<p>| CONTENTS |
|----------|---|
| 1. Declaration of Opening | 4 |
| 2. Record of Attendance/Apologies/Approved Leave of Absence | 4 |
| 3. Responses to Previous Public Questions Taken on Notice | 4 |
| 4. Public Question Time | 4 |
| 5. Confirmation of Minutes of the Previous Meeting | 5 |
| 6. Matters Arising from the Previous Minutes | 5 |
| 7. Announcement by the Presiding Person without Discussion | 5 |
| 8. Declaration of Member's and Officer's Interest | 5 |
| 9. Petitions/Deputations/Presentations/Submissions | 6 |
| 10. Matters for which the Meeting may be Closed | 6 |
| Statutory Planning | 6 |
| SP-067/12 Reconsideration of Liberal Party Signage - State Administrative Tribunal | 6 |
| 11. Bulletin Items | 6 |
| Planning Services Information Bulletin – November 2012 | 6 |
| 12. Agenda Items – Planning Services Committee | 9 |
| Strategic Planning and Environment | 9 |
| SPE-027/12 Final Adoption - Proposed Scheme Amendment No.122 - Rezoning from 'Rural' and 'Special Rural' to 'Development' and introducing District Structure Plan Provisions | 9 |
| Statutory Planning | 55 |
| SP-058/12 Proposed Building Envelope Variation - Warnbro Dunes | 55 |
| SP-059/12 Planning Procedure 1.13 – Model Subdivision Conditions Schedule | 63 |
| SP-060/12 Final Approval - Scheme Amendment No.124 - Extinguishment of Restrictive Covenant | 81 |
| SP-061/12 Proposed Primary School | 86 |
| SP-062/12 Heritage Reference Group Appointments | 99 |
| SP-063/12 Planning Procedure 1.13 - Preparation and Assessment of Scheme Amendments | 101 |
| SP-064/12 Pedestrian Access Way Closure Request - Gosforth Court to June Road, Safety Bay | 119 |
| SP-065/12 Proposed Extension to Landscape Supply Yard | 129 |
| 13. Matters Behind Closed Doors | 138 |
| Statutory Planning | 138 |
| SP-067/12 Reconsideration of Liberal Party Signage - State Administrative Tribunal | 138 |</p>
<table>
<thead>
<tr>
<th></th>
<th>Item</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.</td>
<td>Reports of Councillors</td>
<td>140</td>
</tr>
<tr>
<td>15.</td>
<td>Addendum Agenda</td>
<td>140</td>
</tr>
<tr>
<td>16.</td>
<td>Motions of which Previous Notice has been given</td>
<td>140</td>
</tr>
<tr>
<td>17.</td>
<td>Notices of Motion for Consideration at the Following Meeting</td>
<td>140</td>
</tr>
<tr>
<td>18.</td>
<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
<td>140</td>
</tr>
<tr>
<td>19.</td>
<td>Date and Time of Next Meeting</td>
<td>140</td>
</tr>
<tr>
<td>20.</td>
<td>Closure</td>
<td>140</td>
</tr>
</tbody>
</table>
**1. Declaration of Opening**

The Chairperson declared the Planning Services Committee Meeting open at 4.02 pm and welcomed all present.

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

<table>
<thead>
<tr>
<th>2.1 Councillors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr Richard Smith</td>
</tr>
<tr>
<td>Cr Chris Elliott</td>
</tr>
<tr>
<td>Cr Leigh Liley</td>
</tr>
<tr>
<td>Cr Allan Hill</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2.2 Executive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Andrew Hammond</td>
</tr>
<tr>
<td>Mr Bob Jeans</td>
</tr>
<tr>
<td>Mr John Woodhouse</td>
</tr>
<tr>
<td>Mr Brett Ashby</td>
</tr>
<tr>
<td>Mr Peter Ricci</td>
</tr>
<tr>
<td>Mr Richard Rodgers</td>
</tr>
<tr>
<td>Mr David Waller</td>
</tr>
<tr>
<td>Mr Rod Fielding</td>
</tr>
<tr>
<td>Ms Melinda Wellburn</td>
</tr>
</tbody>
</table>

| Members of the Public: | 8 |
| Press: | 1 |

| 2.3 Apologies: | Nil |
| 2.4 Approved Leave of Absence: | Nil |

**3. Responses to Previous Public Questions Taken on Notice**

Nil

**4. Public Question Time**

| 4.04pm | The Chairperson invited members of the Public Gallery to ask questions. |

| 4.1 | Mr Alfred Preston, 10A Gosforth Close, Safety Bay - SP-064/12 - Pedestrian Access Way Closure Request - Gosforth Court to June Road, Safety Bay |
The Chairperson invited Mr Preston to present his questions to the Planning Services Committee. Mr Preston made the following statement:

1. In all the years he has lived in Gosforth Court, he has not experienced any anti-social behaviour in respect of the Public Access Way. There is not an issue with motorbikes or graffiti. He uses the Public Access Way regularly to catch the bus.

   We do not want the Public Access Way closed.

The Chairperson advised that the matter would be discussed later on the Agenda.

4.2 Mr Grant Wilkins, (Australand) and Messrs Frank Arangio and Justin Hansen (Development Planning Strategies) - SPE-027/12 - Final Adoption - Proposed Scheme Amendment No.122 - Rezoning from 'Rural' and 'Special Rural' to 'Development' and introducing District Structure Plan Provisions

The Chairperson invited Messrs Wilkins, Arangio and Hansen to present their questions to the Planning Services Committee. Mr Arangio asked the following question:

1. Is the lodged document formally accepted?

Mr Brett Ashby advised that until such time as the Scheme Amendment had been finalised, the City was not in a position to adopt the Local Structure Plan for advertising.

Messrs Wilkins and Hansen asked the following question:

1. Can we possibly separate the Local Structure Plan from the District Structure Plan to enable it to be advertised earlier than February?

The Chairperson advised that it was not appropriate to comment directly on the process. There was a possibility of a Council Meeting being held in January, however, it was still dependent on Final Approval of the Scheme Amendment.

4.14pm

There being no further questions the Chairperson closed Public Question Time.

5. Confirmation of Minutes of the Previous Planning Services Committee Meeting

Moved Cr Hill, seconded Cr Liley:

That Council CONFIRM the Minutes of the Planning Services Committee Meeting held on 15 October 2012, as a true and accurate record.

Committee Voting – 4/0

6. Matters Arising from the Previous Planning Services Committee Meeting Minutes

Nil

7. Announcement by the Presiding Person without Discussion

4.15pm 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

4.15pm 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

4.15pm The Chairperson advised in accordance with section 5.23(2)(d) and (h) of the Local Government Act 1995 - as there were questions on Confidential Item SP-067/12 - Reconsideration of Liberal Party Signage - State Administrative Tribunal, the matter will be dealt with behind closed doors at the end of Item 12 Agenda Items.

11. Bulletin Items

Planning Services Information Bulletin – November 2012

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 Community Health and Wellbeing Plan
   3.4 Healthy Communities Initiative
   3.5 Health Promotion
   3.6 Mosquito Control Program
   3.7 Ocean Water and Storm Water Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls - October 2012
   4.3 Food Premises Inspections
   4.4 Public Building Inspections
   4.5 Outdoor Public Event Approvals - October 2012
   4.6 After Hours Noise & Smoke Nuisance Complaint Service
   4.7 Complaint - Information
   4.8 Building Plan Assessments
   4.9 Septic Tank Applications
   4.10 Demolitions
   4.11 Swimming Pool and Drinking Water Samples
   4.12 Rabbit Processing
   4.13 Hairdressing & Skin Penetration Premises
   4.14 Family Day Care

Building Services
1. Building Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Legal
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4.2</td>
<td>Private Swimming Pool and Spa Inspection Program</td>
</tr>
<tr>
<td>4.3</td>
<td>Monthly Building Permit Approvals - (All Building Types)</td>
</tr>
<tr>
<td>4.4</td>
<td>Occupancy Permits</td>
</tr>
<tr>
<td>4.5</td>
<td>Demolition Permit</td>
</tr>
<tr>
<td>4.6</td>
<td>Community Sign Approval</td>
</tr>
<tr>
<td>4.7</td>
<td>Permanent Sign Approval</td>
</tr>
<tr>
<td>4.8</td>
<td>Building Approval Certificates (Strata)</td>
</tr>
<tr>
<td>4.9</td>
<td>Building Approval Certificates for Unauthorised Building Works</td>
</tr>
<tr>
<td>4.10</td>
<td>Monthly Caravan Park “Site” Approvals</td>
</tr>
</tbody>
</table>

**Strategic Planning and Environment**

1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Policy Manual Review (LUP/1265)
   3.2 Local Planning Strategy (LUP/1352)
   3.3 Amendment No.114 - Developer Contribution Plan No.2 (LUP/909)
   3.4 Local Biodiversity Strategy Review (EVM/22)
   3.5 Karnup District Water Management Strategy (EVM/136)
   3.6 Lake Richmond Water Quality Studies and Integrated Catchment Management Plan (EVM/135)
   3.7 Water Campaign (EVM/56-02)
4. Information Items
   4.1 Endorsement of the Baldivis Activity Centre Structure Plan Data and Mapping Standards (LUP/386)
   4.2 Structure Plan Preparation Guidelines and Associated Draft Digital Data and Mapping Standards (LUP/386)
   4.3 Delegated Final Adoption of Structure Plan
   4.4 Delegated Minor Change to Structure Plan

**Statutory Planning**

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

4.11 Development Assessment Panels – Development Applications

**Director Planning and Development Services**

1. Director Planning and Development Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Administration Building Refurbishment/Fitout
   3.2 Northern Waterfront Sector - Development Policy Plan and Masterplan
   3.3 Campus Sector - Development Policy Plan and Masterplan
   3.4 Eastern Sector - Development Policy Plan and Masterplan
   3.5 Keralup
   3.6 Karnup Station Transit Oriented Development

**Appendices**

**Committee Recommendation**

That Councillors acknowledge having read the Planning Services Information Bulletin – November 2012 and the contents be accepted.

Committee Voting – 4/0

4.20pm - Mr Richard Rodgers, Manager Building Services and Mr Rod Fielding, Manager Health Services left the Planning Services Committee meeting.
### Agenda Items

#### Strategic Planning and Environment

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-027/12 Final Adoption - Proposed Scheme Amendment No.122 - Rezoning from 'Rural' and 'Special Rural' to 'Development' and introducing District Structure Plan Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1640</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Tristan Fernandes, Senior Strategic Planning Officer</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Jeff Bradbury, Coordinator Strategic Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>19th November 2012</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>26th June 2012 (SPE-012/12)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Site:</td>
<td>Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>59.0680ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Rural, Special Rural</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Plan No.9 - District Structure Plan Areas</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Figure 1 - Land rezoned to 'Urban' under the Metropolitan Region Scheme</td>
</tr>
<tr>
<td></td>
<td>Figure 2 - Land subject to Urban Deferment Lifting Request (April 2010)</td>
</tr>
<tr>
<td></td>
<td>Figure 3 - Land Subject to Revised Lifting of Urban Deferment Request (September 2011)</td>
</tr>
</tbody>
</table>

#### Purpose of Report

To consider adopting for Final Approval Amendment No.122 to Town Planning Scheme No.2 (TPS2) to: -
(i) Rezone Lots 104, 105, 541, 543, 544 and 1000 Baldi vis Road, Baldi vis from 'Rural' and 'Special Rural' to 'Development' and the unconstructed, unnamed road reserve bounded by Lots 1000, 105 and 541 Baldi vis Road, Baldi vis from 'Local Road Reserve' to 'Development', following the Western Australian Planning Commission's (WAPC) decision to lift Urban Deferment over the land (see Figure 1); and

(ii) Introduce provisions for the requirement, preparation and operation of District Structure Plans.

Figure 1 - Land rezoned to 'Urban' under the Metropolitan Region Scheme

**Background**

**History of the Metropolitan Region Scheme Amendment**

In December 2005, the City received a request from planning consultancies Development Planning Strategies and Koltaz Smith (now RPS), on behalf of the respective landowners, to seek the initiation of an Amendment to the Metropolitan Region Scheme (MRS) to rezone the land generally bounded by Millar Road, Kwinana Freeway, Safety Bay Road and Baldi vis Road (generally referred to as 'East Baldi vis') from 'Rural' to 'Urban' (see Figure 2). Upon review of the request, it was considered that development of the subject area for urban purposes may be appropriate for the following reasons:

- That it will further assist in the development of local employment opportunities by increasing the ultimate population catchment for the planned Baldi vis Town Centre;
- Could take advantage of planned public transport systems to major work places and other activity centres;
- Make efficient use of existing and proposed public, social and transport infrastructure; and
- Represents a logical extension of existing 'Urban' zoned land.

The Council resolved to seek the approval of the WAPC to initiate an Amendment to the Metropolitan Region Scheme to rezone the 'Baldi vis East' land from 'Rural' to 'Urban' for the purpose of public advertising and detailed environmental assessment.

An Amendment was subsequently initiated by the WAPC and the subject land was contained with Metropolitan Region Scheme Amendment 1128/41.
In December 2006, the City received correspondence from the Hon. Minister for Planning and Infrastructure requesting that it support the concurrent zoning of the above landholdings under the MRS and Town Planning Scheme No. 2.

This action was said to assist in addressing the land supply issues in the Perth region and save considerable time and resources for both state and local governments.

Note: In April 2006, the Planning and Development Act 2005 commenced operation. The legislation consolidated and repealed the Town Planning and Development Act 1928, the Metropolitan Region Scheme Act 1959 and the Western Australian Planning Commission Act 1985. Section 126(3) of the Act enables concurrent zoning of land under the MRS and the local authority Town Planning Scheme, in cases where the WAPC consults with the Council prior to initiating an Amendment to the Metropolitan Region Scheme.

The effect of s126(3) is that the Council need not initiate an amendment to its Town Planning Scheme to bring zoning into consistency with the MRS, as required under the Act. This mechanism seeks to streamline the zoning process so that land release is expedited.

The Council resolved to advise the WAPC and the Hon. Minister for Planning and Infrastructure that it supported the subject land being zoned ‘Development’ under Town Planning Scheme No.2, concurrent with the land being zoned ‘Urban’ under the MRS, subject to the necessary amendments being made to the Scheme Text to enable a Structure Plan to be lawfully approved over the land.

In July 2009, the City received correspondence from the WAPC advising that Amendment 1128/41 relating to the subject land had been adopted in a modified form. In this regard, the land was rezoned from ‘Rural’ to ‘Urban Deferred’ instead of ‘Urban’. The Amendment Report outlined that the following matters were required to be addressed prior to the transfer of the land to the ‘Urban’ zone: -

- Insufficient wastewater treatment capacity;
- Drainage requirements/drainage planning;
- Location of a High School; and
- Freeway Service Centre buffer requirements.

In April 2010, the City received a request from the WAPC to provide comment on a proposal to lift 'Urban Deferment' (rezone the land from 'Urban Deferred' to 'Urban') over the land shown in Figure 2 below: -

![Figure 2 - Land subject to Urban Deferment Lifting Request (April 2010)](image)

In May 2010, the City advised the WAPC that it did not support the lifting of Urban Deferment for the following reasons: -

*1. Planning is not sufficiently advanced to depict an acceptable overall design to guide future development. The City has been in discussions with the applicants since October 2008 on the preparation and lodgement of a District Structure Plan. To date, this Plan has not been lodged with the City for consideration.*
Further to the above, the District Structure Plan contained within the “Request for Lifting of Urban Deferment Report” (the Report) has not been lodged with the City. In this regard, the City notes a number of issues still to be resolved to its satisfaction including (but not limited to):

- The location of District Public Open Space;
- Requirements for schools and in particular, a High School;
- Requirements and location of local commercial needs;
- Interface with Kwinana Freeway;
- Location of the Freeway Service Centre; and
- Lodgement and consideration of a Traffic Report.

2. It is understood that the land is to be serviced by the proposed East Rockingham Waste Water Treatment Plant (WWTP). The applicant has indicated that in the interim period prior to the East Rockingham WWTP coming on line, it is proposed that wastewater outflows from the subject land be conveyed to the Kwinana WWTP. The City is not aware of any agreements with the Water Corporation stating that the land is capable of being serviced temporarily by the Kwinana WWTP.

It should also be noted that the City is not prepared to support a concurrent zoning to rezone the subject land to “Development” under Town Planning Scheme No. 2 (TPS2) for the following reasons:

- Part of the subject area is zoned “Special Rural” under TPS2 with associated provisions under Schedule No. 4 – Special Rural Zones. The submission has not considered or addressed how these provisions will be dealt with;
- An amendment to TPS2 to zone land 'Development' will require an associated Scheme Text amendment to include the land and any relevant provisions in Schedule No.9 – Development Areas; and
- It is not satisfied that the consultation processes associated with MRS Amendments suitably engage with the stakeholders in the same manner as TPS amendments.

