

### Disclosure of Interest:

Advocacy

### Site:

Thundelarra Reserve, Lot 8000, R/50975

### Lot Area:

4434m²

### LA Zoning:

Public Recreation

### MRS Zoning:

Public Recreation

### Attachments:

Golden Bay Progress Association proposal letter

### Maps/Diagrams:

Thundelarra Reserve Location Map

---

Thundelarra Reserve proposed to be renamed Sam Silla Reserve
Purpose of Report

For Council to consider support for an application from the Golden Bay Progress Association requesting that Thundelarra Reserve be renamed Sam Silla Reserve.

Background

Cr Elliott submitted the following motion for consideration at the September 2015 Council Meeting:

"That Council strongly supports Golden Bay Progress Association’s request to Landgate that the Golden Bay Foreshore Reserve be renamed the Sam Silla Reserve."

At the ordinary Meeting of Council on 14 September 2015, this matter was considered and it was resolved as follows:

"That Council SUPPORT the renaming of a portion of the Golden Bay Foreshore, Marillana Drive; Golden Bay R/27066 to Sam Silla Reserve."

Golden Bay Progress Association made application to Landgate’s Geographic Names Committee to have the portion of Golden Bay Foreshore renamed but the application was not supported. Naming of places, roads or reserves is intended to be enduring and the Golden Bay Foreshore had already previously been officially named.

Golden Bay Progress Association approached the developer Peet Limited (PEET) about the possibility of naming one of the new parks within their development after Sam Silla with the view to establishing a connection between the old Golden Bay and the new development. PEET nominated Thundelarra Reserve as being suitable as it was currently unnamed.

A letter dated 18 May 2016 was received by Cr Elliot from the Golden Bay Progress Association proposing the name change from Thundelarra Reserve to Sam Silla Reserve.

Although Thundelarra Reserve was originally developed by PEET, the reserve is now under the management of the City.

Details

The reserve on Thundelarra Drive is known as Thundelarra Reserve as the accepted practice for naming a reserve is principally determined by the major road frontage identified on the deposited plan provided by the Department of Planning and Infrastructure at the time of the management order being created.

When a Reserve is to be named in honour of a person, it is to recognise their significant contribution to the area of the proposed park or reserve.

As per the City’s Naming of Reserves Guidelines, association or contribution can include:

- twenty or more years association with a local community group or service club;
- twenty or more years of association or service with a local or state government agency or organisation;
- action by an individual to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community or area; and
- service to the community or organisation must have been voluntary.

When a naming action has been presented to the Geographic Names Committee (GNC), it shall determine whether the naming proposal in its current form conforms to all required naming policies and standards. Further supporting evidence from the applicant, government departments or development bodies and other interested parties may be required.

The GNC will determine the merits of each proposal and/or identify issues arising from the application before making a final decision.

Implications to Consider

a. Consultation with the Community

Golden Bay Progress Association Inc.
b. Consultation with Government Agencies
The GNC may consult with relevant emergency response or public service organisations if a question of public safety or confusion might arise.

c. Strategic
Community Plan
This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:

**Aspiration C:** Quality Leadership  
**Strategic Objective:** Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis

d. Policy
Landgate ‘Policies and Standards for Geographical Naming with Western Australia’  
Version 01:2015

e. Financial
Should the application for renaming be successful there would be a requirement to amend the current Reserve signage.
The approximate cost of the signage amendment would be around $500, which would be met through the existing reserve maintenance account.

f. Legal and Statutory
The naming approval will require GNC endorsement under the provision set out in the Land Administration Act 1997, Land Administration Regulations 1998 and the Instrument of Delegations.
In some circumstances the Chairman and the Executive Officer of the GNC have the authority to approve naming submissions. Through the Geographic Names Team, advice is provided to the applicant on how the naming proposal shall proceed or why it cannot.
It is expected that the application would be assessed in accordance with the Metropolitan Region Scheme (MRS) and comply with the requirements of section 6(2) of the Planning and Development Act 2005 which are to:

(a) Have regard to the purpose and intent of the relevant scheme; in this case the MRS.  
(b) Have regard to the principle of proper and orderly planning and preservation of the amenity of the area.

g. Risk
All Council decisions are subject to risk assessment according to the City’s Risk Framework.
Implications and comment will only be provided for the following assessed risks.

*Customer Service / Project management / Environment: High and Extreme Risks*  
*Finance / Personal Health and Safety: Medium, High and Extreme Risks*

Nil

**Comments**

Historically, Council has supported community nominations for naming of Reserves with the intent to recognise a community member who has made a substantial contribution to the community.

The GNC gives careful consideration to all requests as established acknowledgment is traditionally conveyed on long servicing Councillors or individuals who’ve had a significant impact or contribution to the development of the community as a whole.

Mr Sam Silla was one of the early residents of Golden Bay having moved to the area in 1971 and lived in the same location in Marillana Drive until he passed away in February 2009.
Throughout his life Mr Silla became very involved in the life and progress of the community, having held the Progress Association meetings in his home for several years until the Golden Bay Hall was built.

Mr Silla started Golden Bay Realty, running it first from home, before moving to the local Shopping Centre and continued operating there until just before his death.

He was also an integral member of the local Volunteer Bush Fire Brigade serving as Captain of the brigade for a time.

In relation to the Golden Bay Progress Association's application to have the Thundelarra Reserve named after Mr Silla, it is considered that his contribution meets the relevant criteria outlined by the GNC and it is therefore recommended that Council support the renaming of Thundelarra Reserve to Sam Silla Reserve.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **SUPPORTS** the renaming of Thundelarra Reserve, Golden Bay R/50975 to Sam Silla Reserve.

### Committee Recommendation

Moved Cr Hamblin, seconded Cr McManus:

That Council **SUPPORTS** the renaming of Thundelarra Reserve, Golden Bay R/50975 to Sam Silla Reserve.

Committee Voting – 5/0

### The Committee's Reason for Varying the Officer's Recommendation

Not Applicable

### Implications of the Changes to the Officer's Recommendation

Not Applicable
As Committee Members wished to further discuss Item EP-026/16 Advisory Committee Membership – Review Appointments which involves the personal affairs of any person; or the business, professional, commercial or financial affairs of a person the Chairperson advised that in accordance with section 5.23(2) (b) and (e)(ii) of the Local Government Act 1995 the Planning and Engineering Services Committee will need to defer the matter for consideration at Agenda Item 18 - Matters Behind Closed Doors.

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-026/16 Advisory Committee Membership – Review Appointments (Absolute Majority)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>GOV/39-02</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mrs Jelette Edwards, Governance Coordinator</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Ian Daniels, Manager Engineering Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Rod Fielding, Manager Health Services</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 August 2016</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td></td>
</tr>
<tr>
<td>Lot Area:</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td></td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
</tr>
</tbody>
</table>
### Reports of Councillors
Nil

### Addendum Agenda
Nil

### Motions of which Previous Notice has been given

#### Planning and Development Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-055/16 Notice of Motion – Development Assessment Panels</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1385-06</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Cr Kelly McManus</td>
</tr>
<tr>
<td>Owner:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr D Waller, A/Manager, Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr G Delahunty, Projects Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr R M Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 August 2016</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Advocacy</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td></td>
</tr>
<tr>
<td>Lot Area:</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td></td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
</tr>
</tbody>
</table>
Purpose of Report

To consider a Notice of Motion from Cr Kelly McManus, as follows:

“That Council:

1. ADVOCATES for the abolition of Development Assessment Panels (DAPs) on the basis that;
   a. DAPs by means of their majority unelected membership are not democratic bodies representing the ratepayers and accordingly do not reflect the aspirations or values of the community;
   b. DAPs represent a significant erosion of planning powers by elected representatives who have been given a mandate by ratepayers to make these decisions.

2. ADVOCATES for consideration of the following reforms, in the event that DAPs remain in place, to ensure greater accountability, transparency and procedural fairness for ratepayers through the Panel’s assessment and decision making processes:
   a. Abolishing the current opt-in mechanism for applicants in favour of a Ministerial call-in power for projects of state or regional significance, with a minimal value of $20 million as has been adopted in the eastern states;
   b. Requiring equal membership on the DAP between Local Government and Appointed Specialist members with an independent Chair;
   c. Requiring the DAP to set the meeting date for consideration of the development applications to enable inclusion within the community consultation process;
   d. Requiring the DAP agenda and local government report and recommendation to be published no less than ten business days prior to the scheduled meeting date;
   e. Requiring a minimum of 5 business days between publishing the DAP Agenda and the date by which ratepayers can make a public presentation to the DAP, to provide more time to prepare a formal response;
   f. Providing a public template for ratepayers to assist with the preparation of feedback as part of the Community consultation process;
   g. Requiring any changes to a development application between the community consultation period and final proposal for decision by the DAP to be published on the local government's website and to notify all respondents to the original community consultation of those changes;
   h. Removing the need for the local government to obtain the applicant's consent for further consultation or an extension of time to report the applicant's development proposal to a DAP meeting for determination; and
   i. Allowing the responsible authority to seek a review of DAP decisions by the State Administrative Tribunal.”

Background

The Western Australian Planning Commission (WAPC) released a Discussion Paper Implementing DAPs in Western Australia for public comment on 10th September 2009.

In October 2009, the Council considered the Discussion Paper and resolved to submit a comprehensive submission in objection to the introduction of DAPs.

In May 2010, the Council submitted its strong opposition to the introduction of DAPs to the Department of Planning and the Western Australian Local Government Association (WALGA), on the basis that the amended model proposed in the Policy Statement ‘Implementing Development Assessment Panels in Western Australia’ would not improve upon the City determining Development Applications pursuant to Town Planning Scheme No.2 (TPS2).

In November 2010 the Approvals and Related Reforms (No.4) (Planning) Bill 2009 was gazetted.
In March 2011, the City further considered the implementation of DAPs and resolved to advise WALGA that it was not satisfied that the Department of Planning had taken into consideration the full costs of City representatives attending DAP meeting and Council delegation arrangements.

On 1 July 2011, the Planning and Development (Development Assessment Panels) Regulations came into operation.

In 2014, following a request from WALGA, the Legislative Council referred a review of DAPs to the Standing Committee on Uniform Legislation and Statutes. In 2014 and 2015 the Committee undertook its review of DAPs inclusive of receiving submissions and public hearings. WALGA's submission to the Committee recommended a number of changes.

In September 2015, the Committee completed its review of DAPs, with none of WALGA's recommendations being included in the report presented to the Minister for Planning.

On 1 May 2015, the Planning and Development (Development Assessment Panels) Amendment Regulations came into operation.

Montessori School Decision

The City originally received a Joint Development Assessment (JDAP) application in December 2014 for an Educational Establishment at Lot 11 (No.1809) and Lots 700 and 701 (No.1791) Mandurah Road, Karnup. This application was subsequently refused by the SWJDAP in March 2015 for a number of reasons which the Council did not believe had been appropriately addressed. The reasons related to; land-use, traffic, safety, environmental and amenity concerns.

Despite the Council's concerns, on the 18th December 2015, the SWJDAP reconsidered its decision dated 10 March 2015, pursuant to section 31 of the State Administrative Tribunal Act 2004, and resolved to approve the Joint Development Assessment Panel (JDAP) application for an Educational Establishment at the subject site. The SWJDAP provided the following reason for approving the JDAP:

"Following amendments made to the plans and further information/planning provided on management/operations of the school through the State Administrative Tribunal (SAT) mediation process, the application is now considered to be an acceptable land use for the area and traffic measures required by Main Roads WA for Mandurah Road can be achieved. The Members voted to use discretion to approve the development application, given under the Metropolitan Region Scheme."