In September 2011, the City received a revised request for the lifting of Urban Deferment from the WAPC that reduced the area proposed under the April 2010 request (see Figure 3). This request applied to land owned by Australand and Peet Ltd on the basis that the constraints identified as part of the preparation of the East Baldivis District Structure Plan did not affect the revised area requested for lifting of Urban Deferment.

In October 2011, the City advised the WAPC that it did not support lifting of Urban Deferment as it considered that planning was not sufficiently advanced with respect to the preparation of the East Baldivis District Structure Plan to demonstrate an acceptable overall design to guide future development. The City further recommended the request to lift Urban Deferment be held in abeyance until such time as the District Structure Plan was finalised.

Figure 3 - Land Subject to Revised Lifting of Urban Deferment Request (September 2011)
In December 2011, the WAPC requested that the Proponent address the following matters to demonstrate that the land could be transferred into the ‘Urban’ zone under the MRS. The criteria being:

- Insufficient wastewater treatment capacity;
- Drainage requirements/drainage planning;
- Location of High School site;
- Freeway service centre buffer requirements; and
- Bushfire impacts.

Lot 129 which is owned by Peet Ltd (forming the northern portion of the land proposed for lifting of Urban Deferment) was not confirmed by the Water Corporation to be serviceable by wastewater treatment facilities. In this regard, Lot 129 was not considered as part of the request to lift Urban Deferment.

In February 2012, the WAPC advised the City of its decision to transfer Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis from the 'Urban Deferred' zone to 'Urban' zone under the MRS (as shown in Figure 1). The Amendment took effect on the 28th February 2012.

Given that the decision was contrary to the City's recommendation that lifting of Urban Deferment not be supported, the City requested an explanation to the rationale for zoning the land from 'Urban Deferred' to 'Urban' under the MRS. In response, the Director General of the Department of Planning provided the following response:

"The Department notes that the City of Rockingham raised concerns regarding the lifting of Urban Deferment on the grounds that planning had not been sufficiently advanced to guide the future development of the site. The City undertook an assessment of the draft East Baldivis District Structure Plan (draft EBDSP) and liaised with various stakeholders including the Department.

I am aware that the Department met with the City of Rockingham (and the Department of Education) and considered the City's comments. The Department advised the proponent (and the City) that wastewater provision, freeway service centre buffer requirements and bushfire impacts required resolution before the application could be further considered by the WAPC. The proponent provided clarification on these matters as discussed below.

MRS Amendment 1128/41 zoned the subject land to Urban Deferred in 2009. The amendment documentation states that the following matters are to be addressed before the land can be transferred to the Urban zone:

(i) Insufficient wastewater treatment capacity

In response to the proposal to lift Urban Deferment, the Water Corporation confirmed that the land can be serviced with a reticulated water and wastewater supply. It is noted that the proponent requested that Lot 129 Baldivis Road, Baldivis (originally included in the application) be excluded from the application as the Water Corporation cannot service this land at this time.

(ii) Drainage requirements/drainage planning

The Department of Water raised no objections to the lifting of Urban Deferment and approved a District Water Management Strategy for the site.

(iii) Location of High School site

The Department of Education confirmed that a High School site is to be located to the north of the land. Therefore, the subject land is not affected by this constraint.

(iv) Freeway service centre buffer requirements

The proponent provided additional information relating to the Local Planning Scheme (LPS) amendment for the freeway service centre confirming that the buffer to this facility is to be fully contained on-site. The urbanisation of the surrounding locality was envisaged when the LPS amendment was granted final approval."
Bushfire impacts

Although not a requirement to be addressed prior to the lifting of Urban Deferment, the proponent confirmed that high to moderate fire risk areas would be cleared for residential development as they are not of environmental significance. The existing tramway reserve (to the west) is to be separated and protected from residential development by a road reserve.

The WAPC carefully considered the issues raised by the City, the requirements to be addressed prior to the transfer of land to the Urban zone and the Guidelines for the Lifting of Urban Deferment and resolved to support the application. Although the argument for finalising the draft EBDSP prior to the lifting of Urban Deferment is understood, the WAPC considered that there were no ‘fatal flaws’ that would prejudice the finalisation of the draft EBDSP should the land be transferred to the Urban zone.”

East Baldivis District Structure Plan

In October 2008, the City was approached by a group of planning consultants representing the majority of landowners in the ‘East Baldivis’ locality (referring to themselves as the East Baldivis Stakeholder Team or ‘BEST’ group) to prepare a District Structure Plan over the land to generally guide development of the urban cell, including the subject land. The City agreed to facilitate the preparation of the District Structure Plan with the ‘BEST’ group, however, advised the group that the preparation of the District Structure Plan should not be dictated by land ownership and at the expense of orderly and proper planning of the locality.

In July 2011, following extensive discussions with the BEST group and state agencies, the East Baldivis District Structure Plan was lodged for the City's consideration. The City assessed the submitted District Structure Plan and determined the submission inadequately addressed a number of issues and concerns from previous discussions. The City requested further information in September 2011 to address the following matters with the submitted documentation:

- Provision of a revised Traffic Management Plan and revised road layout that addresses potential future traffic impacts introduced as a result of development on the district road network and more specifically at the intersection of Baldivis Road and Mundijong Road.
- Commitment for the location of a Senior High School required as a result of urbanisation of the East Baldivis cell.
- Appropriate land use treatments to known land use constraints such as the Freeway Service Centre, Kwinana Freeway, Poultry Farm and Resource Enhancement Wetlands.
- Provision of further information regarding how proposed land uses are treated to identify extreme and moderate bushfire hazards.
- Identification of a Neighbourhood Centre within the District Structure Plan area.

In light of the land use constraints identified through the District Structure Plan process, planning was not sufficiently advanced to depict an acceptable overall design to guide future development over the East Baldivis land.

The City received the revised submission of the District Structure Plan on the 31st October 2012 and is currently assessing the information received to determine if the application is suitable for the purposes of advertising.

Details

Nil

Implications to Consider

a. Consultation with the Community

Amendment No.122 was advertised for public comment in accordance with the Town Planning Regulations 1967 for a total of 45 days from the 22nd August 2012 until the 5th October 2012, with the advertising process being undertaken in the following manner:

(i) A notice was published in the Public Notices section of the Sound Telegraph newspaper on the 22nd and 29th August 2012;

(ii) An advertisement was placed on the City’s website for the duration of the advertising period;
(iii) A sign was placed adjacent to the subject land in a prominent location; and
(iv) Ninety Six (96) landowners and key stakeholders were notified in writing of the proposal.

At the conclusion of the advertising period the City received two submissions from landowners affected by the Amendment proposal. The submissions raised the following concerns with the proposed Amendment: -

(i) Inclusion of a new Clause 4.1A to the Scheme for the requirement, preparation and operation of District Structure Plans as part of Amendment No.122;

(ii) The necessity of the new Clause 4.1A to the Scheme;

(iii) Two submissions sought the introduction of Council and WAPC discretion into proposed clauses 4.1A.4.9(c) and (d) which presently are proposed to state: -

"(c) The Council shall not adopt a Proposed Local Structure Plan under clause 4.2.6.7(a) prior to the adoption by the Council under clause 4.1A.7.7(a) of a Proposed District Structure Plan for the land to which the Proposed Local Structure Plan is to apply.

(d) The Commission shall not approve a Proposed Local Structure Plan under clause 4.2.6.10(a) prior to the endorsement by the Commission under clause 4.1A.7.10(a) of a District Structure Plan for the land to which the Proposed Local Structure Plan is to apply. The purpose of the discretion sought is to permit the consideration of a Proposed Local Structure Plan where it can be demonstrated that the Local Structure Plan is removed from any development issues arising from other landholdings encompassed by the District Structure Plan, and development will not be directly and adversely affected on the land to which the Proposed Local Structure Plan would apply."

The purpose of the discretion sought is to permit the consideration of a Proposed Local Structure Plan where it can be demonstrated that the Local Structure Plan is removed from any development issues arising from other landholdings encompassed by the District Structure Plan, and development will not be directly and adversely affected on the land to which the Proposed Local Structure Plan would apply.

(iv) A submission has sought to remove the proposed Clause 4.1A6.1(b) which states "A Proponent shall not prepare a Proposed District Structure Plan for the purpose of this clause 4.1A except with the prior approval of the Council; and

(v) A submission opposes the requirement to provide an Acoustic Report to assess the impact of the proposed Freeway Service Centre to future sensitive land uses (i.e. residential) on the Australand JV landholding; as noise attenuation in the immediate area should be the responsibility of the proponents of the Freeway Service Centre as per the requirements of Town Planning Scheme No.2.

Full versions of submissions received during the advertising period, together with recommendations, are set out in the Schedule of Submissions contained within the Officer Recommendation of this Report. Comments relating to the submissions received are also provided in the 'Comments' section of this Report.

b. Consultation with Government Agencies

The Amendment was referred to the Environmental Protection Authority (EPA) for assessment under the Environmental Protection Act 1986. The EPA advised that the Amendment should not be assessed under the Act.

The EPA, however, did provide advice regarding a potential land use conflict recommending the City conduct an assessment to ensure the operation of an adjacent poultry farm would not adversely impact the amenity of prospective residents.

In the absence of specific studies prepared as part of the Scheme Amendment, the EPA recommended a generic buffer of between 300 and 1000 metres be applied and maintained in accordance with EPA Guidance Statement No.3 - Separation Distances between Industrial and Sensitive Land Uses and the policy requirements of the WAPC's State Planning Policy 4.3 - Poultry Farms Policy being adhered to. Comments relating to the EPA's advice are provided in the 'Comments' section of this Report.
The following Government Agencies were also consulted:
- Alinta Gas
- Department of Education
- Department of Environment and Conservation
- Department of Health
- Department of Indigenous Affairs
- Department of Industry and Resources
- Department of Sport and Recreation
- Department of Transport
- Department of Water
- FESA
- Main Roads Western Australia
- Public Transport Authority
- Telstra
- Water Corporation
- Western Power

At the conclusion of the advertising period the City received eleven (11) submissions from Government Agencies that provided comment on the Amendment. The submissions raised the following matters with the proposed Amendment:
(i) A suggested introduction of a requirement for a Mosquito Management Plan; and
(ii) A suggested introduction for the requirement of a Public Health Assessment

Comments relating to the submissions received are provided in the 'Comments' section of this Report.

c. Strategic
Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

Aspiration 11: Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle

d. Policy
Liveable Neighbourhoods

*Liveable Neighbourhoods* implements 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 *Liveable Neighbourhoods* concept of a District Structure Plan is reflected in the proposed Scheme Amendment with respect to the various elements that should be accounted for on the Plan.

Structure Plan Preparation Guidelines

In August 2012, the WAPC released the Structure Plan Preparation Guidelines to guide a consistent manner for the preparation of Structure Plan information. The objectives of the Guidelines are to:
(i) Standardise the scope, format and content of structure plans;
(ii) Define the statutory and non-statutory elements of structure plans;
(iii) Detail the information required to be provided for each type of structure plan; and
(iv) Encourage pre-lodgement consultation.
Following the adoption of the Structure Plan Preparation Guidelines it was identified that Amendment No.122 required minor alterations to ensure the information requirements outlined in the Guidelines are consistently applied. In this regard, the information requirements as set out in proposed clause 4.1A.6 have been expanded to include:

(i) a Local Biodiversity Strategy;
(ii) a District Economic, Retail and Employment Strategy;
(iii) a District Community Development Strategy;
(iv) a District Infrastructure and Servicing Strategy;
(v) a Bushfire Hazard Assessment; and
(vi) a District Traffic and Transport Management Strategy.

Planning for Bushfire Protection Guidelines Edition 2

The WAPC Planning Bush Fire Protection Guidelines (Edition 2) notes in Section 2.3 – Guidance Statements for Strategic Plans, Planning Strategies, Planning Schemes, Planning Scheme Amendments and Structure Plans – that unless it is clear to the decision-making authority that the land in question is not in an area that has a moderate or extreme bush fire hazard level, any new proposals or proposals which will effect a change of land use or design resulting in the introduction of, or an intensification of development should:

- Include a bush fire hazard assessment based on the fire hazard assessment methodology and classifications set out in Appendix 1 of the Guidelines;
- Identify any bush fire hazard issues arising from that assessment; and
- Address those issues, in accordance with the general principles that underpin these guidelines, in a statement or report which demonstrates that all fire protection requirements can be achieved to the satisfaction of the WAPC.

A Bushfire Hazard Assessment was prepared as part of the preparation of the submitted East Baldivis District Structure Plan where moderate and extreme fire risks were identified over the subject land.

As the Planning for Bushfire Protection Guidelines (Edition 2) is currently not an adopted State Planning Policy, and provides guidance only, the proposed Development Area provisions of the Scheme Amendment acknowledge the requirement for a Bushfire Hazard Assessment to be undertaken as part of consideration of a Proposed Local Structure Plan over the land.

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.

Due to the potential impact of noise from the Kwinana Freeway, a proposed Development Area provision requires appropriate noise investigations to be undertaken as part of the Local Structure Planning process.

Environmental Protection Guidance Statement No. 3: Separation Distances Between Industrial And Sensitive Land Uses.

This Guidance Statement provides advice and sets of generic separation distances from industrial land uses to sensitive land uses.
The Guidance Statement defines ‘sensitive land uses’ as residential development, Hospitals, Nursing Homes, Child Care facilities, Shopping Centres, and Public Open Space. Some commercial, institutional and industrial land uses which higher levels of amenity or are sensitive to particular emissions may also be considered as ‘sensitive land uses’.

The generic separation distances are based on the consideration of typical emissions that may affect amenity of nearby sensitive land uses. These include: -

- Gaseous and particulate emissions;
- Noise;
- Dust; and
- Odour.

e. Financial

Nil

f. Legal and Statutory

In accordance with the *Town Planning Regulations 1967*, the Council is required to consider all submissions made within 42 days of the publication of the advertisement and submit to the WAPC, for recommendation to the Minister for Planning, its decision to proceed or not proceed with the Amendment.

**Comments**

The following comment is provided in response to matters raised in the submissions:

**Inclusion of ‘new Clause 4.1A to the Scheme’ as part of Amendment No.122**

**Issue:** A submission opposes the proposed inclusion of District Structure Plans into the City's Town Planning Scheme as part of an Amendment to rezone land from 'Rural' and 'Special Rural' zone to 'Development' zone.

**Comment:** In response to the requirement for the preparation of this Scheme Amendment, it was identified that the Scheme does not have appropriate controls to ensure a Local Structure Plan is prepared in context to its surrounding locality and not prejudice the potential development of surrounding landholdings where land is not zoned 'Development' under the Scheme.

Currently, clause 4.2.5(e) of the Scheme permits the Council to require a Proponent to demonstrate how planning for a Structure Plan area will integrate with planning for the balance of a Development Area. This clause does not apply to land not yet zoned 'Development' under the Scheme but has been identified for future urban purposes under the Metropolitan Region Scheme.

In this regard, the Amendment ensures that a Local Structure Plan prepared for the subject land must have due regard to its context as outlined in a District Structure Plan.

The Amendment was advertised to all industry stakeholders for comment in accordance with the Town Planning Regulations 1967. As such, an appropriate level of public scrutiny in accordance with the Town Planning Regulations is accounted for.

It is also noted that Amendment No.122 was provided to the Department of Planning for review prior to the Council's initiation. The Department of Planning decided not to exercise its powers to call in the Amendment for review prior to Council's initiation for advertising.

**Recommendation:** The submission recommendation is not supported.

**Modifications to proposed Clauses 4.1A.4.9(c) and (d)**

**Issue:** Two submissions have sought the introduction of Council and WAPC discretion into proposed clauses 4.1A.4.9(c) and (d) which state:-

(c) The Council shall not adopt a Proposed Local Structure Plan under clause 4.2.6.7(a) prior to the adoption by the Council under clause 4.1A.7.7(a) of a Proposed District Structure Plan for the land to which the Proposed Local Structure Plan is to apply.
(d) The Commission shall not approve a Proposed Local Structure Plan under clause 4.2.6.10(a) prior to the endorsement by the Commission under clause 4.1A.7.10(a) of a District Structure Plan for the land to which the Proposed Local Structure Plan is to apply. The purpose of the discretion sought is to permit the consideration of a Proposed Local Structure Plan where it can be demonstrated that the Local Structure Plan is removed from any development issues arising from other landholdings encompassed by the District Structure Plan, and development will not be directly and adversely affected on the land to which the Proposed Local Structure Plan would apply.

Comment: Following careful consideration of the request, the City agrees the introduction of a new discretion clause 4.1A.5 would provide greater flexibility to review the merits of individual landholdings that may be progressed outside a District Structure Plan process.