In February 2016, the Council resolved to direct the Chief Executive Officer to convey Council's objection and concern over the Metro South-West Joint Development Assessment Panel's reconsidered decision to grant Development Approval for the Montessori School at Lot 11 (No.1809) and Lots 700 and 701 (No.1791) Mandurah Road, Karnup to the Director General of the Department of Planning.

South Perth Decision

In February 2016, the Supreme Court ruled a Development Approval of the Metro Central Joint Development Assessment Panel was invalid (Nairn vs Metro Central Joint Development Assessment Panel [2016] WASC 56).

It was found that the DAP acted outside its jurisdiction and had misinterpreted scheme provisions relating to the mix of development between residential and non-residential components and allowed development significantly over height and plot ratio.

Notwithstanding the decision handed down by the Supreme Court, several weeks after this decision, the Metro Central JDAP approved another tower relying on similar variations and non-residential components for variations to plot ratio and height.

Details

In 2009, when the State Government first announced a proposal to introduce DAPs to the planning system, significant concerns were expressed by the City and other local governments regarding the proposed system and the removal of planning control from local government. The City has maintained these concerns, and a number of operative concerns.
Unfortunately these concerns, as evidenced with the DAP system in operation, as well as a number of other concerns from WALGA and other local governments, has not been appropriately addressed or considered.

Following the leads of the City of Vincent, other local governments, including the Cities of Stirling, Bayswater, South Perth and Towns of Mosman Park, Bayswater and Victoria Park have also expressed to either abolish and/or raise serious concerns over DAPs.

### Implications to Consider

| a. Consultation with the Community | Nil |
| b. Consultation with Government Agencies | Nil |
| c. Strategic Community Plan | This item addresses the Community's Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Community Plan 2015-2025: |
| Aspiration C: Quality Leadership | Strategic Objective: Governance - Governance systems that enable Council to make informed and considered decisions, effectively supported by an executive informing and implementing those decisions; all within an accountable, legally compliant, transparent and ethical environment. |
| Aspiration D: Sustainable Environment | Strategic Objective: Land Use and Development Control – Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle. |
| d. Policy | Nil |
| e. Financial | Nil |
| f. Legal and Statutory | DAPs determine all applications for planning approval of a prescribed class and value. Notwithstanding that applications are lodged with the City, processed by City staff and including the preparation of reports, the power to determine applications over the prescribed value was removed from local authorities and instead the DAP is the decision-maker on such applications. |
| Development Assessment Panels are panels comprising a mix of technical experts and local government representatives with the power to determine applications for planning approval of a prescribed class and value in place of the relevant decision-making authority (typically local governments and/or the Western Australian Planning Commission). |
| Fifteen Development Assessment Panels were created which cover the entire State. A Local Development Assessment Panel was created for developments within the City of Perth only, with all other Panels being Joint Development Assessment Panels which serve two or more local government areas. |
| The City is part of the Metropolitan South-West Joint Development Assessment Panel covering the following local government areas: |
| - Rockingham; |
| - Cockburn; |
Mandatory applications

Mandatory applications apply to proposed development that has an estimated cost of $10 million or more and is not an Excluded Development (Note 1). A mandatory application must be determined by a DAP and cannot be determined by a Local Government or the Western Australian Planning Commission (WAPC).

(Note 1: Exempted Development means the construction of a single dwelling, fewer than ten grouped dwellings or multiple dwellings, carports, patios, outbuildings or associated incidental development).

Optional applications

Optional applications apply to proposed development that has an estimated construction cost between $2 million and $10 million in value. In this circumstance, the applicant may choose to use the DAP process or have their application determined by the City of Rockingham (and/or the WAPC, if applicable).

DAP Composition

Each DAP comprises three specialist members and two local government members. The specialist members hold relevant qualifications and experience, including the presiding member who has planning qualifications and experience. The specialist members are appointed by the Minister for Planning. The two local government members are nominated by the local government authority and then appointed by the Minister. Two alternate local government members are also appointed to cover in the case of illness or absence. The specialist members sit on the DAP and determine all applications on the agenda within all relevant local government areas, whereas the local government members only sit on the panel for those applications located within their local government area.

Application process

The authority receiving the application then assesses it as if it were a normal application and prepares a Responsible Authority Report (RAR) containing recommendations for the DAP to consider. In the case of the City of Rockingham, this report is presented to Council for determination before being sent. Once determined, the RAR is forwarded to the DAP Secretariat, which then circulates it amongst the DAP members responsible for the determination.

Initially the City received advice by the Department of Planning, prior to the implementation of DAPs, that DAP applications were not required to be presented to Council and that an RAR could be prepared by an Officer of the local government. The City, subsequently, questioned this advice with the Department of Planning. The Director General of the Department of Planning advised that under the Local Government Act (1995), the local government may delegate, via the CEO, the preparation and submission of a RAR to one of its employees and suggested that the City seek its own independent legal advice.

The City has reviewed this advice and considers that a local government does not have power to delegate its functions in this regard. The RAR must be provided but the local government and not a local government employee.

There are two statutory time periods within which a determination must be made for DAP Applications. If the application does not require advertising, the statutory determination period is sixty (60) days and if advertising is required, the statutory determination period is ninety (90) days.

In terms of the City providing the RAR to the DAP Secretariat, if the application:

- does not require advertising, the City has 50 days to provide the RAR to the Panel; or
- if the application does require advertising it has 80 days to provide the RAR.
Once a DAP Application is received by the City it must be determined whether it will be possible to put the RAR to a scheduled Council Meeting prior to the RAR due date. If it is not possible to meet the Council reporting deadline, an extension of time must be sought from the applicant and Panel Secretariat.

A meeting is then scheduled and the DAP Secretariat circulates the agenda, copies of the application and supporting documentation, together with the RAR. The Agenda is then available on the WAPC and the relevant local authority website.