Discretion has been introduced to consider a Local Structure Plan where it can be demonstrated how planning for the land the subject of the Proposed Local Structure Plan may be integrated with planning for the balance of the land to which a Proposed District Structure Plan. This is to ensure Local Structure Plans have due regard to a wider planning framework for a locality and are not prepared in a manner that prejudices development of neighbouring landholdings.

Note:
This is particularly applicable in the case of Keralup, where the Council resolved in February 2012, to not support the subsequent planning phases for Keralup until it can be demonstrated that Stage One could function as a self-contained entity. A modification to the proposed Amendment reflects the Council's decision in this regard.

Recommendation: That the Amendment provisions be modified to include a new Clause 4.1A.5 to provide discretion to consider a Local Structure Plan where it can be appropriately demonstrated to the satisfaction of the Council and WAPC.

Necessity of ‘new Clause 4.1A to the Scheme

Issue: A submission raised concern regarding why the City was now seeking to make District Structure Plans statutorily binding documents when the WAPC’s Planning Bulletin No.37 – Draft Model Text Provisions for Structure Plans identifies that District Structure Plans ‘in most instances’ are to be strategic in nature.

The submission states that the current rationale to introduce statutory provisions for District Structure Plans is contradictory and is likely to result in an unnecessary and additional statutory layer in the City of Rockingham’s Town Planning process. This is recognised and is the practice of the vast majority of Local Authorities in Western Australia.

Comment: District Structure Plans are a recognised industry practise that act as the planning framework to guide the preparation of Local Structure Plans, particularly in situations where there is fragmented land ownership in a locality and potential for individual planning proposals having the ability to impact orderly and proper planning.

The Amendment, as advertised, intended that a Local Structure Plan cannot be determined prior to the endorsement of a District Structure Plan in a locality where it is required. Discretion has been introduced, as noted in point b above, to provide for the determination of a Local Structure Plan ahead of a District Structure Plan.

It is established practice that planning processes can occur in a concurrent manner and in this regard, the Amendment is proposed to permit a District Structure Plan and Local Structure Plan to be prepared in this manner to avoid undue delays.

The locations for where a District Structure Plan is required include large connected landholdings of land zoned ‘Urban Deferred’ under the Metropolitan Region Scheme and localities identified as urban investigation areas through the draft Outer Metropolitan and Peel Sub-Regional Strategy (2010) prepared to inform Directions 2031 and Beyond (2010).

The City has determined that the locations that require a District Structure Plan are:

- East Baldivis;
- Karnup; and
- Keralup.
The City considers the introduction of the Scheme provisions as a means of creating a structured District Structure Planning process. With increasing pressure to urbanise new land within the Baldivis and Karnup localities, it is considered that a co-ordinated approach needs to be mandated within Town Planning Scheme No.2. In this regard, the proposed provisions:

(i) Provide certainty to the process;
(ii) Are transparent;
(iii) Establish an efficient manner for the consideration of such proposals;
(iv) Provide for a right of consultation and arbitration;
(v) Outline generally matters to be considered as part of the preparation of a District Structure Plan;
(vi) Establish a hierarchy of Structure Planning consistent with the intent of Liveable Neighbourhoods;
(vii) Maintain District Structure Plans as ‘strategic documents’ prepared through a statutory process; and
(viii) Need to be linked to the rezoning of Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis, because the Scheme does not have appropriate controls to ensure a Local Structure Plan is prepared in context to its surrounding locality and not prejudice the potential development of surrounding landholdings.

Recommendation: The submission recommendation is not supported.

Removal of Proposed Clause 4.1A.6.1(b)

Issue: A submission has sought to remove the proposed Clause 4.1A6.1(b) which states "A Proponent shall not prepare a Proposed District Structure Plan for the purpose of this clause 4.1A except with the prior approval of the Council."

Comment: The City has established through Amendment No.122 that it is the Council's role in the first instance to set the strategic direction for future development within the District. It is considered inappropriate for one or multiple landowners to prepare a plan for the balance of a District Structure Plan area (as defined by Plan No.9) without the approval of the Council. This is to ensure the interests of all landowners within a District Structure Plan area are appropriately represented.

A Proponent (through this Amendment) still has the opportunity to seek the Council's permission to prepare a District Structure Plan.

It is also noted that the definition of 'Proponent' within the Scheme Text prohibits the preparation of a Structure Plan over land outside a Proponent's ownership. This is currently a power reserved by the Council under the Scheme.

Recommendation: The submission recommendation is not supported.

Modifications to proposed provisions contained within Schedule 9

Issue: A submission opposes the requirement to provide an Acoustic Report to assess the impact of the proposed Freeway Service Centre to future noise sensitive land uses (i.e. residential land uses) on the Australand JV landholding; as noise attenuation in the immediate area should be the responsibility of the proponents of the Freeway Service Centre as per the requirements of Town Planning Scheme No.2.

Comment: It is considered that the provisions outlined within Town Planning Scheme No.2 for the Freeway Service Centre (Special Use 12), to contain all impacts associated with the development on site, appropriately address potential impacts to future abutting urban development. In this regard, it is recommended reference to an Acoustic Consultant Report being prepared for any potential noise impact generated by the Freeway Service Centre be removed.

Recommendation: That the Amendment provisions be modified to remove reference to an Acoustic Consultant Report being prepared for any potential noise impact generated by the Freeway Service Centre.

Advice from the EPA regarding the buffer to the operating Poultry Farm

Issue: The EPA provided advice stating there is a potential land use conflict to urban development from a nearby poultry farm. The EPA recommended the City conduct an assessment to ensure the operation of an adjacent poultry farm would not adversely impact the amenity of prospective residents.
The EPA recommended in the absence of specific studies prepared as part of the Scheme Amendment, that a generic buffer of between 300 and 1000 metres be applied and maintained in accordance with EPA Guidance Statement No.3 - Separation Distances between Industrial and Sensitive Land Uses and the policy requirements of the WAPC’s State Planning Policy 4.3 - Poultry Farms Policy.

Comment: The City has dealt with the potential impacts to this operating Poultry Farm and its associated buffers in previous urban development proposals through the Structure Planning process. It is not considered warranted that Scheme Provisions be introduced to address this land use constraint.

Recommendation: That the recommendation provided by the EPA be noted for consideration as part of a future Local Structure Plan over the land.

Introduction of a requirement for a Mosquito Management Plan.

Issue: The Department of Health provided comment that the subject land is within 3km of potential mosquito breeding sites near the Tamworth Wetlands, the upper reaches of the Serpentine River and Folly Pool. Mosquitoes will disperse from these sites to the subject land under favourable environmental conditions.

The Department of Health requested the City develop an integrated Mosquito Management Plan for the District to demonstrate an ability to manage mosquitoes and other nuisance insects and reduce the risk of exposure for residents/workers and visitors to the area.

Comment: The development of an integrated Mosquito Management Plan for the City’s Town Planning Scheme falls outside the scope of this Amendment. It is noted, however, the City is currently taking separate action to prepare a Mosquito Management Plan for the District in consultation with the Department of Health.

Recommendation: The submission recommendation is not supported.

Introduction for the requirement of a Public Health Assessment

Issue: The Department of Health has requested ‘Public Health’ is recommended to be integrated to the amendment under the heading ‘Policy – Living Neighbourhoods’ and within the various strategies and plans outlined.

Public Health should include disability access, disaster preparedness, health, social and mental wellbeing of the residents, workforce and visitors. Incorporating ‘public health’ into the design and implementation of the development plan will ensure more sustainable developments.

The Department of Health outlines that Scheme Amendment No.122 provides City of Rockingham the opportunity to minimise the land use conflicts and incompatible activities which is the most common issue in land use and development. Health impacts draw many attentions in those issues and hence, should be appropriately and adequately addressed at this level.

Comment: The City acknowledges the potential merit for Public Health to be integrated into the Western Australian Planning Commission’s Liveable Neighbourhoods document.

Notwithstanding this position, any potential changes to Liveable Neighbourhoods to incorporate a Public Health assessment falls outside the scope of this Amendment and will need to be pursued by the Department of Health as a separate matter with the Department of Planning, as part of the Liveable Neighbourhoods review process scheduled to occur in 2013.

It is noted a District Structure Plan is currently being prepared for the East Baldivis locality and will account for land uses and impacts to residential development.

Recommendation: The submission recommendation is not supported.

Conclusion

As a result of the assessment process, City Officers have identified several minor editorial corrections to the documents, which are proposed to be incorporated (shown in red bold text). The modifications to the Amendment following the consideration of submissions received during the advertising period are outlined as follows:

(i) Introduce a new clause 4.1A.5 for the Council to consider a Local Structure Plan in the absence of a District Structure Plan where it is satisfied that the Proponent has demonstrated how planning for the land the subject of the Proposed Local Structure Plan may be integrated with planning for the balance of the land to which a Proposed District Structure Plan would apply;
(ii) Remove reference to the requirement for an Acoustic Consultant Report for noise generated by the Freeway Service Centre (Special Use No.12);

(iii) Amend the information requirements to be consistent with the recently adopted Structure Plan Preparation Guidelines; and

(iv) Modify the proposed provisions to correct miscellaneous changes, minor text errors and modify the Karnup District Structure Plan area shown on Plan No.9 to include to proposed Karnup Train Station and Transit Orientated Development location.

Given that the issues raised in the submissions have been appropriately considered and addressed, it is recommended that the Council adopt the Scheme Amendment, with modifications, and request the Hon Minister for Planning grant Final Approval.

The City will also advise the EPA that it will consider the impacts of a potential odour buffer to the 'Urban' zoned land through the consideration of a Local Structure Plan.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council:-

1. **ADOPT** for Final Approval Amendment No.122 to Town Planning Scheme No.2, subject to the following modifications (in red bold text):-

   (i) Rezone Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis from 'Rural' and 'Special Rural' to 'Development' and the unconstructed, unnamed road reserve bounded by Lots 1000, 105 and 541 Baldivis Road, Baldivis from 'Local Road Reserve' to 'Development' on the Scheme Map.

   (ii) Amend the Scheme Map to contain Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis within Development Area No.40 and reference this on the Scheme Map as 'DA 40'.

   (iii) Amend 'Schedule No.9 - Development Areas' to include new Development Area DA40 as set out below: -

<table>
<thead>
<tr>
<th>Reference No.</th>
<th>Area</th>
<th>Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA40</td>
<td>Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis</td>
<td>An approved Local Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.</td>
</tr>
</tbody>
</table>

1. **Proposed Local Structure Plan**

1-1 The following matters must be addressed as part of the preparation of the Proposed Local Structure Plan in addition to those set out in Clause 4.2.5: -

   1. A Bushfire Hazard Assessment; and

   2. An Acoustic Consultant Report prepared by a suitably qualified acoustic consultant to demonstrate how sensitive land uses will not be adversely impacted by noise generated by the Kwinana Freeway.
(iv) Amend ‘Schedule No.4 - Special Rural Zones – Portions of Planning Unit 5 of the Rural Land Strategy’ to exclude lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis from the Special Rural Zone 5(i) area, and update the lot references for all retained lots as per current Deposited Plans and amend the Location Table contained within ‘Schedule No.4 - Special Rural Zones – Portions of Planning Unit 5 of the Rural Land Strategy’ ‘Schedule No. 4 – Special Rural Zones’ as follows:

<table>
<thead>
<tr>
<th>Plan Reference</th>
<th>Description of the Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>5(i)</td>
<td>Lots 101-105 and 129 Zig Zag and Paparone Roads, Baldivis</td>
</tr>
</tbody>
</table>

(v) Modify ‘Plan No.4 – Special Rural Zones (North)’ to exclude Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis from this Plan;

(vi) A new clause 4.1A is inserted immediately before clause 4.2.

(vii) Clause 4.2 is amended by adding “Local” immediately before the expression “Structure Plan” wherever that expression appears in clauses 4.2.1, 4.2.4, 4.2.5(a), 4.2.5(b), 4.2.5(c), 4.2.5(e), 4.2.6, 4.2.7, 4.2.9 and 4.2.11.

(viii) Clause 4.2.1 is amended, in the definition of “Proposed Structure Plan”, by deleting: “, which may apply to either a local area or a district, that has been”.

(ix) Clause 4.2.5(d) is amended by adding the words “Proposed Local” before the expression “Structure Plan” whenever that expression appears.

(x) Clause 4.2.5 is amended by adding the following new paragraph immediately after paragraph (e):

“(f) Where the land to which the Proposed Local Structure Plan relates is land to which clause 4.1A applies, then the Proposed Local Structure Plan shall generally be consistent with the applicable District Structure Plan adopted by the Council and endorsed by the Commission under clause 4.1A.6.”

(xi) Clause 4.2.6.2 is amended by adding the following immediately before “the Council is to either”: “but subject to clause 4.1A.4(b) and clause 4.1A.5(a),”.

(xii) Clause 4.2.6.7(a) is amended by adding the following immediately before “adopt”: “subject to clause 4.1A.4(c) and clauses 4.1A.5(b) and (c),”.

(xiii) Clause 4.2.6.10(a) is amended by adding the following immediately before “approved”: “subject to clause 4.1A.4(d) and clauses 4.1A.5(d) and (e),”.

(xiv) Clause 4.2.11.2 is amended by:

(1) adding the following immediately after “as if it were approved”: “and adopted”; and

(2) deleting “clause 4.2.6.15” and substituting “clause 4.2.6”.

(xv) Table 1 is amended by adding “Local” immediately before the expression “Structure Plan” wherever that expression appears.

(xvi) Clause 4.6A(a) is amended by adding “Local” before the expression “Structure Plan” wherever that expression appears.

(xvii) Clause 4.23.1 is amended by adding “Local” before the expression “Structure Plan” wherever that expression appears in paragraph (b) and paragraph (e).

(xviii) Clause 4.23.4 is amended by adding “Local” before the expression “Structure Plan” wherever that expression appears.

(xix) Schedule 9 is amended by adding “Local” before the expression “Structure Plan” wherever that expression appears.

(xx) Schedule 10 is amended by adding “Local” before the expression “Structure Plan” wherever that expression appears in clauses 3, 5 and 8 of that Schedule.

(xxi) Introduce a new Plan No.9 District Structure Plan Areas (Under Clause 4.1A.2).
2. **ADOPT** the recommendations contained within the Schedule of Submissions.

## Committee Recommendation

That Council:-

1. **ADOPT** for Final Approval Amendment No.122 to Town Planning Scheme No.2, subject to the following modifications (*in red bold text*):-

   (i) Rezone Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis from ‘Rural’ and ‘Special Rural’ to ‘Development’ and the unconstructed, unnamed road reserve bounded by Lots 1000, 105 and 541 Baldivis Road, Baldivis from ‘Local Road Reserve’ to ‘Development’ on the Scheme Map.

   (ii) Amend the Scheme Map to contain Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis within Development Area No.40 and reference this on the Scheme Map as ‘DA 40’.

   (iii) Amend ‘Schedule No.9 - Development Areas’ to include new Development Area DA40 as set out below:

<table>
<thead>
<tr>
<th>Reference No.</th>
<th>Area</th>
<th>Provisions</th>
</tr>
</thead>
</table>
| DA40          | Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis | An approved Local Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development. 1. **Proposed Local Structure Plan** 1-1 The following matters must be addressed as part of the preparation of the Proposed Local Structure Plan in addition to those set out in Clause 4.2.5: -
  1. A Bushfire Hazard Assessment; and  
  2. An Acoustic Consultant Report prepared by a suitably qualified acoustic consultant to demonstrate how sensitive land uses will not be adversely impacted by noise generated by the Kwinana Freeway. |

(iv) Amend ‘Schedule No.4 - Special Rural Zones – Portions of Planning Unit 5 of the Rural Land Strategy’ to exclude lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis from the Special Rural Zone 5(i) area, and update the lot references for all retained lots as per current Deposited Plans and amend the Location Table contained within ‘Schedule No.4 - Special Rural Zones – Portions of Planning Unit 5 of the Rural Land Strategy’ ‘Schedule No. 4 – Special Rural Zones’ as follows:

<table>
<thead>
<tr>
<th>Plan Reference</th>
<th>Description of the Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>5(i)</td>
<td>Lots 101-105 and 129 Zig Zag and Paparone Roads, Baldivis</td>
</tr>
</tbody>
</table>

(v) Modify ‘Plan No.4 – Special Rural Zones (North)’ to exclude Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis from this Plan;

(vi) A new clause 4.1A is inserted immediately before clause 4.2 as follows:

4.1A **District Structure Plans**

4.1A.1 **Interpretation**

In this clause unless the context otherwise requires:
‘Proponent’ means any owner or owners of land to which the Proposed District Structure Plan relates that has or have submitted that Proposed District Structure Plan;

‘Proposed District Structure Plan’ means a proposed District Structure Plan required to be prepared in accordance with clause 4.1A.6; and

‘District Structure Plan’ means a Proposed District Structure Plan that has been both endorsed by the Commission and adopted by the Council under clause 4.1A.7.

4.1A.2 Application

This clause 4.1A applies to each of the following parts of the Scheme Area:

(a) the land shown and described on Plan No. 9 as the “North Baldivis District Structure Plan Area”;

(b) the land shown and described on Plan No. 9 as the “South Baldivis District Structure Plan Area”;

(c) the land shown and described on Plan No. 9 as the “Keralup District Structure Plan Area”;

(d) the land shown and described on Plan No. 9 as the “Karnup District Structure Plan Area”; and

(e) the land shown and described on Plan No. 9 as the “East Baldivis District Structure Plan Area”.

4.1A.3 Purpose

The purpose of a District Structure Plan is to provide guidance for the preparation of a Proposed Local Structure Plan including with respect to the location and disposition of land uses, activity centres, regional and district infrastructure, schools, open spaces, road networks and other matters considered relevant by the Council.

4.1A.4 Requirement for a District Structure Plan

(a) The Council requires a District Structure Plan for a part of the Scheme Area to which this clause applies, before a Proposed Local Structure Plan, with respect to that land or any part of that land, is adopted by the Council or approved by the Commission under clause 4.2.6.

(b) The Council shall not make a determination under clause 4.2.6.2 with respect to a Proposed Local Structure Plan prior to the advertisement of a Proposed District Structure Plan, for the land to which the Proposed Local Structure Plan is to apply, pursuant to a determination of the Council or the Commission under clause 4.1A.7.2.

(c) The Council shall not adopt a Proposed Local Structure Plan under clause 4.2.6.7(a) prior to the adoption by the Council under clause 4.1A.7.7(a) of a Proposed District Structure Plan for the land to which the Proposed Local Structure Plan is to apply.

(d) The Commission shall not approve a Proposed Local Structure Plan under clause 4.2.6.10(a) prior to the endorsement by the Commission under clause 4.1A.7.10(a) of a District Structure Plan for the land to which the Proposed Local Structure Plan is to apply.

4.1A.5 Discretion to Relax Certain Requirements

(a) Notwithstanding clause 4.1A.4(b), the Council may make a determination under clause 4.2.6.2 with respect to a Proposed Local Structure Plan prior to the advertisement of a Proposed District Structure Plan, for the land to which the Proposed Local Structure Plan is to apply, where the Council is satisfied that the Proponent has demonstrated how planning for the land the subject of the Proposed Local Structure Plan may be integrated with planning for the balance of the land to which a
A Proposed District Structure Plan would apply, including the location and disposition of land uses, activity centres, regional and district infrastructure, schools, major conservation and recreation areas and road networks.

(b) Notwithstanding clause 4.1A.4(c), the Council may adopt a Proposed Local Structure Plan under clause 4.2.6.7(a) prior to the advertisement of a Proposed District Structure Plan, for the land to which the Proposed Local Structure Plan is to apply, where the Council is satisfied that the Proposed Local Structure Plan is unlikely to adversely affect any possible future proposal or strategy for any other land to which the Proposed District Structure Plan would apply, including the location and disposition of land uses, activity centres, regional and district infrastructure, schools, major conservation and recreation areas and road networks.

(c) Notwithstanding clause 4.1A.4(c), the Council may adopt a Proposed Local Structure Plan under clause 4.2.6.7(a) after the advertisement of a Proposed District Structure Plan for the land to which the Proposed Local Structure Plan is to apply, but prior to the adoption of the Proposed District Structure Plan by the Council under clause 4.1A.7.7(a), where the Council is satisfied that the Proposed Local Structure Plan is unlikely to adversely affect any of the proposals and strategies set out in the Proposed District Structure Plan.

(d) Notwithstanding clause 4.1A.4(d), the Commission may approve a Proposed Local Structure Plan under clause 4.2.6.10(a) prior to the advertisement of a Proposed District Structure Plan, for the land to which the Proposed Structure Plan is to apply, where the Commission is satisfied that the Proposed Local Structure Plan is unlikely to adversely affect any possible future proposal or strategy for any other land to which the Proposed District Structure Plan would apply, including the location and disposition of land uses, activity centres, regional and district infrastructure, schools, major conservation and recreation areas and road networks.

(e) Notwithstanding clause 4.1A.4(d), the Commission may approve a Proposed Local Structure Plan under clause 4.2.6.10(a) after the adoption of a Proposed District Structure Plan for the land to which the Proposed Local Structure Plan is to apply, but prior to the endorsement by the Commission under clause 4.1A.6.10(a) of the Proposed District Structure Plan, where the Commission is satisfied that the Proposed Local Structure Plan is unlikely to adversely affect any of the proposals and strategies set out in the Proposed District Structure Plan.

4.1A.6 Preparation of District Structure Plans

(a) A Proposed District Structure Plan may include plans and other documents.

(b) A Proposed District Structure Plan shall relate to all of the land in that part of the Scheme Area referred to in clause 4.1A.2(a), (b), (c), (d) or (e), as the case may be.

(c) A Proposed District Structure Plan is to contain such detail as, in the opinion of the Council, is required to satisfy the planning requirements of the land to which the Proposed District Structure Plan applies, and, without limiting the generality of the foregoing, may include the following details:
(i) a map showing the area to which the Proposed District Structure Plan applies, proposals for the indicative pattern of neighbourhoods around town and neighbourhood centres, arterial routes and neighbourhood connector streets, the protection of natural features such as water courses and vegetation, major open spaces and parklands, major public transport routes and facilities, the pattern and disposition of land uses, schools and community facilities;

(ii) a context and constraints analysis which takes into consideration existing and surrounding land uses, noise or environmental buffers, existing and future transport routes, major services and infrastructure, existing and planned activity centres providing employment, landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, and ownership;

(iii) an Environmental Assessment and Management Strategy;

(iv) a District Water Management Strategy;

(v) a Local Biodiversity Strategy;

(vi) a District Economic, Retail and Employment Strategy;

(vii) a District Community Development Strategy;

(viii) a District Infrastructure and Servicing Strategy;

(ix) a Bushfire Hazard Assessment;

(x) a District Traffic and Transport Management Strategy; and

(xi) such other information as may be required by the Council.

4.1A.7 Adoption and Approval of District Structure Plans

4.1A.7.1 A Proposed District Structure Plan may be prepared:

(a) by the Council; or

(b) subject to clause 4.1A.7.1(b), by a Proponent.

(b) A Proponent shall not prepare a Proposed District Structure Plan for the purpose of this clause 4.1A except with the prior approval of the Council.

(c) In determining whether to give the approval referred to in clause 4.1A.7.1(b), the Council is to have regard to whether the Council has resolved to commence preparation of a Proposed District Structure Plan and the Council is proceeding without undue delay with its preparation and with the procedures under this clause 4.1A.

(d) Where the Council has commenced preparation of a plan referred to in clause 4.1A.12.2 then, for the purposes of clause 4.1A.7.1(c):

(i) the plan is to be treated as a Proposed District Structure Plan; and

(ii) the reference to the procedures under clause 4.1A is taken to be a reference to the procedures under clause 8.9.

(e) Where prepared by a Proponent, the Proposed District Structure Plan is to be submitted to the Council.

4.1A.7.2 Upon receiving a Proposed District Structure Plan, the Council is to either:
(a) determine that the Proposed District Structure Plan is satisfactory for advertising;

(b) determine that the Proposed District Structure Plan is not to be advertised until further details have been provided or modifications undertaken; or

(c) determine that the Proposed District Structure Plan is not satisfactory for advertising and give reasons for this to the Proponent.

4.1A.7.3
If within 60 days of receiving a Proposed District Structure Plan for approval for advertising, or such longer period as may be agreed in writing between the Proponent and the Council, the Council has not made one of the determinations referred to in clause 4.1A.7.2, the Council is deemed to have determined that the Proposed District Structure Plan is not satisfactory for advertising.

4.1A.7.4
(a) Where the Proponent is aggrieved by a determination of the Council under clause 4.1A.7.2(b) or (c) or clause 4.1A.7.3, the Proponent may request the Council by notice in writing to forward the Proposed District Structure Plan to the Commission.

(b) Within 21 days of receiving a notice from the Proponent under clause 4.1A.7.4(a), the Council is to forward to the Commission:

(i) a copy of the Proposed District Structure Plan;

(ii) details of the Council’s determination including any modifications to the Proposed District Structure Plan required by the Council; and

(iii) any other information the Council considers may be relevant to the Commission’s consideration of approval of the Proposed District Structure Plan for advertising.

(c) Upon receiving a Proposed Structure Plan in accordance with clause 4.1A.7.4(b), the Commission is to make one of the determinations referred to in clause 4.1A.7.2 and advise the Council and the Proponent accordingly.

(d) If the Commission requires modifications to the Proposed District Structure Plan, the Commission is to consult with the Council prior to making its determination under clause 4.1A.7.4(c).

(e) If within 60 days of receiving a Proposed District Structure Plan under clause 4.1A.7.4(b), or such longer period as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 4.1A.7.2, the Commission is deemed to have determined that the Proposed District Structure Plan is not satisfactory for advertising.

4.1A.7.5
Where the Council, or the Commission under clause 4.1A.7.4, has determined that the Proposed District Structure Plan is satisfactory for advertising, the Council is to:

(a) advertise, or require the Proponent to advertise, the Proposed District Structure Plan for public inspection by one or more of the methods of advertising proposals for development as set out in clause 6.3.3 of the Scheme; and

(b) give notice or require the Proponent to give notice in writing to:
(i) all landowners affected by the Proposed District Structure Plan; and

(ii) such public authorities and other persons as the Council nominates,

and such advertisement and notice are to explain the scope and purpose of the Proposed District Structure Plan, when and where it may be inspected, and invite submissions to the Council by a specified date being at least 21 days from the date of the notice and advertisement.

4.1A.7.6 Within 7 days of determining that a Proposed District Structure Plan is satisfactory for advertising, the Council is to forward a copy of the Proposed District Structure Plan to the Commission.

4.1A.7.7 The Council is to consider all submissions received and within 60 days of the latest date specified in the notice under clause 4.1A.7.5 is to either:-

(a) adopt the Proposed District Structure Plan with or without modifications; or

(b) refuse to adopt the Proposed District Structure Plan and give reasons for this to the Proponent.

4.1A.7.8 If within the 60 day period, or such further time as may be agreed in writing between the Proponent and the Council, the Council has not made one of the determinations referred to in clause 4.1A.7.7, the Council is deemed to have refused to adopt the Proposed District Structure Plan.

4.1A.7.9 Within 21 days of the Council making its determination under clause 4.1A.7.7, or deemed refusal under clause 4.1A.7.8, the Council is to forward to the Commission:

(a) a summary of all submissions and comments received by the Council in respect of the Proposed District Structure Plan, and the Council's decisions or comments in relation to these;

(b) the Council's recommendation to the Commission to endorse, modify or refuse to endorse the Proposed District Structure Plan; and

(c) any other information the Council considers may be relevant to the Commission's consideration of the Proposed District Structure Plan.

4.1A.7.10 The Commission is to either:

(a) endorse the Proposed District Structure Plan with or without modifications; or

(b) refuse to approve the Proposed District Structure Plan and give reasons for its decision to the Proponent and the Council.

4.1A.7.11 If within 60 days of receiving the information referred to in clause 4.1A.7.9, or such further time as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 4.1A.7.10, the Commission is deemed to have refused to endorse the Proposed Structure Plan.

4.1A.7.12 If the Commission endorses the Proposed Structure Plan, it is to notify the Council and Proponent of its decision within 14 days of the date of the Commission's decision.
4.1A.7.13 If the Commission requires modifications to the Proposed District Structure Plan, the Commission is to consult with the Council prior to endorsing the Proposed District Structure Plan under clause 4.1A.7.10.

4.1A.7.14 If the Council, following consultation with the Commission, is of the opinion that any modification to the Proposed District Structure Plan is substantial, the Council may:

(a) readvertise the Proposed District Structure Plan; or

(b) require the Proponent to readvertise the District Structure Plan

and, thereafter, the procedures set out in clause 4.1A.7.5 onwards are to apply.

4.1A.7.15 As soon as practicable after receiving notice of the endorsement of the Proposed District Structure Plan by the Commission, the Council is to adopt the Proposed District Structure Plan and forward a copy of the District Structure Plan to:

(a) the Proponent;

(b) the Commission; and

(c) any other appropriate person or public authority which the Council thinks fit.

4.1A.7.16 A District Structure Plan is to be kept at the Council’s administrative offices, and is to be made available for inspection by any member of the public during office hours.

4.1A.8 Change or Modification to a District Structure Plan

Any change or modification to a District Structure Plan is to follow the procedures set out in clause 4.1A.7.

4.1A.9 Operation of a District Structure Plan

4.1A.9.1 District Structure Plan commences operation on the date it is adopted by the Council pursuant to clause 4.1A.7.15.

4.1A.9.2 For the avoidance of doubt, a District Structure Plan is not part of the Scheme and the provisions of a District Structure Plan do not apply as if they were incorporated in the Scheme.

4.1A.10 Appeal

The Proponent may appeal, in accordance with Part 14 of the Act, any:

(a) determination or decision made by the Commission;

(b) requirement imposed by or modification sought by the Commission; or

(c) determinations deemed to have been made by the Commission under clauses 4.1A.7.4 or 4.1A.7.11 in the exercise of the Commission’s powers under clause 4.1A.

4.1A.11 Certain Plans to have Effect as District Scheme Structure Plans

4.1A.11.1 This clause 4.1A.11 applies to:

(a) the plan entitled the “South Baldivis District Structure Plan” adopted by the Council on 26 October 2004 together with any amendments to that plan adopted by the Council; and

(b) the plan entitled the “North Baldivis District Structure Plan” adopted by the Council on 18 August 2000 together with any amendments to that plan adopted by the Council.

4.1A.11.2 Any District Structure Plan to which this clause applies is to have the full force and effect as if it were adopted and endorsed as a District Structure Plan under clause 4.1A.7.
4.1A.12 District Structure Plans prepared under Clause 8.9

4.1A.12.1 Any plan which, at the Gazettal date of this clause 4.1A:
(a) is entitled a "District Structure Plan"; and
(b) has effect as a Policy under clause 8.9,
is to have full force and effect as if it were a District Structure Plan adopted by the Council and endorsed by the Commission under this clause 4.1A.

4.1A.12.2 Any plan which, at the Gazettal date of this clause 4.1A:
(a) is entitled a “District Structure Plan”; and
(b) is being prepared as a Policy under clause 8.9,
may continue to be prepared in the manner required by clause 8.9 and, upon it taking effect as a Policy under clause 8.9, it is to have full force and effect as if it were a District Structure Plan adopted by the Council and endorsed by the Commission under this clause 4.1A.7.

(vii) Clause 4.2 is amended by adding “Local” immediately before the expression “Structure Plan” wherever that expression appears in clauses 4.2.1, 4.2.4, 4.2.5(a), 4.2.5(b), 4.2.5(c), 4.2.5(e), 4.2.6, 4.2.7, 4.2.9 and 4.2.11.

(viii) Clause 4.2.1 is amended, in the definition of “Proposed Structure Plan”, by deleting: “, which may apply to either a local area or a district, that has been”.

(ix) Clause 4.2.5(d) is amended by adding the words “Proposed Local” before the expression “Structure Plan” whenever that expression appears.

(x) Clause 4.2.5 is amended by adding the following new paragraph immediately after paragraph (e):
“(f) Where the land to which the Proposed Local Structure Plan relates is land to which clause 4.1A applies, then the Proposed Local Structure Plan shall generally be consistent with the applicable District Structure Plan adopted by the Council and endorsed by the Commission under clause 4.1A.6.”

(xi) Clause 4.2.6.2 is amended by adding the following immediately before “the Council is to either”:
“but subject to clause 4.1A.4(b) and clause 4.1A.5(a).”.

(xii) Clause 4.2.6.7(a) is amended by adding the following immediately before “adopt”:
“subject to clause 4.1A.4(c) and clauses 4.1A.5(b) and (c).”.

(xiii) Clause 4.2.6.10(a) is amended by adding the following immediately before “approved”:
“subject to clause 4.1A.4(d) and clauses 4.1A.5(d) and (e).”.

(xiv) Clause 4.2.11.2 is amended by:
(1) adding the following immediately after “as if it were approved”:
“and adopted”; and
(2) deleting “clause 4.2.6.15” and substituting “clause 4.2.6”.

(xv) Table 1 is amended by adding “Local” immediately before the expression “Structure Plan” wherever that expression appears.

(xvi) Clause 4.6A(a) is amended by adding “Local” before the expression “Structure Plan” wherever that expression appears.

(xvii) Clause 4.23.1 is amended by adding “Local” before the expression “Structure Plan” wherever that expression appears in paragraph (b) and paragraph (e).