DAP meetings are open to the public, so any interested person can attend, however, only those persons invited to give a presentation to the DAP may address the DAP during the meeting. People who have made a submission on the application during the public advertising process and who are in attendance at the meeting may be asked to make a short presentation to the DAP on their position regarding the application.

Each member of the DAP, who is present at a meeting of the panel, is entitled to one vote on each matter. In the event of a deadlocked vote (which may occur if one member is absent from a meeting), the person presiding (either the presiding member or the deputy presiding member) will have the power to cast the deciding vote. Following the meeting, the minutes of the meeting will be finalised and a determination letter on the development application sent to the applicant.

The operation of DAPs is governed by Regulations, Standing Orders and a Code of Conduct.

g. Risk

All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

- Customer Service / Project management / Environment: High and Extreme Risks
- Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The two matters raised by Cr McManus have been considered as follows:

**MOTION PART 1 - ABOLISHMENT OF DAPs**

**ADVOCATES** for the abolition of Development Assessment Panels (DAPs) on the basis that;

a. DAPs by means of their majority unelected membership are not democratic bodies representing the ratepayers and accordingly do not reflect the aspirations or values of the community;

b. DAPs represent a significant erosion of planning powers by elected representatives who have been given a mandate by ratepayers to make these decisions.

**Officer Comment**

DAPS were introduced in response to criticism from the development industry of the development approval process. Specifically, concerns were raised in relation to how long the development process took and the involvement/effect of community objection on proposals, which informed local decision making, even if a development was compliant. It was also identified that some Council’s Schemes and Policies were out-dated, in terms of contemporary planning, and therefore scope for variation was merited, but often not supported.

The City has consistently not supported DAPs from their initial implementation, on the basis that the Council has undertaken a pragmatic approach to large scale developments and the applications of TPS2 and Policy. Further, it has been the Council’s position that DAPs only apply to those non-performing Council’s rather than applying across the board.

There have also been some circumstances of differences in interpretation of TPS2 and Policy between the City and SWJDAP, as evidenced by the Montessori school, the Baldivis Shopping Centre and the development located at the corner of Safety Bay Road and Nairn Drive. All of these developments were approved pursuant to section 31 of the *State Administrative Tribunal Act 2004*.  

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 19 SEPTEMBER 2016

PRESIDING MEMBER
It is considered, that DAPs are not needed as panel members do not always understand the background of the City’s Policy/Scheme. The DAP process complicates the planning process and in relation to the City of Rockingham, should be abolished. It is acknowledged that the likelihood of this occurring is slight.

**MOTION PART 2 – CHANGES TO PROCESS**

**Ministerial Call in Power**

a. Abolishing the current opt-in mechanism for applicants in favour of a Ministerial call-in power for projects of state or regional significance, with a minimal value of $20 million as has been adopted in the eastern state

**Officer Comment**

The WAPC can already call-in Development Applications of State significance under clause 32 of the Metropolitan Region Scheme.

It is recommended that local governments have the ability to opt-out of JDAPs and their ability to make decisions on Development Applications under local planning schemes be reinstated.

**Equal Membership**

b. Requiring equal membership on the DAP between Local Government and Appointed Specialist members with an independent Chair;

**Officer Comment**

Given this already the intent of how the chair of the DAP is to operate, it is not considered appropriate in raising this matter further. If the intent is to achieve a balanced view, and if it cannot be a Local Government Councillor, then options would be limited.

**Community Consultation**

c. Requiring the DAP to set the meeting date for consideration of the development applications to enable inclusion within the community consultation process;

**Officer Comment**

The City has been able to meet its obligation in relation to community consultation, however, it has relied upon extension of time agreements from applicants, in some circumstances. This has also been needed to present RAR to ordinary Council Meetings, in lieu of organising special meetings.

It is considered that a one off extension time by Local Government for a maximum period of 30 days would be sufficient in this regard and would help with publishing time frames and other deadlines as explained below.

**Publishing of Agenda**

d. Requiring the DAP agenda and local government report and recommendation to be published no less than ten business days prior to the scheduled meeting date;

**Officer Comment**

The current time frames in publishing are very difficult to accommodate and provide insufficient time for not only the public, but for DAP members, to digest often long and complicated report. There have been times at Christmas where meeting dates has been brought forward in order to get applications to meetings, before statutory deadlines.

**Public Presentations**

e. Requiring a minimum of 5 business days between publishing the DAP Agenda and the date by which ratepayers can make a public presentation to the DAP, to provide more time to prepare a formal response;

**Officer Comment**

The requirement for any persons wishing to make a public comment at the DAP meeting is to obtain approval in writing at least 72 hours prior to the meeting. This clearly limits the ability for affected members of the community to attend a meeting and make a statement to the DAP, let alone notify them of intended meeting dates. An extension to 5 days is considered appropriate.
Submissioner Template

f. Providing a public template for ratepayers to assist with the preparation of feedback as part of the Community consultation process;

Officer Comment

The City already has its own template; given advertising of non JDAP applications is required.

Changes to Applications

g. Requiring any changes to a development application between the community consultation period and final proposal for decision by the DAP to be published on the local government's website and to notify all respondents to the original community consultation of those changes;

Officer Comment

If sufficient time was available then the City could provide notification to submissioners of when matters are to be presented to Council and JDAP meetings. A further consultation period to advise submissioners of further changes is not considered necessary and could result in further delays.

Remove Applicants Consent for Time Extension

h. Removing the need for the local government to obtain the applicant's consent for further consultation or an extension of time to report the applicant's development proposal to a DAP meeting for determination; and

Officer Comment

It is considered that a one-off extension of 30 days would alleviate a number of the timing issues experienced by the City.

SAT Review by Local Government

i. Allowing the responsible authority to seek a review of DAP decisions by the State Administrative Tribunal.”

Officer Comment

If the City considers that a JDAP has failed to have due regard and proper consideration to a DAP application, then the local government should have the right to apply for a review of the DAP decision. In order to ensure appropriate consideration to Policy and Scheme provisions it is recommended that a review of DAP decisions is made available for the local government to the SAT.