(xviii) Clause 4.23.4 is amended by adding “Local” before the expression “Structure Plan” wherever that expression appears.
(xix) Schedule 9 is amended by adding “Local” before the expression “Structure Plan” wherever that expression appears.

(xx) Schedule 10 is amended by adding “Local” before the expression “Structure Plan” wherever that expression appears in clauses 3, 5 and 8 of that Schedule.

(xxi) Introduce a new Plan No.9 District Structure Plan Areas (Under Clause 4.1A.2).

2. **ADOPT** the recommendations contained within the Schedule of Submissions as follows:-
<table>
<thead>
<tr>
<th>Submission</th>
<th>Comment</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission 1</strong>&lt;br&gt;<code>Schedule Item (1) – Rezoning of Australand JV’s Landholding</code>&lt;br&gt;DPS strongly supports the proposed rezoning of the subject land from ‘Rural’ and ‘Special Rural’ to ‘Development’ zone under the Scheme. This item facilitates the WAPC’s March 2012 endorsement to lift the ‘Urban Deferment’ zoning of the subject site to ‘Urban’ under the Metropolitan Region Scheme (MRS); hence comply with Part 9 – Section 124 of the Planning and Development Act 2005.</td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td><strong>Submission 2</strong>&lt;br&gt;<code>Schedule Item (2) – Amendments to Schedule 9 of the Scheme</code>&lt;br&gt;The proposed Amendment to ‘Schedule No.9 – Development Areas’ table of the Scheme makes reference to the new ‘DA40’ area, and prescribes additional ‘tasks’ required in relation to Bushfire and Acoustic Assessments as part of the LSP process. In particular, Provision (1. 1-1.) of the Provisions Table States,&lt;br&gt;2. An Acoustic Consultant Report prepared by a suitably qualified acoustic consultant to demonstrate how sensitive land uses will not be adversely impacted by noise generated by the Freeway Service Centre (Special Use No.12) and the Kwinana Freeway.&lt;br&gt;Whilst there is no objection to the acoustic requirements for the land adjacent to the Kwinana Freeway, our client strongly opposes the requirement to provide an acoustic report to assess the impact of the proposed Freeway Service Centre on future sensitive land uses (i.e. residential development on the Australian JV landholding).&lt;br&gt;The Freeway Service Centre (FSC) on Lot 9000 Paparone Road was subject of MRS rezoning 1128/41. It is noted that the rezoning of the site was to facilitate the development of a FSC that could contain all associated noise buffers within the confines of the lot boundaries. It is for this reason that the site was made so large, as the FSC itself is only to occupy a very small portion of this site.</td>
<td>It is considered that the provisions outlined within Town Planning Scheme No.2 for the Freeway Service Centre (Special Use 12), to contain all impacts associated with the development on site, appropriately address potential impacts to future abutting urban development. In this regard, it is recommended reference to an Acoustic Consultant Report being prepared for any potential noise impact generated by the Freeway Service Centre be removed.</td>
<td>That the submission be upheld by deleting reference to the provision for an Acoustic Consultant Report prepared by a suitably qualified acoustic consultant to demonstrate how sensitive land uses will not be adversely impacted by noise generated by the Freeway Service Centre (Special Use No.12).</td>
</tr>
</tbody>
</table>
No.1 - Cont...

It is noted that the EPA Regulations 1997 recommend a buffer of 100m to residential development, whilst a buffer of 140m was recommended by Herring Storer at the time of the Local Scheme Amendment (Amendment 15).

The intent and practical application of the buffer requirements was for this buffer to be contained within the FSC lot boundaries.

Furthermore, it is not appropriate to sterilise urban land based on a land use that is capable of fulfilling all associated buffer requirements within the boundaries of the lot on which it is contained.

Australand lodged a submission to the City of Rockingham during the advertising period of Amendment 15 to the Scheme, detailing concerns of the operation implications of a FSC on land abutting future urban areas. These concerns included, though were not limited to:

- Light spill;
- Noise;
- Odour/fumes; and
- Safety (arising from storage of vast quantities of highly flammable products).

In response to these concerns, the City of Rockingham sought additional assurances from the applicant that the FSC was to demonstrate that adequate buffers are provided on-site given the future urban intentions for the land abutting the western boundary.

Given the restrictions placed on size and operation of the facility through provisions of the Scheme, and prohibition of bulk fuel services on site, the FSC should be able to operate adequately on site, including fully containing the associated buffer as intended when the FSC was originally approved.

Furthermore, it is not appropriate to sterilise urban land based on a land use that is capable of fulfilling all associated buffer requirements within the boundaries of the lot on which it is contained.

Australand lodged a submission to the City of Rockingham during the advertising period of Amendment 15 to the Scheme, detailing concerns of the operation implications of a FSC on land abutting future urban areas. These concerns included, though were not limited to:

- Light spill;
- Noise;
- Odour/fumes; and
- Safety (arising from storage of vast quantities of highly flammable products).
<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No.1 - Cont...</strong> In response to these concerns, the City of Rockingham sought additional assurances from the applicant that the FSC was to demonstrate that adequate buffers are provided on-site given the future urban intentions for the land abutting the western boundary.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Given the restrictions placed on size and operation of the facility through provisions of the Scheme, and prohibition of bulk fuel services on site, the FSC should be able to operate adequately on site, including fully containing the associated buffer as intended when the FSC was originally approved.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Figure 1</strong> above demonstrates that the 140m buffer is contained within the north and south boundaries of the site, whilst enabling the facility to be positioned up to 70m from the western boundary of the freeway whilst still maintaining the 140m buffer within the western boundary of the site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Given it is the understanding and intent of the City of Rockingham that the buffer associated with this land use be contained within the boundary limits of Lot 9000, it is argued that no additional assessment to reduce the buffer is required, and no portion of the subject land is impacted by this buffer. For this reason the FSC acoustic provision for the subject landholding is unwarranted and should be deleted from Amendment 122.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Submission 3</strong> Schedule Item (3) and (4) – Amendment to Schedule 4 and Relevant Plans in the Scheme</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DPS supports these Schedule and Plan amendments as proposed.</td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
</tr>
</tbody>
</table>
**Submission 4**

**Schedule Item (5) – Inclusion of ‘new Clause 4.1A to the Scheme’ as part of Amendment No.122**

<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>DPS strongly opposes the proposed Amendment Schedule Item (5), to include significant changes to the City’s Town Planning Scheme (District Structure Plan processes) on the back of our simple rezoning application, as detailed in Schedule Items (1-4) of Amendment No.122.</td>
<td>In response to the requirement for the preparation of this Scheme Amendment, it was identified that the Scheme does not have appropriate controls to ensure a Local Structure Plan is prepared in context to its surrounding locality and not prejudice the potential development of surrounding landholdings where land is not zoned 'Development' under the Scheme.</td>
<td>That the submission not be upheld.</td>
</tr>
<tr>
<td>Scheme Amendment No.122 was originally intended to relate specifically to Australand JV’s rezoning of its East Baldivis landholding from ‘Rural’ and ‘Special Rural’ to ‘Development’ in the City’s Scheme. The intended Scheme Amendment was to simply facilitate the WAPC’s March 2012 endorsement to lift the ‘Urban Deferment’ zoning of the subject site to ‘Urban’ under the Metropolitan Region Scheme (MRS); hence comply with Part 9 – Section 124 of the Planning and Development Act 2005.</td>
<td>Currently, clause 4.2.5(e) of the Scheme permits the Council to require a Proponent to demonstrate how planning for a Structure Plan area will integrate with planning for the balance of a Development Area. This clause does not apply to land not yet zoned 'Development' under the Scheme but has been identified for future urban purposes under the Metropolitan Region Scheme.</td>
<td></td>
</tr>
<tr>
<td>Part 9 – Section 124 states (extract of sub-section (1) only): 124. Effect of region planning scheme on local planning scheme (1) If a region planning scheme is inconsistent with a local planning scheme, the region planning scheme prevails over the local planning scheme to the extent of the inconsistency.</td>
<td>In this case, the proposed Scheme Amendment Schedule Items 1-4 are simply to ensure the Scheme’s zoning maps and relevant text and Schedules reflect the recent MRS rezoning of the subject land to ‘Urban’.</td>
<td></td>
</tr>
<tr>
<td>In this case, the proposed Scheme Amendment Schedule Items 1-4 are simply to ensure the Scheme’s zoning maps and relevant text and Schedules reflect the recent MRS rezoning of the subject land to ‘Urban’.</td>
<td>The Council’s resolution to advertise a comprehensive review of the Scheme’s District Structure Planning processes (Schedule Item (5)) on the back of our simple rezoning application is considered inappropriate as its full exposure to public acknowledgement and scrutiny is somewhat diluted given it’s entanglement with a separate rezoning proposal.</td>
<td></td>
</tr>
<tr>
<td>The Amendment was advertised to all industry stakeholders for comment in accordance with the Town Planning Regulations 1967. As such, an appropriate level of public scrutiny in accordance with the Town Planning Regulations is accounted for.</td>
<td>Were it not for the Council’s decision to introduce Scheme Item (5) to Amendment No.122, then our minor amendment would be now close to gazetted; this supported by the fact that DPS provided necessary documentation to the City to expedite the amendment process in March 2012.</td>
<td></td>
</tr>
</tbody>
</table>
No.1 - Cont...
The introduction of the Scheduled Item (5) has already clearly prolonged the minor Scheme Amendment process, which is unacceptable to our client, and no doubt contradicts the objectives of State and Local Government planning frameworks that look to streamline the planning approval process. Consequently, the proposal to include Schedule Item (5) will unnecessarily delay the development of the Australand JV landholding by in excess of a year. This is based on the strong possibility that:

- The minor amendment (rezoning) of the Australand landholding would be a straightforward process given that the amendment is merely to conform with Part 9 – Section 124 of the Planning and Development Act as noted above. This we project would be a 6 month (maximum) process; and

- The proposal to include District Structure Process of the Scheme as part of Amendment No.122 is likely to be a 18 month plus process taking into consideration:
  - The WAPC may not be fully supportive of all the various DSP provisions proposed; hence such provisions may require ongoing negotiations and revisions between these Government Agencies until a resolution is achieved. This will unnecessarily delay our minor Scheme Amendment.
  - The timing of responses to submissions, negotiations and resolution between the WAPC and City may be delayed as such agencies are not bound by statutory timeframes on such matters. This will unnecessarily delay our minor Scheme Amendment which is unlikely to receive any public submissions given the requirement to simply comply with the MRS zoning and
  - Once resolution is achieved, the provisions may then need to be further advertised to the general public, particularly if significant revisions are imposed by the WAPC. This will unnecessarily delay our minor Scheme Amendment.

The District Structure Planning process is now adequately covered by the WAPC’s Planning Bulletin No.37 – Draft Model Text Provisions for Structure Plans; hence the City’s proposed amendment detailed under Schedule Item (5) is considered superfluous to the City’s development approval processes.

<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is also noted that Amendment No.122 was provided to the Department of Planning for review prior to the Council's initiation. The Department of Planning decided to not exercise its powers to call in the Amendment for review prior to Council's initiation for advertising.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Submission 4

#### No.1 - Cont...

The District Structure Plan component review as addressed under Schedule Item (5) of Amendment No.122 is considered too significant to be simply ‘tacked onto’ the minor Scheme Amendment proposed under Schedule Items 1-4. In light of the above, DPS therefore strongly recommends that either:

(a) Amendment No.122 separates the DSP component Schedule Item (5) – this may require it to be allocated another Amendment No.; or

(b) Abandon the DSP component all together as it is an unnecessary statutory layer that is more than adequately addresses by the WAPC’s Planning Bulletin No.37 – Draft Model Text Provisions for Structure Plans.

### Submission 5

**Schedule Item (5) – Necessity for inclusion of new Clause 4.1A to the Scheme**

Under the Council’s own admission as stated in the Officers Recommendation Report for the Amendment:

‘Although these (North and South Baldivis) District Structure Plans did not have statutory effect under TPS2, they are considered successful instruments to guide the preparation of Local Structure Plans.’; and

‘District Structure Plans are not intended to contain detailed planning outcomes normally required as part of the preparation of a Local Structure Plan, but rather provide a broad overview with respected to the disposition of land uses, activity centres, regional and district infrastructure, schools, open spaces and road networks.

The precise distribution of land uses and reserves identified by a District Structure Plan are accounted for as part of a Local Structure Plan.’

The question therefore needs to be asked as to why the City is now seeking to make DSP’s statutorily binding documents when the WAPC’s Planning Bulletin No.37 – Draft Model Text Provisions for Structure Plans identifies that DSPs ‘in most instances’ are to be strategic in nature.

In light of the above, the current rationale to introduce statutory provisions for District Structure Plans is contradictory and again, is likely to result in an unnecessary and additional statutory layer in the City of Rockingham’s Town Planning process. This is recognised and is the practice of the vast majority of Local Authorities in Western Australia.

---

<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission 5</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Schedule Item (5) – Necessity for inclusion of new Clause 4.1A to the Scheme</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Under the Council’s own admission as stated in the Officers Recommendation Report for the Amendment:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>‘Although these (North and South Baldivis) District Structure Plans did not have statutory effect under TPS2, they are considered successful instruments to guide the preparation of Local Structure Plans.’; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>‘District Structure Plans are not intended to contain detailed planning outcomes normally required as part of the preparation of a Local Structure Plan, but rather provide a broad overview with respected to the disposition of land uses, activity centres, regional and district infrastructure, schools, open spaces and road networks.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The precise distribution of land uses and reserves identified by a District Structure Plan are accounted for as part of a Local Structure Plan.’</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

District Structure Plans are a recognised industry practise that act as the planning framework to guide the preparation of Local Structure Plans particularly in situations where there is fragmented land ownership in a locality and potential for individual planning proposals having the ability to impact orderly and proper planning.

The Amendment as advertised intended a Local Structure Plan cannot be determined prior to the endorsement of a District Structure Plan in a locality where it is required. Discretion has been introduced to consider a Local Structure Plan where it can be demonstrated how planning for the land the subject of the Proposed Local Structure Plan may be integrated with planning for the balance of the land to which a Proposed District Structure Plan.

That the submission not be upheld.
<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.1 - Cont...</td>
<td>This is to ensure Local Structure Plans have due regard to a wider planning framework for a locality and are not prepared in a manner that prejudices development of neighbouring landholdings. It is established practice that planning processes can occur in a concurrent manner and in this regard, the Amendment is proposed to permit a District Structure Plan and Local Structure Plan being prepared in this manner to avoid undue delays. The locations for where a District Structure Plan is required, include large connected landholdings of land zoned 'Urban Deferred' under the Metropolitan Region Scheme and localities identified as urban investigation areas through the draft Outer Metropolitan and Peel Sub-Regional Strategy (2010) prepared to inform Directions 2031 and Beyond (2010). The locations that require a District Structure Plan are referred to as follows: - - East Baldivis; - Karnup; and - Keralup. If a new locality is considered suitable for urbanisation or industrial development and requires a broader planning framework, a Scheme Amendment will be required to establish the requirement for a District Structure Plan. The City considers the introduction of the Scheme provisions as a means of creating a structured District Structure Planning process.</td>
<td></td>
</tr>
<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
<td>----------------</td>
</tr>
</tbody>
</table>
| No.1 - Cont... | With increasing pressure to urbanise new land within the Baldivis and Karnup localities, it is considered that a co-ordinated approach needs to be mandated within Town Planning Scheme No.2. In this regard, the proposed provisions: -  
(i) Provide certainty to the process;  
(ii) Are transparent,  
(iii) Establish an efficient manner for the consideration of such proposals;  
(iv) Provide for a right of consultation and arbitration;  
(v) Outline generally matters to be considered as part of the preparation of a District Structure Plan;  
(vi) Establish a hierarchy of Structure Planning consistent with the intent of Liveable Neighbourhoods.  
(vii) Maintain District Structure Plans as ‘strategic documents’ prepared through a statutory process; and  
(viii) Need to be linked to the rezoning of Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis, because the Scheme does not have appropriate controls to ensure a Local Structure Plan is prepared in context to its surrounding locality and not prejudice the potential development of surrounding landholdings. |
<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
</table>
| **Submission 6**  
**Schedule Item (5) – Review of Provisions Proposed under new Clause 4.1A to the Scheme**  
In the event that general objective of Clause 4.1A is endorsed by the City and WAPC, it is recommended that the following sub-clause of this Clause be clarified, rectified, or removed, prior to final adoption. The sub-clause includes:  
**Proposed Sub-Clause 4.1A.4**  
(d) The Commission shall not approve a Proposed Local Structure Plan under clause 4.2.6.10(a) prior to the endorsement by the Commission under clause 4.1A.6.10(a) of a District Structure Plan for the land to which the Proposed Local Structure Plan is to apply.  
This sub-clause is seriously flawed as demonstrated by various existing and proposed Local Structure Plans examples in the Rockingham municipality.  
For example, the North Baldivis District Structure Plan has never formally been endorsed by the WAPC, however under Council’s own admission this document is considered a successful instrument that has guided the preparation of associated Local Structure Plans, as formally assessed by both the Council and WAPC.  
Another example if the pending (to initiate advertising) process for the East Baldivis District Structure Plan. The outstanding issues relating to the location of the High School and District Open Space within the central landholdings of the DSP area have seriously delayed the development of land parcels to the north and south. This is notwithstanding the respective landowners having provided clear and concise rationale that the issues relevant to the central land holdings of the DSP do not directly affect these other landholdings.  
This proposed sub-clause will simply and unnecessarily create a new statutory layer that delays development when pre-active processing and resolution by Council of non-statutory DSPs would be the more suitable outcome.  
The wording of sub-clause 4.1A.4(d) should therefore be modified to:  
(d) The Commission shall not approve a Proposed Local Structure Plan under clause 4.2.6.10(a) until the proponent(s) of the Local Structure Plan area can demonstrate that the development is removed from any development issues arising from other landholdings encompassed by the District Structure Plan, and development will not be directly and adversely affected on the land to which the Proposed Local Structure Plan is to apply.  
Following careful consideration of the request, the City agrees the introduction of a new discretion clause 4.1A.5 would provide greater flexibility to review the merits of individual landholdings that may be progressed outside a District Structure Plan process.  
Discretion has been introduced to consider a Local Structure Plan where it can be demonstrated how planning for the land the subject of the Proposed District Structure Plan may be integrated with planning for the balance of the land to which a Proposed District Structure Plan. This is to ensure Local Structure Plans have due regard to a wider planning framework for a locality and are not prepared in a manner that prejudices development of neighbouring landholdings.  
Note: This is particularly applicable in the case of Keralup, where the Council resolved in February 2012, to not support the subsequent planning phases for Keralup until it can be demonstrated that Stage One could function as a self-contained entity. A modification to the proposed Amendment reflects the Council's decision in this regard.  
That the submission be upheld by modifying the Amendment provisions to include a new Clause 4.1A.5 to introduce discretion to consider a Local Structure Plans where it can be appropriately demonstrated to the satisfaction of the Council and the WAPC.  |
DPS Submissions in Summary:

**Submission 1**  
*Schedule Item (1) – Rezoning of Australand JV’s Landholding*  
DPS strongly supports the proposed rezoning of the subject land from ‘Rural’ and ‘Special Rural’ to ‘Development’ zone under the Scheme.

**Submission 2**  
*Schedule Item (2) – Amendments to Schedule 9 of the Scheme*  
DPS strongly opposes the requirement to provide an acoustic report to assess the impact of the proposed Freeway Service Centre (FSC) to future sensitive land uses (i.e. residential) on the Australand JV landholding; as noise attenuation in the immediate area should be the responsibility of the proponents of the FSC as per the requirements of the MRS and TPS rezoning.

**Submission 3**  
*Schedule Item (3) and (4) – Amendment to Schedule 4 and Relevant Plans in the Scheme*  
DPS strongly supports the Schedules and Plan amendments as proposed.

**Submission 4**  
*Schedule Item (5) – Inclusion of ‘new Clause 4.1A to the Scheme’ as part of Amendment No.122*  
DPS strongly opposes the proposed Amendment Schedule Item (5), to include significant changes to the City’s Town Planning Scheme (*District Structure Plan* processes) on the back of our simple rezoning application as detailed in Schedule Items (1-4) of Amendment No.122. Item (5) is considered inappropriate as its full exposure to public acknowledgment and scrutiny is somewhat diluted given it’s entanglement with a separate rezoning proposal. The proposal also significantly delays the simple processing of Schedule Items 1-4, which would now be close to gazettal were it undertaken under a separate amendment.

**Submission 5**  
*Schedule Item (5) – Necessity for inclusion of new Clause 4.1A to the Scheme*  
DPS strongly opposes the introduction of new Clause 4.1A to the Scheme as introducing provisions for District Structure Plans is contradictory to the objective of WAPC’s Planning Bulletin No.37 – Draft Model Text Provisions for Structure Plans, that identifies that DSPs ‘in most instances’ are to be strategic in nature.

**Submission 6**  
*Schedule Item (5) – Review of Provisions Proposed under new Clause 4.1A to the Scheme*
### No.1 - Cont...

Should the new Clause 4.1A be included in the Scheme, then the wording of sub-clause 4.1A.4(d) should be modified to ensure landholdings not affected by broader District Structure Planning development constraints be able to profess without unnecessary delay.

The wording of sub-clause 4.1A.4(d) should therefore be modified to:

(d) The Commission shall not approve a Proposed Local Structure Plan under clause 4.2.6.10(a) until the proponent(s) of the Local Structure Plan area can demonstrate that the development is removed from any development issues arising from other landholdings encompassed by the District Structure Plan, and development will not be directly and adversely affected on the land to which the Proposed Local Structure Plan is to apply.

Thank you for the opportunity to make a submission on Proposed Amendment No.122 to the City’s Scheme. We trust the submission will be justly considered and therefore will contribute to a better strategic and statutory development outcome for all parties.

Please feel free to contact Justin Hansen or the undersigned on 9268 7900 should you have any further queries.

### No.2 - Mr George Hajigabriel, Greg Rowe and Associates (on behalf of Mr Leonard Buckeridge) – Level 3, 369 Newcastle Street, Northbridge WA 6003

We refer to the above mentioned proposed amendment to the City of Rockingham Town Planning Scheme No.2 (TPS 2) which has been released for public comment.

Greg Rowe and Associates acts on behalf of Mr Leonard Buckeridge being the owner of Lots 447, 459 and 790 Baldivis Road, Baldivis. We provide this submission on behalf of our client.

Our particular interest with respect to Amendment No.122 relates to the inclusion of provisions within TPS 2 relating the preparation and operation of a District Structure Plan (DSP). Our Client’s land is already the subject of a DSP which has been prepared voluntarily by the relevant landowners group.

Following careful consideration of the request, the City agrees the introduction of a new discretion clause 4.1A.5 would provide greater flexibility to review the merits of individual landholdings that may be progressed outside a District Structure Plan process.

That the submission be upheld by modifying the Amendment provisions to include a new Clause 4.1A.5 to introduce discretion to consider a Local Structure Plans where it can be appropriately demonstrated to the satisfaction of the Council and the WAPC.
<table>
<thead>
<tr>
<th>No.2 - Cont...</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is some concern that the introduction of specific provisions within TPS 2 relating to the methodology for adoption a DSP will extend the timeframe required to achieve development of our Clients land. There is also a high probability of a “doubling up” of work and actions relative to a DSP and a Local Structure Plan (LSP) process. It is assumed that in many cases applicants will seek to have an LSP considered concurrently with a DSP in order to avoid significant time delays and in this regard it is acknowledged that the proposed Scheme provisions do not prevent such concurrent consideration. Of some concern however, are proposed provisions 4.1A.4(c) and (d) which require that both Council and the Commission are not able to adopt an LSP until such time as a DSP has been adopted. It is suggested that these provisions should be varied to provide both Council and the Commission with the discretion to approve an LSP under certain circumstances when a DSP has not yet been adopted. This suggestion is made on the basis that a DSP by nature covers a very large geographical area potentially incorporating with multitude of issues. It is possible, and in our experience highly likely, that a single issue can delay the adoption of a DSP notwithstanding that the particular issue may have no relevance or impact upon an individual parcel of land that is included within the DSP area. Council and the Commission ought to have the ability to adopt an LSP in those situations provided they are satisfied that the outstanding issues pertaining to the DSP are isolated in nature and will not impact on the LSP. An example of such a situation is currently evident in the East Baldivis District Structure Plan area where two separate landowners have been disputing the location of a future High School site. The land north of Mundijong Road (including our Client’s land) has no influence over, and is not influenced by the location of High School site on either of the two landowners land. If the adoption of the DSP was to be unreasonably delayed as a result of continued and ongoing dispute over the High School site, this would prevent any other land within the DSP area from progressing through the LSP adoption process. This in our view would be inappropriate and would cause an unreasonably delay in the planning process. Discretion has been introduced to consider a Local Structure Plan where it can be demonstrated how planning for the land the subject of the Proposed Local Structure Plan may be integrated with planning for the balance of the land to which a Proposed District Structure Plan. This is to ensure Local Structure Plans have due regard to a wider planning framework for a locality and are not prepared in a manner that prejudices development of neighbouring landholdings. Note: This is particularly applicable in the case of Keralup, where the Council resolved in February 2012, to not support the subsequent planning phases for Keralup until it can be demonstrated that Stage One could function as a self-contained entity. A modification to the proposed Amendment reflects the Council’s decision in this regard.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
No.2 - Cont...

In addition to the above concerns, we note that the amendment proposal includes Clause 4.1A.6.a(b) which requires that a proponent cannot prepare a DSP unless they obtain prior approval of Council. It is unclear as to how this clause and Council would seek to prevent a proponent from preparing a DSP given there are numerous mechanisms within the proposed scheme text that protect the Council from an inappropriate or unacceptable DSP being progressed and adopted.

Whilst this clause does not affect our Client given the advanced nature of planning processes relative to the East Baldivis area, it is considered that the clause is inappropriate and unnecessary. A proponent ought to have the right to prepare and submit a DSP over their land and a broader land area if necessary.

Amendment No.122 has established that it is the Council's role in the first instance, that it will set the strategic direction for future development within the District. It is considered inappropriate for one or multiple landowners to prepare a plan for the balance of a District Structure Plan area (as defined by Plan No.9) without the approval of the Council. This is to ensure the interests of all landowners within a District Structure Plan area are appropriately represented.

A Proponent through this Amendment still has the opportunity to seek the Council's permission to prepare a District Structure Plan.

It is also noted that the definition of 'Proponent' within the Scheme Text prohibits the preparation of a Structure Plan over land outside a Proponent's ownership. This is currently a power reserved by the Council under the Scheme.

As such, the submission recommendation is not supported.

In summary it is requested that should the amendment proceed the following alterations to the amendment text are undertaken:

- Alter clause 4.1A4(c) by removing the words "not adopt" and replacing them with the words "exercise discretion in considering the adoption of";
- Alter Clause 4.1A.4(d) by removing the words "shall not" and replacing them with the word "may", and
- Delete Clause 4.1A.6.1(b).

Should you have any queries or should you wish to discuss the above please do not hesitate to contact the undersigned.

<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>In addition to the above concerns, we note that the amendment proposal includes Clause 4.1A.6.a(b) which requires that a proponent cannot prepare a DSP unless they obtain prior approval of Council. It is unclear as to how this clause and Council would seek to prevent a proponent from preparing a DSP given there are numerous mechanisms within the proposed scheme text that protect the Council from an inappropriate or unacceptable DSP being progressed and adopted. Whilst this clause does not affect our Client given the advanced nature of planning processes relative to the East Baldivis area, it is considered that the clause is inappropriate and unnecessary. A proponent ought to have the right to prepare and submit a DSP over their land and a broader land area if necessary.</td>
<td>Amendment No.122 has established that it is the Council's role in the first instance, that it will set the strategic direction for future development within the District. It is considered inappropriate for one or multiple landowners to prepare a plan for the balance of a District Structure Plan area (as defined by Plan No.9) without the approval of the Council. This is to ensure the interests of all landowners within a District Structure Plan area are appropriately represented. A Proponent through this Amendment still has the opportunity to seek the Council's permission to prepare a District Structure Plan. It is also noted that the definition of 'Proponent' within the Scheme Text prohibits the preparation of a Structure Plan over land outside a Proponent's ownership. This is currently a power reserved by the Council under the Scheme. As such, the submission recommendation is not supported.</td>
<td>That the submission not 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.3 – Mr Vic Andrich, Department of Health – PO Box 8172, Perth BC WA 6849</td>
<td>Thank you for your letter dated 22 August 2012 requesting comment from the Department of Health (DoH) on the above proposal. The DoH provides the following comment: <strong>1. Water and Sewerage</strong></td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td></td>
<td>All proposed developments are required to connect to scheme water and to reticulated sewerage in accordance with the Government Sewerage Policy – Perth Metropolitan Region.</td>
<td>Water and sewage connection is a requirement of the subdivision process. This submission is noted for action as part of the subdivision process.</td>
</tr>
<tr>
<td></td>
<td><strong>2. Mosquito-borne Disease Control Programs and Services</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The subject land is within proximity to a Mosquito breeding habit. The appropriate design of future development to mitigate the introduction of Mosquito breeding areas is a matter for consideration through the preparation of a Local Structure Plan and through the subdivision process.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td></td>
<td>The subject land is in a region that regularly experiences significant problems with nuisance and disease carrying mosquitoes. These mosquitoes can disperse several kilometres from breeding sites and are known carriers of Ross River (RRV) and Barmah Forest (BFV) viruses. Human cases of RRV and BFV disease occur annually in this general locality. The subject land is also within 3km of mosquito dispersal distance from potential breeding sites near the Tamworth Wetlands, the upper reaches of the Serpentine River and Folly Pool. Mosquitoes will disperse from these sites to the subject land under favourable environmental conditions. In order to protect the health and lifestyle of communities, all land use planning decisions should include consideration of mosquitoes and their management. The above risks, as well as the lifestyle impacts of nuisance mosquitoes, will inevitable result in demands for the application of chemicals to control larval and/or adult mosquitoes. Environmental agencies may not automatically approve the use of such measures in and around environmentally significant wetlands. Therefore, it will be important that in-principle approval for effective mosquito control measures in and around these wetlands is obtained from the relevant environmental agencies before planning decisions are finalised.</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Recommendations:</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The City of Rockingham ensures they have sufficient resources to continue mosquito management to protect future residents housed within the proposed Planning Scheme; - The City of Rockingham should ensure proposed infrastructure and site works do not create additional mosquito breeding habitat as follows:-</td>
<td>The appropriate design of future development to mitigate the introduction of Mosquito breeding areas is a matter for consideration through the preparation of a Local Structure Plan and through the subdivision process. That the submission be noted.</td>
</tr>
<tr>
<td>No.3 - Cont...</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
</tr>
<tr>
<td>----------------</td>
<td>---------</td>
<td>----------------</td>
</tr>
<tr>
<td>- Changes to topography resulting from earthworks (e.g. the installation of pipelines, footpaths, roads etc) must prevent run-off creating surface ponding as it may become mosquito breeding habitat; and - The Chironomid midge and mosquito risk assessment guide for constructed water bodies (Midge Research Group, 2011) should be referred to during the early stages of planning to ensure that the potential for on-site mosquito breeding is minimised. This document is available at: <a href="http://www.public.health.wa.gov.au/2/654/2/mosquitoes.pm">www.public.health.wa.gov.au/2/654/2/mosquitoes.pm</a>.</td>
<td>The Department of Health's comments are taken on notice for detailed consideration as part of future planning processes.</td>
<td>That the submission not be upheld.</td>
</tr>
</tbody>
</table>

• The City of Rockingham should develop an integrated mosquito management plan for the Planning Scheme to demonstrate an ability to manage mosquitoes and other nuisance insects and reduce the risk of exposure for residents/workers and visitors to the area. This should compromise, but not necessarily be limited to, the following:-
  - Appropriate location, design and maintenance of project infrastructure to prevent mosquito breeding (e.g. wastewater, stormwater infrastructure);
  - Source reduction (removal or modification of mosquito breeding habitat);
  - Monitoring of larval and adult mosquitoes in and around the proposed infrastructure to inform the locating and timing of control measures;
  - Control (chemical, physical, biological and/or cultural) of adult and larval mosquitoes in man-made and natural breeding sites in close proximity to the Planning Scheme; and
Ensure mosquito management strategies comply with all Federal and State legislative requirements.  

3. Documents Content

• ‘Public Health’ is recommended to be integrated to the amendment under the heading ‘Policy – Living Neighbourhoods’ and within the various strategies and plans outlined. Public Health should include disability access, disaster preparedness, health, social and mental wellbeing of the residents, workforce and visitors. Incorporating ‘public health’ into the design and implementation of the development plan will ensure more sustainable developments.

The City acknowledges the potential merit for Public Health to be integrated into the Western Australian Planning Commission's Liveable Neighbourhoods document. 