CITY CONCERNS

Application of Policy and Scheme

It is considered that the specialist members do not always exhibit a proper understanding of the local context, the character of the area, the local issues within the community, nor a detailed understanding of the background of TPS2 and Policies. Further they have had no involvement in the rationale that underpins these statutory documents.

It is recommended that further training be provided to members in this regard.

Conditions

At times the DAPs appear to have been more focused on modifying recommended conditions of approval rather than actually reviewing the design and planning merits of a particular proposal and adding value to the process by recommending design changes or improvements to a proposal to address any specific items. There have been instances where applications have proposed significant variations to applicable requirements and the DAP have spent no or little time in discussing the merits of the proposal or the variations and have instead consumed themselves with finessing conditions.

There has also been some inconsistency in the application of conditions by the DAPs. In some instances a particular condition has been accepted by the DAP, but for a separate but similar application the same condition is modified by the DAP. There are also broader differences across the various DAPs and significant time in modifying conditions before or during meetings.
A set of standard conditions would be appropriate and would help to provide greater certainty and efficiencies.

Use of Meetings for Mediation
There have been a number of circumstances where a DAP meetings has been used to modify conditions or plans. It is not considered appropriate that meetings be used in this way, and it appears to be a shortfall of the DAP process that this still occurs.

Attendance of DAP Governance Officers
The Governance Officer from the JDAP Secretariat does not regularly attend DAP meetings. There have been a number of meetings where no explanation has been provided to the City for this non-attendance, either before or after the SWJDAP meeting.

The City considers that all JDAP meetings should be attended by a JDAP Secretariat Governance Officer to ensure that correct procedures are followed and that proper governance and decision-making principles are observed.

Late Information
There have been circumstances where the City has had insufficient time to consider late information. There has been a circumstance where new traffic data report was received by the SWJDAP and the City less than 24hrs before the scheduled SWJDAP meeting to consider the Development Application. This insufficient time to review or assess additional or new information.

The acceptance of the late information, which was not part of the assessed DA, and to rely on that data to frame conditions forming part of an approval is not proper, orderly, publically accountable or conducive to good decision-making. It is certainly not regarded as best practice in local government decision-making.

This is contrary to good governance principles and denies the City any opportunity to review its RAR recommendations in the light of any late additional information presented by the applicant.

Review of Deputation information prior to Meeting
There have been circumstances where information has been presented at the DAP meeting without City Officers having had a chance to review the information.

Minor Modifications
There have been numerous examples of minor changes to JDAP approval decisions which are required to go thought the full JDAP application process. It is considered that delegation of approval powers to local governments for minor variations would avoid convening meetings, and provide significant cost and time improvements. It would also improve processing times, for applications which in the main are supported by local government.

Reasons for Varying Decisions
The inadequacy of reasons given by the DAP for making decisions contrary to the recommendation of the local government. In the case of the application for the Montessori School, the reason recorded in the Minutes for the DAP (as detailed in the background section) does not deal with the issue of the change of non-conforming use and other matters appropriately.

Conclusion
It is noted that some other local governments have resolved to advocate for the abolition of DAPs. If DAPs are not abolished, there is a clear case for DAPs to deliver outcomes that are more consistent with community expectations of a sound and rigorous planning system and one that requires the DAP to have a greater level of regard to the applicable Scheme and policy provisions of the local government.

It is recommend that the following matters be addressed in the DAP system:
- Enable local government to opt-out of DAPs;
- Allow local government to seek a review of JDAP decisions to SAT to ensure due regard is made to Policy and Scheme provisions are adhered;
- Remove the need for the local government to obtain the applicant's consent for a one 30 day extension of time to report the applicant's development proposal to a DAP meeting for determination and allow for community consultation;
- A minimum of 10 days cut off for late information to be supplied to DAP to DAP members, which must also be provided to the Local Government, so that such information can be appropriately considered;
- A requirement for specialist members to attend a comprehensive briefing on the relevant Local Planning Schemes and policies and the strategic intent underpinning them;
- DAP Members to receive further training and legal advice on the exercise of discretion in making planning decisions and the need to consider the Town Planning Scheme and local planning policies;
- The Department of Planning to develop a standard set of conditions for use in the approval of DAP applications so as to minimise the need for DAPs to focus their attention on the wording and suitability of conditions recommended by the local government;
- Detailed reasons to be provided where a DAP determines an application contrary to the local government's recommendation;
- Delegate authority to Local Governments power to approve minor variations to JDAP approvals.
- All meeting to be attended by a JDAP Secretariat Governance Officer to ensure that correct procedures are followed and that proper governance and decision-making principles are observed.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council:

1. **ADOPTS** the following policy position:
   
   (a) That Development Assessment Panels (DAPs) should be abolished on the basis that:
       
       (i) DAPs by means of their majority being unelected membership are not democratic bodies representing the ratepayers and accordingly do not reflect the aspirations or values of the community;
       
       (ii) DAPs represent a significant erosion of planning powers by elected representatives who have been given a mandate by ratepayers to make these decisions;

   (b) That in the event that DAPs remain in place, the Council supports the following reforms to ensure greater accountability, transparency and procedural fairness for ratepayers through the Panel's assessment and decision-making processes:
       
       (i) Enable applicants to opt-out of DAPs and allow local governments to make decisions on Development Applications pursuant to local planning schemes;
       
       (ii) Enable local governments to seek a review of DAP decisions by the State Administrative Tribunal;
       
       (iii) Require the DAP agenda and Responsible Authority Report to be published no less than 10 business days prior to the scheduled meeting date;
       
       (iv) Require a minimum of 5 business days between publishing the DAP Agenda and the date by which ratepayers can make a public presentation to the DAP, to provide more time to prepare a formal response;
(v) Remove the need for the local government to obtain the applicant's consent for a one 30 day extension of time, to report the applicant's development proposal to a DAP meeting for determination and allow for community consultation;

(vi) A requirement for specialist members to attend a comprehensive briefing on the relevant Local Planning Schemes and policies and the strategic intent underpinning them;

(vii) DAP Members to receive further training and legal advice on the exercise of discretion in making planning decisions and the need to consider the Town Planning Scheme and local planning policies;

(viii) The Department of Planning to develop a standard set of conditions for use in the approval of DAP applications, so as to minimise the need for DAPs to focus their attention on the wording and suitability of conditions recommended by the local government;

(ix) Detailed reasons to be provided where a DAP determines an application contrary to the local government's recommendation;

(x) Delegate approval powers to the local government to approve minor variations to JDAP approvals to improve decision times;

(xi) All meeting to be attended by a JDAP Secretariat Governance Officer to ensure that correct procedures are followed and that proper governance and decision-making principles are observed; and

(xii) A minimum of 10 days cut off for late information to be supplied to DAP members, which must also be provided to the local government, so that such information can be appropriately considered.

2. **DIRECTS** the Chief Executive Officer to communicate the Council's policy position to relevant stakeholders.

Notice of Motion by Cr Kelly McManus

That Council

1. **ADVOCATES** for the demolition of Development Assessment Panels (DAPs) on the basis that:

   (i) DAPs by means of their majority unelected membership are not democratic bodies representing the ratepayers and accordingly do not reflect the aspirations or values of the community;

   (ii) DAPs represent a significant erosion of planning powers by elected representatives who have been given a mandate by ratepayers to make these decisions.

2. **ADVOCATES** for consideration of the following reforms, in the event that DAPs remain in place, to ensure greater accountability, transparency and procedural fairness for ratepayers through the Panel's assessment and decision making processes:

   (i) Abolishing the current opt-in mechanism for applicants in favour of a Ministerial call-in power for projects of state or regional significance, with a minimal value of $20 million as has been adopted in the eastern states;

   (ii) Requiring equal membership on the DAP between Local Government and Appointed Specialist members with an independent Chair;

   (iii) Requiring the DAP to set the meeting date for consideration of the development applications to enable inclusion within the community consultation process;

   (iv) Requiring the DAP agenda and local government report and recommendation to be published no less than ten business days prior to the scheduled meeting date;

   (v) Requiring a minimum of 5 business days between publishing the DAP Agenda and the date by which ratepayers can make a public presentation to the DAP, to provide more time to prepare a formal response;
Committee Recommendation

Moved Cr McManus, seconded Cr Hamblin:

That Council:

1. **ADOPTS** the following policy position:

   (a) That Development Assessment Panels (DAPs) should be abolished on the basis that:

      (i) DAPs by means of their majority being unelected membership are not democratic bodies representing the ratepayers and accordingly do not reflect the aspirations or values of the community;

      (ii) DAPs represent a significant erosion of planning powers by elected representatives who have been given a mandate by ratepayers to make these decisions;

   (b) That in the event that DAPs remain in place, the Council supports the following reforms to ensure greater accountability, transparency and procedural fairness for ratepayers through the Panel’s assessment and decision-making processes:

      (i) Enable applicants to opt-out of DAPs and allow local governments to make decisions on Development Applications pursuant to local planning schemes;

      (ii) Enable local governments to seek a review of DAP decisions by the State Administrative Tribunal;

      (iii) Require the DAP agenda and Responsible Authority Report to be published no less than 10 business days prior to the scheduled meeting date;

      (iv) Require a minimum of 5 business days between publishing the DAP Agenda and the date by which ratepayers can make a public presentation to the DAP, to provide more time to prepare a formal response;

      (v) Remove the need for the local government to obtain the applicant's consent for a one 30 day extension of time, to report the applicant's development proposal to a DAP meeting for determination and allow for community consultation;

      (vi) A requirement for specialist members to attend a comprehensive briefing on the relevant Local Planning Schemes and policies and the strategic intent underpinning them;

      (vii) DAP Members to receive further training and legal advice on the exercise of discretion in making planning decisions and the need to consider the Town Planning Scheme and local planning policies;

      (viii) The Department of Planning to develop a standard set of conditions for use in the approval of DAP applications, so as to minimise the need for DAPs to focus their attention on the wording and suitability of conditions recommended by the local government;
(ix) Detailed reasons to be provided where a DAP determines an application contrary to the local government's recommendation;

(x) Delegate approval powers to the local government to approve minor variations to JDAP approvals to improve decision times;

(xi) All meeting to be attended by a JDAP Secretariat Governance Officer to ensure that correct procedures are followed and that proper governance and decision-making principles are observed; and

(xii) A minimum of 10 days cut off for late information to be supplied to DAP members, which must also be provided to the local government, so that such information can be appropriately considered.

2. **DIRECTS** the Chief Executive Officer to communicate the Council's policy position to relevant stakeholders.

   Committee Voting – 5/0

   **The Committee's Reason for Varying the Officer's Recommendation**

   Not Applicable

   **Implications of the Changes to the Officer’s Recommendation**

   Not Applicable
Planning and Engineering Services Committee Minutes
Monday 15 August 2016
EP-027/16

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 19 SEPTEMBER 2016

PRESIDING MEMBER

Engineering Services

Engineering and Parks Services
Engineering and Parks Services Directorate

Reference No & Subject: EP-027/16 Notice of Motion – Installation of Fitness Equipment to foreshore sites

File No: 
Proponent/s: Cr Leigh Liley
Author: Mr Chris Thompson, Director Engineering and Parks Services
Other Contributors: 
Date of Committee Meeting: 15 August 2016
Previously before Council: 
Disclosure of Interest: 
Nature of Council’s Role in this Matter: Executive

Site: 
Lot Area: 
Attachments: 
Maps/Diagrams: 

Purpose of Report

To provide officer comment and advice on Cr Leigh Liley’s Notice of Motion.