That the submission not be upheld.
<table>
<thead>
<tr>
<th>No.3 - Cont...</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The new Public Health Bill will require integration of Public Health Planning into existing plans and strategies. This is an opportune time to start incorporating such public health principles and objectives into existing planning schemes, plans and strategies. It is suggested that a clear statement is made to incorporate public health issues under the planning principles in the planning scheme and associated plans and strategies. Scheme Amendment No.122 provides City of Rockingham the opportunity to minimise the land use conflicts and incompatible activities which is the most common issue in land use and development. Health impacts draw many attentions in those issues and hence, should be appropriately and adequately addressed at this level. Health concerns about buffers are not limited to the industries and infrastructures. Consideration must be given to the need for adequate buffers to protect residents from lifestyle and public health impacts such as mosquitoes, dust or pesticide spray drift from agricultural activities for example.</td>
<td>Notwithstanding this position, any potential changes to Liveable Neighbourhoods to incorporate a public Health assessment falls outside the scope of this Amendment and need to be pursued by the Department of Health as a separate matter with the Department of Planning as part of the Liveable Neighbourhoods review process scheduled to occur in 2013. It is noted a District Structure Plan is currently being prepared for the East Baldivis locality and will account for land uses and impacts to residential development.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No.4 - Ms Shelley McSpirit, Department of Water, PO Box 332, Mandurah WA 6210</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Thank you for the above referral dated 22 August 2012. The Department of Water (DoW) has reviewed the application and wishes to provide the following recommendation:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LWMS Urban Water Management</td>
<td>LWMS Urban Water Management</td>
<td></td>
</tr>
<tr>
<td>Consistent with Better Urban Water Management (WAPC, 2009) (BUWM), the policy measures outlined in State Planning Policy 2.9, Water Resources and the DoP’s Planning Bulletin 92: Urban Water Management, the proposed Town Planning Scheme Amendment for Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road should be supported by a Local Water Management Strategy (LWMS). The LWMS should be consistent with the approved East Baldivis District Water Management Strategy (DWMS) (October 2007, Parsons Brinckerhoff) and be approved prior of the final approval of the future Structure Plan. The LWMS should demonstrate how the subject area will address water use and management. It should contain a level of information that demonstrates the site constraints and the level of risk to the water resources. The LWMS should include, but not be limited to:</td>
<td>A District Water Management Strategy has been approved by the Department of Water for the subject land on the 13th November 2007. A future Local Structure Plan will be subject to the preparation and approval of a Local Water Management Strategy by the Department of Water. In this regard the Department of Water's comments are noted as action as part of future planning processes.</td>
<td></td>
</tr>
</tbody>
</table>

| That the submission be noted. | That the submission be noted. | That the submission be noted. |
### No.4 - Cont...

- Capacity of land to support proposed land use;
- Stormwater management strategy;
- Fit-for-purpose water use strategy;
- Issues to be determined at time of subdivision; and
- Recommended monitoring and implementation framework.

Furthermore, the DoW provides the following advice:

#### Groundwater

The subject area is located within the Stakehill Groundwater Area as proclaimed under the *Rights in Water and Irrigation Act 1914*. Any groundwater abstraction in this proclaimed area for purposes other than domestic and/or stock watering taken from the superficial aquifer is subject to licensing by the DoW. The issuing of a groundwater licence is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee. The proponent is advised to contact the Department’s Water Licensing section in the Mandurah Region on 9550 4222 to discuss water management options.

Please note, a high proportion of groundwater in the Stakehill Groundwater Area is currently allocated, thus there may be limited resources available to new developments. Proposed land uses requiring groundwater should identify and potentially secure fit-for-purpose water early in the planning process by consulting with the DoW. Innovative water reuse and recycling strategies may need to be developed if groundwater is unavailable.

#### Flooding

The applicant should be made aware that the flood fringe associated with Folly Pool and the Peel Main Drain extends into part of the proposed subject land. The applicant should consult the Department of Water, Floodplain Management Branch on 6364 7600, when planning any ground breaking, construction or development activity on the proposed site.

#### Peel Harvey Coastal Plain Catchment

The proponent is advised that the proposal is located within the Peel-Harvey catchment and the provisions of the *Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992* and the *Statement of Planning Policy No.2.1 – the Peel-Harvey Coastal Plain Catchment (SPP 2.1) shall apply.*

<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.4 - Cont...</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Capacity of land to support proposed land use;</td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>• Stormwater management strategy;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Fit-for-purpose water use strategy;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Issues to be determined at time of subdivision; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Recommended monitoring and implementation framework.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Furthermore, the DoW provides the following advice:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Groundwater</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The subject area is located within the Stakehill Groundwater Area as proclaimed under the <em>Rights in Water and Irrigation Act 1914</em>. Any groundwater abstraction in this proclaimed area for purposes other than domestic and/or stock watering taken from the superficial aquifer is subject to licensing by the DoW. The issuing of a groundwater licence is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee. The proponent is advised to contact the Department’s Water Licensing section in the Mandurah Region on 9550 4222 to discuss water management options. Please note, a high proportion of groundwater in the Stakehill Groundwater Area is currently allocated, thus there may be limited resources available to new developments. Proposed land uses requiring groundwater should identify and potentially secure fit-for-purpose water early in the planning process by consulting with the DoW. Innovative water reuse and recycling strategies may need to be developed if groundwater is unavailable.</td>
<td>The submission is noted.</td>
<td></td>
</tr>
<tr>
<td>Flooding</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The applicant should be made aware that the flood fringe associated with Folly Pool and the Peel Main Drain extends into part of the proposed subject land. The applicant should consult the Department of Water, Floodplain Management Branch on 6364 7600, when planning any ground breaking, construction or development activity on the proposed site.</td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>Peel Harvey Coastal Plain Catchment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The proponent is advised that the proposal is located within the Peel-Harvey catchment and the provisions of the <em>Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992</em> and the <em>Statement of Planning Policy No.2.1 – the Peel-Harvey Coastal Plain Catchment (SPP 2.1) shall apply.</em></td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
<td>----------------</td>
</tr>
<tr>
<td><strong>No.4 - Cont...</strong>&lt;br&gt;DEC Issues</td>
<td>The City wrote to the Department of Environment and Conversation as part of the advertising process and received no response during the advertising period. It is also noted the EPA did not respond to this matter in its submission to the City.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td></td>
<td>The impact of Acid Sulphate Soils will be examined in further detail through the Local Structure Planning process.</td>
<td></td>
</tr>
<tr>
<td><strong>No.5 – Ms Leanne Slater, Western Power – Locked Bag 2520, Perth WA 6000</strong></td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>No.6 – Mr Richard Bloor, Senior Planning Consultant Strategic Asset Planning, Department of Education – 151 Royal Street, East Perth WA 6004</strong></td>
<td>It is noted the allocation of schools within the East Baldivis precinct will be determined through the consideration of the East Baldivis District Structure Plan.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>--------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td><strong>No.7 - Mr Colin Strickland, Department of Mines and Petroleum, Mineral House 100 Plain Street, East Perth WA 6004</strong></td>
<td>Thank you for your letter dated 22 August 2012 inviting comment on the above amendment which proposed rezoning Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis from ‘Rural and Special Rural’ to ‘Development’ Zone. The Geological Survey of Western Australia (GSWA) has assessed this proposal on behalf of the Department of Mines and Petroleum (DMP) with respect to access to mineral and petroleum resources, geothermal energy and basic raw materials, and has no comment to make in this regard.</td>
<td>The submission is noted. That the submission be noted.</td>
</tr>
<tr>
<td><strong>No.8 - Mr Norm Walkerden, Forecast &amp; Area Planning, Telstra, Locked Bag 2525, Perth WA 6001</strong></td>
<td>Thank you for the above advice. At present, Telstra Corporation Limited has no objection. I have recorded it and look forward to further documentation as the development progresses.</td>
<td>The submission is noted. That the submission be noted.</td>
</tr>
<tr>
<td><strong>No.9 - Mr Frank Kroll, Water Corporation, PO Box 100, Leederville WA 6902</strong></td>
<td>Thank you for your letter of 22 August 2012 requesting the Corporation’s advice on the amendment. The Corporation has no objection to the Amendment, and particularly supports the inclusion of a Development Area and requirement for a Local Planning Strategy to guide development. The Local Planning Strategy is to include infrastructure provision and water management plans. Infrastructure scheme planning is available for water, wastewater and main drainage for Development Area 40. Fill will be required over the land to a level stipulated by the Department of Water, concerning building levels about maximum flood levels.</td>
<td>The submission is noted. That the submission be noted.</td>
</tr>
<tr>
<td><strong>No.10 - Ms Lynne Wrigglesworth, Main Roads Western Australia, PO Box 6202, East Perth WA 6892</strong></td>
<td>Thank you for our letter of 22 August 2012 inviting Main Roads comments on the above proposed Amendment. Main Roads has no objections to the rezoning of this land under the City of Rockingham’s Town Planning Scheme No.2 from Rural and Special Rural to Development zone as all development on this land will be guided by the future East Baldivis District Structure Plan.</td>
<td>The submission is noted. That the submission be noted.</td>
</tr>
<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
<td>----------------</td>
</tr>
<tr>
<td><strong>No.10 - Cont…</strong> Main Roads supports the introduction of provisions for the preparation and operation of District Structure Plans and the change in terminology from ‘Structure Plans’ to ‘Local Structure Plans’.</td>
<td>The submission is noted</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In relation to the East Baldivis District Structure Plan, Main Roads will not permit direct local traffic access to either the adjoining Lot 191 – being the proposed service centre facility – or the Kwinana Freeway. Other conditions may be imposed when the draft District Structure Plan is available for comment.</td>
<td>The submission is noted</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>If you require any further information please contact Planning Information Officer Lynne Wrigglesworth on (08) 9323 4544 or myself on 9323 4917. In reply please quote file reference 04/6857-06 (D12#32272).</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>No.11 – Mr Doug Smith, District Officer South Coastal, FESA – 20A Phillimore Street, Fremantle WA 6160</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I refer to your letter dated 22 August 2012 regarding the above. Please be advised that the Fire and Emergency Services Authority of Western Australia (FESA) refers you to the Fire and Emergency Services Authority of Western Australia (FESA) and the Western Australian Planning Commission (WAPC) Planning for Bush Fire Protection Guidelines Edition 2 – May 2010 (These Guidelines replace DC 3.7 Fire Planning and Planning for Bush Fire Protection, which were released by the WAPC and FESA in December 2011) and clause 6 of State Planning Policy 3.4 Natural Hazards and Disasters (SPP 3.4). Your amendment No.122 to Town Planning Scheme No.2 has been noted and filed at our South Coastal Regional Office.</td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>No.12 – Mr Warren Mitchell, Department of Indigenous Affairs – PO Box 3153, East Perth WA 6892</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thank you for your correspondence dated 22nd August 2012 seeking comments from the Department of Indigenous Affairs (DIA) on Amendment 122 to Town Planning Scheme No.2. The details of the proposed amendment are understood to be: 1) Rezone lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis from ‘Rural’ and ‘Special Rural’ to ‘Development’ zone.</td>
<td>It is noted that there are no Aboriginal heritage sites as currently mapped on the Register of Aboriginal Sites in the area affected by the Scheme Amendment.</td>
<td>That the submission be noted.</td>
</tr>
</tbody>
</table>
No.12 - Cont...

2) Introduce provisions for the requirement, preparation and operation of District Structure Plans within a new clause 4.1A and make associated modifications to clause 4.2 accordingly; and

3) Change the terminology of ‘Structure Plans’ to ‘Local Structure Plans’ throughout the Scheme Text.

The information you have provided has been reviewed and based on that information it is advised that there are no Aboriginal heritage sites as currently mapped on the Register of Aboriginal Sites in the area under construction. Previous heritage survey work in the general region has however resulted in the recording of two registered sites and three places of interest and value to Aboriginal people within two kilometres of the area under consideration in Amendment 122 (see Table 1 below).

Table 1 – Places of Aboriginal Heritage Interest in Close Proximity to Amendment 122 Area

<table>
<thead>
<tr>
<th>DIA SITE ID</th>
<th>Site Name</th>
<th>Status</th>
<th>Distance and Direction from Amendment Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>3405</td>
<td>Baldivis: Baldivis Road</td>
<td>Registered</td>
<td>1,540 m to S of SW corner</td>
</tr>
<tr>
<td>4323</td>
<td>Gas Pipeline 02</td>
<td>Registered</td>
<td>~640 m to W of NW corner</td>
</tr>
<tr>
<td>3560</td>
<td>Folly Pool</td>
<td>Unregistered</td>
<td>~815 m to S of SE corner</td>
</tr>
<tr>
<td>4348</td>
<td>Baldivis Road North</td>
<td>Unregistered</td>
<td>~1,800 m to N of N boundary</td>
</tr>
<tr>
<td>4349</td>
<td>Baldivis Road South</td>
<td>Unregistered</td>
<td>~1,885m to N of N boundary</td>
</tr>
</tbody>
</table>

All Aboriginal heritage sites (whether known to DIA or not) are protected under the Aboriginal Heritage Act, 1972 (AHA).

Where rezoning of land is occurring for the purposes of development, we would like to reinforce that under the AHA it is the responsibility of the developer to assess the risks of potential impacts to Aboriginal heritage sites and inform its personnel and agents of the heritage values in the areas in question. It is recommended that advice on compliance with the AHA be provided to all parties affected by the proposed rezoning.

Please find below a link to our Due Diligence Guidelines for assistance that will help in identifying the risk that proposed activities may have an adversely impacting Aboriginal heritage values:
**SUBMISSION** | **COMMENT** | **RECOMMENDATION**
---|---|---
**No.12 - Cont…**
It is recommended that a copy of these guidelines (or the link above to the relevant location within the DIA’s website) be provided to developers when this area is made available for development.
Should cultural material or a new site be discovered, there is an obligation upon your organisation under section 15 of the AHA to report the information to the Registrar of Aboriginal Sites.
If you have any questions regarding this matter, please contact Senior Heritage Officer Warren Mitchell on (08) 6551 8136 or via email at Warren.Mitchell@dia.wa.gov.au.

**No.13 - Mr Joseph Aldis, Department of Indigenous Affairs, PO Box 3153, East Perth WA 6892**
Thank you for your letter dated 20 August 2012 regarding the amendment to Town Planning Scheme No.2 to:
(i) Rezone Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis from ‘Rural’ and ‘Special Rural’ to ‘Development’ Zone;
(ii) Introduce provisions for the requirement, preparation and operation of District Structure Plans within a new clause 4.1A and make associated modifications to clause 4.2 accordingly; and
(iii) Change the terminology of ‘Structure Plans’ to ‘Local Structure Plans’ throughout the Scheme Text.
As the amendments do not affect land held by the Aboriginal Lands Trust, I wish to advise that the Department of Indigenous Affairs has no objections.

The submission is noted.  That the submission be noted.

Committee Voting – 4/0

**The Committee’s Reason for Varying the Officer’s Recommendation**
Not applicable

**Implications of the Changes to the Officer’s Recommendation**
Not applicable
## Statistical Planning

### Planning Services

#### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-058/12 Proposed Building Envelope Variation - Warnbro Dunes</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>24.2012.18.1</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Technical Drafting Service</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Erika Barton, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>19th November 2012</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></td>
</tr>
</tbody>
</table>

| Site:                  | Lot 14 (No.6) Almeria Place, Waikiki                          |
| Lot Area:              | 3,220m²                                                       |
| LA Zoning:             | Special Residential (Warnbro Dunes)                           |
| MRS Zoning:            | Urban                                                          |
| Attachments:           | 1. Proponent's Submission                                    |
|                        | 2. Submission from Planning Solutions                        |
| Maps/Diagrams:        | Figure 1 - Location Plan                                     |
|                        | Figure 2 - Site Aerial Photo and Approved Building Envelope   |
|                        | Figure 3 - Proposed Modification to Building Envelope         |
|                        | Figure 4 - Consultation Plan                                 |
|                        | Figure 5 - Coastal Policy Setback                             |
|                        | Figure 6 - Coastal Setback for Warnbro Dunes Building Envelopes |
Purpose of Report

To consider an application seeking approval to vary the location of the approved Building Envelope for Lot 14 (No.6) Almeria Place, Waikiki.
Background
In May 1997, Town Planning Scheme No.1 was amended to insert special provisions for the Development Zone - Warnbro Dunes. Specifically, it required that all buildings be constructed within the area shown on the Comprehensive Development and Subdivision Plan as the ‘Building Envelope’.

In August 2000, a house was approved by the City within the Building Envelope.
In November 2004, Town Planning Scheme No.2, carried over the provisions relating the Warnbro Dunes, within the new 'Special Residential' Zone.

An Infringement Notice was issued by the City to the property owners on 13 July 2011 for illegal clearing and construction of a limestone wall outside of the approved Building Envelope (see Figure 2).

The Infringement was paid on 10th August 2011, on the 15th August 2011 the owner was advised that the limestone wall and lawn area had not been removed as directed.

In May 2012, the owner was again advised by the City that the illegal works had still not been removed.

City Officers met with the owner and as a result this application seeking to modify the building envelope was lodged.