Background

Cr Leigh Liley submitted the following motion for consideration at the 23 August 2016 Council Meeting:

That Council SUPPORTS the installation of fitness equipment (similar to that installed at Waikiki - corner Safety Bay and Malibu Roads) in proximity to:

1. Child play equipment near Carlisle Street boat ramp and toilets
2. Shoalwater Lions Park.

Details

To date the City has installed outdoor recreation infrastructure circuit in three sites, including, City Park in Rockingham, Waikiki Foreshore in Safety Bay and Hillman Park. A fourth circuit is currently being finalised and will be implemented in Harmony Park, Singleton in the near future.

The Harmony Park project was funded through a Federal Government Stronger Communities Project grant for $16,618 with the City contributing over $23,000 making the project total very close to $40,000.
Funding for outdoor recreation infrastructure in the 2016/2017 budget will be expended on the Harmony Park project.

**Implications to Consider**

a. **Consultation with the Community**  
   Nil

b. **Consultation with Government Agencies**  
   Nil

c. **Strategic**  
   **Community Plan**  
   This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:
   
   **Aspiration B:** Strong Community  
   **Strategic Objective:** Building Capacity and Awareness – A healthy community that volunteers, embraces lifelong learning and cultural awareness, and is involved with a diverse range of vibrant and sustainable community, sporting, cultural and artistic organisations and pursuits

   **Community Plan Strategy**  
   Sport, Recreation and Physical Activity Strategy 2013 – 2016  
   The Sport, Recreation and Physical Activity Strategy 2013 – 2016 incorporates Key element 5: Sport and Recreation Infrastructure – to plan, develop, facilitate and manage sport, recreation and physical activity facilities that meet the social, recreation and education needs of the community.

   Implementation action 5.9 states ‘Install outdoor fitness equipment through a strategic planned approach within the City’. Following internal discussion this implementation action was to be initially incorporated through the POS strategy when it was developed. Therefore, this action has not been completed.

d. **Policy**  
   **The Strategic Development Framework Policy**  
   **Community Plan Strategies**  
   **Definition**  
   Plans and strategies that focus upon specific areas of Council involvement or activity. All strategies must be congruent with the higher level key focus areas and aspirations established in the community plan and contain discrete, costed and deliverable tasks that will facilitate effective and measurable outcomes.

   **Process for New Strategy**  
   The Strategic Development Framework clearly articulates the process for Community Plan Strategies as follows:

   A Strategic Discussion is to be facilitated at a Councillor Engagement Session as the first stage of the development of a new strategy or the major review of an existing strategy.

   The Strategic Discussion will be informed by a discussion paper that provides background, data and other relevant information on the major issues facing the City with regards the subject matter.

   A draft Community Plan Strategy informed by the outcomes of the Strategic Discussion and engagement with relevant stakeholder groups and advisory committees is then to be prepared.
The draft strategy is to be submitted to a Councillor Engagement Session followed by consideration at the relevant Standing Committee and Council for endorsement and public advertising.

A recommended final strategy incorporating community consultation outcomes is submitted to Council via the relevant Standing Committee for final consideration.

e. Financial

Funds have been carried forward into the 2016/2017 budget for the Harmony Park project.

No additional funds have been allocated in the 2016/2017 budget for new outdoor recreation infrastructure. Outdoor recreation infrastructure circuits are estimated to cost between $45,000 - $50,000 fully installed.

f. Legal and Statutory

Nil

g. Risk

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

- Customer Service / Project management / Environment: High and Extreme Risks
- Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The City has received a number of requests for equipment of this type in a number of other areas, including both Secret Harbour and Baldivis. To ensure a strategic approach to the installation of outdoor recreation infrastructure it is considered to be more appropriate to wait for the completion of two key guiding documents.

The Public Open Space Strategy (POS Strategy) will provide a framework for the planning, development and maintenance of Public Open Space (POS) to meet the needs of the community, and will provide guidance on the appropriate type of infrastructure based on POS types, taking into account the size, location and amenities available.

The POS Strategy will provide strategic direction, rather than specific recommendations for each individual POS reserve. For instance, the POS Strategy would identify whether exercise equipment should be located in pocket parks, neighbourhood or district POS, and what supporting infrastructure is required (such as toilets, parking, and lighting).

Development of the POS Strategy is expected to take approximately 12 months to complete.

The Health and Wellbeing Strategy (HWS) will incorporate the areas of sport, recreation and physical activity and will focus on what the City's role is in creating a healthy community. It will provide a strategic focus on the development and ongoing promotion and provision of recreation initiatives such as trails, walking, cycling and outdoor fitness equipment opportunities. For example, this Strategy should include implementation actions around the provision of outdoor fitness equipment that has been identified as a need, provides a location, is costed and has an implementation timeframe attached to it as part of Council's Community Plan Strategy adoption process. Physical activity is a key to good health.

The HWS is currently progressing through the development stage. A discussion paper was presented at a Council Engagement Session (CES) in February 2016. Officers are currently finalising the scope for the consultation and engagement program which will be undertaken over the coming months. The draft HWS will be returned to a CES when ready.

Both strategies will ultimately inform an infrastructure installation program, which outlines the location and timing for delivery of infrastructure to the City's POS reserves.

Development of the POS Strategy, HWS, and an infrastructure installation program can largely be undertaken concurrently, in order to provide guidance to the Council on infrastructure delivery as early as possible. In this regard, it is expected that the above documents will be in place to inform infrastructure delivery towards the latter part of 2017/2018 financial year.
Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ENDORSES** the concept of having outdoor recreation infrastructure.
2. **DEFERS** consideration of the installation of outdoor recreation infrastructure (similar to fitness equipment installed at Waikiki Foreshore) until such time as both the Public Open Space Strategy and the City’s Health and Wellbeing Strategy are adopted informing an installation program, which will outline the location and timing for delivery of infrastructure to the City’s POS reserves.

Notice of Motion from Cr Leigh Liley

That Council **SUPPORTS** the installation of fitness equipment (similar to that installed at Waikiki - corner Safety Bay and Malibu Roads) in proximity to:

1. Child play equipment near Carlisle Street boat ramp and toilets.
2. Shoalwater Lions Park.

Committee Recommendation

**Moved Cr Whitfield, seconded Cr Hamblin:**

That Council **APPROVES** the installation of fitness equipment (similar to that installed at Waikiki - corner Safety Bay and Malibu Roads) in proximity to the child play equipment near Carlisle Street boat ramp and toilets and Shoalwater Lions Park, in the 2016/17 financial year, subject to the allocation of funds in the first quarter budget review.

Committee Voting – 5/0

The Committee’s Reason for Varying the Officer’s Recommendation

To facilitate the installation of the fitness equipment within the 2016/17 financial year.

Implications of the Changes to the Officer’s Recommendation

Not Applicable
16. Notices of Motion for Consideration at the Following Meeting

Nil

17. Urgent Business Approved by the Person Presiding or by Decision of the Committee

Nil

18. Matters Behind Closed Doors

---

**Engineering Services**

Moved Cr Hamblin, seconded Cr Whitfield:

That the Planning and Engineering Services Committee CLOSES the meeting to the members of the gallery and Officers (with the exception of the Chief Executive Officer and Minutes Officer) in accordance with section 5.23(2)(b) and (e)(iii) of the Local Government Act 1995 to allow the Planning and Engineering Services Committee to discuss Item EP-026/16 - Advisory Committee Membership - Review Appointments (Absolute Majority).

4:55pm The Chairperson requested that members of the gallery and Officers depart the meeting.

4:56pm The meeting resumed behind closed doors.

---

**CONFIDENTIAL ITEM**

**NOT FOR PUBLIC ACCESS**

Section 5.95(3) Local Government Act 1995 (the Act)

This item may be discussed behind closed doors as per Section 5.23(2)(b) and (e)(iii) of the Act

---

**Engineering and Parks Services**

**Governance and Councillor Support**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-026/16 Advisory Committee Membership – Review Appointments (Absolute Majority)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>GOV/39-02</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mrs Jelette Edwards, Governance Coordinator</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Ian Daniels, Manager Engineering Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Rod Fielding, Manager Health Services</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 August 2016</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
</tbody>
</table>
Nature of Council's Role in this Matter: Executive

Site:
Lot Area:
LA Zoning:
MRS Zoning:
Attachments:
Maps/Diagrams:

Voting Requirements

Absolute Majority

Moved Cr McManus, seconded Cr Hamblin:
That the Planning and Engineering Services Committee be OPENED to the public.

Carried - 5/0

5:17pm The meeting came out from behind closed doors.
The Chairperson did not read aloud the Committee Recommendations carried behind closed doors as no members of the gallery or Officers returned to the meeting.
The following Committee Recommendations were carried behind closed doors.

Committee Recommendation

That Council
1. APPOINTS the following community and organisation representatives to the Bush Fire Advisory Committee listed as follows for a two-year term of office commencing 23 August 2016:

   Bush Fire Advisory Committee
   - Terry Wegwermer Department of Fire and Emergency Services
   - Ben Trevethan Singleton Volunteer Bush Fire Brigade
   - Trevor Wise Baldivis Volunteer Bush Fire Brigade
   - Rik Mills Baldivis Volunteer Bush Fire Brigade
   - Aaron Higgins Baldivis Volunteer Bush Fire Brigade
   - Brenton Smith Baldivis Volunteer Bush Fire Brigade
   - Andrew Munro Rockingham Volunteer Fire and Rescue Service
   - Jason Morrin Secret Harbour Volunteer Fire and Rescue Service
   - Tim Fisher Department of Parks and Wildlife

   Committee Voting – 5/0

2. APPOINTS the following community and organisation representatives to the Disability Access and Inclusion Advisory Committee listed as follows for a two-year term of office commencing 23 August 2016:

   Disability Access and Inclusion Advisory Committee
   - Sheila Morris
   - Jordan Steele-John
   - Anita Na Tapari
   - Stephanie Fielding
5:03pm - Cr Lee Downham departed the Planning and Engineering Services Committee meeting.

3. **REQUESTS** two nominations from the Rockingham District Historical Society.

4. **DEFERS** consideration of representatives to the Local Emergency Management Committee pending further Officer investigation and amended recommendation.

5. **APPOINTS** the following community and organisation representatives to the Marine Infrastructure and Advisory Committee listed as follows for a two-year term of office commencing 23 August 2016:

   Marine Infrastructure and Advisory Committee
   - Les Dodd  Community Member
   - Charles Lammers  Community Member
   - Ron Pease  Community Member
   - David Slowley  The Cruising Yacht Club
   - Tony Manolas  Mangles Bay Fishing Club Inc.
   - Chris Aleman  Rockingham Volunteer Sea Rescue Group
   - Darren Schofield  Department of Fisheries
   - Mark Briant  Department of Transport
   - Melissa Evans  Department of Parks and Wildlife

6. **APPOINTS** the following community and organisation representatives to the Rockingham RoadWise Advisory Committee listed as follows for a two-year term of office commencing 23 August 2016:

   Rockingham RoadWise Advisory Committee
   - Arlene Yates
   - Celine (Sally) Low
   - William (Bill) Ashman
   - Graham Martin
   - Tony Gale
   - Alan Svilicic
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>19.</td>
<td>Date and Time of Next Meeting</td>
</tr>
<tr>
<td>The next Planning and Engineering Services Committee Meeting will be held on <strong>Monday 19 September 2016</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
<td></td>
</tr>
<tr>
<td>20.</td>
<td>Closure</td>
</tr>
<tr>
<td>There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at <strong>5.18pm</strong>.</td>
<td></td>
</tr>
</tbody>
</table>