Details
The proponent seeks approval to extend the Building Envelope by 342m², from 831m² to 1,173m². This is an increase of 41% in area, as depicted on the following figure:

![Figure 3 – Proposed Modification to Building Envelope](image-url)
The proponent has submitted the following information in support of the application:
- Environmental Statement from Dr Ruth of Murdoch University.
- A letter of justification for the works by Technical Drafting Service.
- Photographs in support of the application.
- Drawings of the existing and proposed Building Envelope.

The proponent contends that the purpose of the proposal is not to permit any additional development to the area concerned, just to cover works already completed. The proponent has partially cleared the area to help reduce the fire risk and dead vegetation. Some planting has already been reinstated with native plants.

The proponent now understands that the works outside the Building Envelope are excessive, so they are prepared to remove the terrace grassed area west of the site and reinstate native plants to limit the extent of the Building Envelope increase.

**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, in the Warnbro Dunes Special Residential Zone, 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 three nearby owners and occupiers for comment, for a period of 14 days.

At the close of the advertising period, one submission had been received, which raised objection to the development, as follows:

1. Building Envelope Size.
2. Environmental Benefit.
3. Possible Future Development.

**b. Consultation with Government Agencies**

Not Applicable

![Figure 4 - Consultation Plan](image-url)
c. **Strategic**

**Community Plan**

This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

**Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable City that provides for a genuinely desirable lifestyle.

---

**d. Policy**

**Planning Policy 3.3.17 – Variations to Building Envelopes**

Planning Policy 3.3.17 – Variations to Building Envelopes (BE Policy) applies to the application. The BE Policy requires Building Envelopes to be located based upon environmental conditions, landform and vegetation characteristics, the possible form of residential development and the impact of future development on the visual amenity of the locality.

In the Assessment Criteria of the BE Policy it notes that:

>“The Council will consider variations to existing Building Envelopes only where it can be demonstrated by the Proponent that there is no adverse environmental impact and where the Council’s objectives for the locality are realised.

In the Warnbro Dunes Special Residential Zone, a report from a qualified and experienced Environmental Consultant substantiating that there is no adverse environmental impact is required to be provided.

As the works have already been carried out, it cannot be demonstrated that the increase in Building Envelope Size would not have an adverse environmental impact.

An Environmental Statement has been provided as part of the application from a Research Associate at the State Centre of Excellence for Climate Change, Woodland and Forest Health at Murdoch University. It notes that the area outside of the proposed Building Envelope extension has been replanted and has the potential to increase the diversity of species at the site, assist with soil stabilisation and increase foraging opportunities for fauna.

The email does not, however, address the environmental impacts of the removal of the native vegetation that has occurred within the proposed Building Envelope extension area.

The Policy further states that only minor increases in the size of Building Envelopes will be considered, providing a 10% increase as an acceptable limit. The proposed 41.2% increase is not considered to be a minor increase.

**Statement of Planning Policy No.2.6 - State Coastal Planning Policy**

The objectives of Statement of Planning Policy No. 2.6 - State Coastal Planning Policy (SPP2.6) include inter alia to:

>“ensure that the location of coastal facilities and development takes into account coastal processes including erosion, accretion, storm surge tides, wave conditions, sea level change and biophysical criteria”.

To address the above, the Policy provides for setbacks. In the absence of a site specific study, the Policy requires a setback of 100m from the Horizontal Setback Datum. This is shown for the subject site in Figure 5.
The proposed Building Envelope variation was assessed against the provisions applying to the ‘Warnbro Dunes’ Special Residential zone in TPS2. Provision 6 of the Special Residential zone provisions for Warnbro Dunes, allows the Council to vary Building Envelope locations, if it receives advice from a qualified environmental consultant that the variation will result in an environmental benefit and after consultation with the owners of affected or adjoining properties. This matter was assessed in the Policy section of this report, where it was concluded that there is not an environmental benefit associated with the proposal.

The objectives of the Special Residential zone is to ensure that the rural landscape and amenity is conserved and the natural environment is enhanced. The existing works are proposed to be scaled back by the proposal but it still represents an intrusion into the coastal landform and vegetation complex of the Warnbro Dunes.

**Comments**

**Western Setbacks**

As seen in Figure 6, the Building Envelopes within the Warnbro Dunes have a very distinct and uniform western boundary. This was established as a result of a Soil Conservation Notice issued by the Commissioner for Soil and Land Conservation. The intention of the Notice was to prevent any development from encroaching within 100m of the high water mark.

This notice has since lapsed, however, as a result of the Building Envelope development along this section of the coast has been limited to outside of this 100m line.

The proposal seeks to extend the Building Envelope between 8-10m westward, into the 100m setback. Whilst this does not appear significant, it does equate to 10% of the total setback.

The proposed extension would contain the existing unauthorised landscaped areas. The owner retains the ability to construct buildings or extend the existing dwelling in this area if the application is approved. This also entitles the owner to establish fire retardant vegetation for a 3m wide strip along the outside edge of the Building Envelope, thus further encroaching into the 100m setback.
Given the impacts of climate change on coastal areas, encroachment is not considered to be consistent with SPP2.6.

Response to Submission

Building Envelope Size

The proposed increase in size of the Building Envelope of 41% is significantly greater than the 10% increase that may be permitted under the City's BE Policy.

Whilst it may be argued that the proposed Building Envelope would be akin to the existing approved Building Envelope sizes throughout the Wambro Dunes, the subject site is constrained by the western boundary setback and as such the Building Envelope size is commensurate to this environmental constraint.
Environmental Benefit
As outlined above, the proponent’s Environmental Statement does not demonstrate that the variation results in an environmental benefit.

Possible Future Development
If the revised Building Envelope was approved, the City would have no ability to reject future development within the Building Envelope despite the assertions of the proponent not to build within the affected area. If the Building Envelope was varied, the owner would have the right to develop that land with buildings or structures, subject to Planning Approval.

Voting Requirements
Simple Majority

Officer Recommendation
That Council *REFUSE* the application for modification of the Building Envelope on Lot 14 Almeria Place, Waikiki, for the following reasons:

(i) The proposed Building Envelope does not satisfy the key criteria of the City's Planning Policy No. 3.3.17 - Variations to Building Envelopes and Town Planning Scheme No.2, which require Building Envelope variations to result in an environmental benefit.

(ii) The proposal fails to comply with the objectives of the 'Special Residential' zone, to ensure the rural landscape and amenity is conserved and the natural environment is enhanced. The proposal represents an intrusion into the coastal landform and vegetation complex of the Warnbro Dunes.

Committee Recommendation
That Council *REFUSE* the application for modification of the Building Envelope on Lot 14 Almeria Place, Waikiki, for the following reasons:

(i) The proposed Building Envelope does not satisfy the key criteria of the City's Planning Policy No. 3.3.17 - Variations to Building Envelopes and Town Planning Scheme No.2, which require Building Envelope variations to result in an environmental benefit.

(ii) The proposal fails to comply with the objectives of the ‘Special Residential’ zone, to ensure the rural landscape and amenity is conserved and the natural environment is enhanced. The proposal represents an intrusion into the coastal landform and vegetation complex of the Warnbro Dunes.

Committee Voting – 4/0

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 seek the Council's adoption of proposed Planning Procedure 1.13 – *Model Subdivision Conditions Schedule* and revocation of Planning Policy 3.4.3 *Standard Conditions for Subdivision Applications*.

### Background

In February 2009, the Council adopted Planning Policy 3.4.3 *Standard Conditions for Subdivision Applications* and revoked Planning Policy 3.5 – Standard Conditions for Subdivision Applications. The Council’s Planning Policies were reviewed to ensure consistency with Town Planning Scheme No.2. (TPS2) and to ensure that the policies reflected the Council’s current planning objectives and practices.

The Western Australian Planning Commission (WAPC) released ‘Planning Makes it Happen – A Blueprint for Planning Reform’ in September 2009, which identified the need for the Model Subdivision Conditions Schedule to be reviewed to:

- reduce the number of conditions imposed on approvals;
- standardised and simplify conditions;
- ensure conditions are specific;
- ensure consistency with the validity test for condition setting; and
- avoid condition duplication.

The City was represented by the Director, Planning and Development Services on an external review group hosted by the Department of Planning, comprising of planning consultants, local government, Urban Development Institute of Australia (WA) and land developers. The peer group was supportive of the Model Subdivision Conditions Schedule.

**Details**

The Department of Planning has undertaken an extensive review of the Model Subdivision Conditions Schedule, to provide clarity and consistency in conditions imposed on Subdivision Approvals issued by the WAPC. On 24th July 2012, the WAPC adopted the new Model Subdivision Conditions Schedule.

The revised Model Subdivision Conditions Schedule consists of 108 conditions and 25 advice notes. This is a reduction of approximately 40% in the number of conditions and approximately 70% in advice notes from the 2009 Schedule.

The Schedule includes 13 parts:

- Administration;
- Amenity;
- Buildings and Use;
- Drainage and Site Works;
- Electricity and Gas Pipelines;
- Environment;
- Fire and Emergency;
- Heritage (Indigenous, State, Local etc.)
- Lot Design;
- School Sites;
- Reserves;
- Transport, Roads and Access; and
- Water and Sewer.

The Department of Planning has requested that all referral Authorities and Agencies apply the revised Model Subdivision Conditions Schedule 2012.

**Implications to Consider**

a. **Consultation with the Community**
   Not applicable

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 contained in the Community Plan 2011:-

   **Aspiration 15**: Governance systems that ensure decision making and resource allocation is accountable, participative and legally and ethically compliant

d. **Policy**
   Nil

e. **Financial**
   Nil
f. Legal and Statutory

Nil

Comments

The revised conditions and advice notes are consistent with the WAPC Model Subdivision Conditions Schedule (October 2012).

In the case of applying non-standard conditions, the Council must provide justification to the WAPC to support the recommended condition, having regard to the WAPC’s planning framework and regard to the validity test applied by the State Administrative Tribunal set out in Planning Bulletin 107/2012.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:-

1. **ADOPT** Planning Procedure 1.13 – *Model Subdivision Conditions Schedule (October 2012)*, in accordance with the Western Australian Planning Commission Model Subdivision Conditions Schedule (October 2012) *as amended from time to time*.

2. **APPLY** Planning Procedure 1.3 – Model Subdivision Conditions Schedule from the 26th September, when the new Model Subdivision Conditions were released by the Department of Planning to referral Authorities and Agencies.

3. **REVOKE** Planning Policy 3.4.3 *Standard Conditions for Subdivision Applications*, pursuant to clause 8.9.10(b) of Town Planning Scheme No.2.

Committee Recommendation

That Council:-

1. **ADOPT** Planning Procedure 1.13 – *Model Subdivision Conditions Schedule (October 2012)*, in accordance with the Western Australian Planning Commission Model Subdivision Conditions Schedule (October 2012) *as amended from time to time*, as follows:-

   **PLANNING PROCEDURE 1.13**

   **MODEL SUBDIVISION CONDITIONS SCHEDULE FOR SUBDIVISION APPLICATIONS**

   1. **Introduction**

   The Council has authorised the use of the Western Australian Planning Commission (WAPC) Model Subdivision Conditions Schedule 2012, in respect of subdivision applications on any land within the Scheme Area. Should the City support a particular subdivision application, the standard conditions may form part of its response to the WAPC and/or the subdivider.

   The purpose of this Planning Procedure is to list the standard subdivision conditions and advice notes that have been authorised by the Council for use in respect of providing recommendations to the WAPC.

   2. **Statement of Intent**

   The City may recommend approval conditions and footnotes in respect of applications for subdivision approval on any land within the Scheme Area. The purpose of this Planning Procedure is to list the approval conditions and advice notes that may be applied in respect of applications for planning approval, as set out in Appendix 1.

   In addition to the list of standard conditions listed in this Planning Procedure, the City may modify any standard condition or impose any non-standard condition after considering the nature of the particular application.

   3. **Planning Procedure**

   The subdivision conditions and advice notes for use in respect of subdivision applications are set out in Appendix 1.
While Appendix 1 includes a broad range of subdivision conditions that may be applied, the City will generally limit its recommendations on the subdivision conditions, that reasonably relate to local government, the WAPC or when the condition serves a planning purpose. In respect of the conditions listed in Appendix 1 that refer to Government Agencies (e.g. Western Power), will not be applied by the City, unless a condition is consistent with its role and responsibilities as a referral Authority.

Model conditions do not replace thorough and careful assessment of applications and should not be used as a matter of routine. The need for each condition should be carefully considered against the merits of the application by the City in recommending conditions and the WAPC in imposing the conditions.

This Planning Procedure should be read together with Planning Procedure No.1.1 – Delegated Authority and Planning Policy No.7.3 – Cockburn Sound Catchment (which includes additional specific subdivision conditions).

In the case of applying non-standard conditions, the City must provide justification to the WAPC to support the recommended condition, having regard to the WAPC’s planning framework and regard to the validity test applied by the State Administrative Tribunal set out in Planning Bulletin 107/2012.

4. Interpretations

For the purposes of this Planning Procedure, the following terms shall have the same meaning as in Town Planning Scheme No.2:-

Council means the Council of the City of Rockingham.

Scheme Area covers the whole of the area of land and waterways of the local government district of the City of Rockingham as shown on the Scheme Map.

5. Adoption

This Planning Procedure was adopted by Council at its ordinary Meeting held on the 27th November 2012.

Appendices

1. Model Subdivision Conditions Schedule.

Appendix 1 – Model Subdivision Conditions Schedule

GENERAL CONDITIONS

WESTERN AUSTRALIAN PLANNING COMMISSION

MODEL SUBDIVISION CONDITIONS SCHEDULE (OCTOBER 2012)

Part 1 – Administrative conditions

AD1 Prior to the Western Australian Planning Commission’s endorsement of a diagram or plan of survey (deposited plan) for the creation of lots proposed by this application, the lot that is the subject of this application being created on a separate diagram or plan of survey (deposited plan) and the plan being endorsed by the Western Australian Planning Commission. (Western Australian Planning Commission)

AD2 The portion of land shown on the plan dated [INSERT VALUE] (attached) being amalgamated with the adjacent lot pending joint subdivision with the adjoining landowner. (Western Australian Planning Commission)

AD3 The existing lots that are the subject of this application being amalgamated on the diagram or plan of survey (deposited plan). (Western Australian Planning Commission)

AD4 The strata plan containing certification that the boundaries of the lots or part of the lots which are buildings shown on the strata plan are the inner surfaces of the walls, the upper surfaces of the floor and the under surface of the ceiling. The certification is to be in the form provided by Section 3(2)(a) of the Strata Titles Act 1985 Regulation 5A(a) of the Strata Titles General Regulations 1996 or Section 3(2)(b) of the Strata Titles Act 1985 Regulation 37AA of the Strata Titles General Regulations 1996.
AD5 Arrangements being made with the City/Shire [DELETE AS APPLICABLE] of [INSERT NAME] to the satisfaction of the Western Australian Planning Commission, for the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure as established through amendment [INSERT NUMBER] (when gazetted) to the City/Shire [DELETE AS APPLICABLE] of [INSERT NAME] Local Planning Scheme No. [INSERT NUMBER]. (Local Government)

AD6 The landowner/applicant contributing towards development infrastructure provisions pursuant to the City/Shire [DELETE AS APPLICABLE] of [INSERT NAME] Local Planning Scheme No. [INSERT NUMBER]. (Local Government)

Administrative advice

ADa1 Condition [INSERT VALUE] is in acknowledgement of proposed Amendment No. [INSERT VALUE] that is viewed by the Western Australian Planning Commission to be a seriously entertained planning proposal, which will provide for developer contributions for community infrastructure.

Part 2 – Amenity conditions

AM1 To provide a spray drift buffer between the market garden and adjacent residential lots, the landowner/applicant is to install a specially designed 1.8 metre high fence and a protected and maintained vegetation buffer of one line of evergreen trees or bushes (a minimum height of 1.5 metres) in accordance with the plan dated [INSERT VALUE] (attached) to the satisfaction of the Western Australian Planning Commission. (Local Government)

AM2 The landowner/applicant shall provide a written undertaking to the satisfaction of the Western Australian Planning Commission to ensure that prospective purchasers of lots proposed within 300 metres of an operating market garden are notified on contracts of sale of the existence of the market garden operations and the potential to be affected by odours, noise, dust and spray drift that this land use may cause. (Local Government)

AM3 A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

“This lot is located within 300 metres of operating market garden/s and has the potential to be affected by odours, noise, spray drift and dust that are associated with the continued operation of a market garden”. (Western Australian Planning Commission)

AM4 The landowner/applicant installing suitable rural fencing of good standard in accordance with the plan dated [INSERT VALUE] (attached) to the satisfaction of the Western Australian Planning Commission. (Local Government)

AM5 A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificates of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

“This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry viruses and other diseases.” (Western Australian Planning Commission)

AM6 A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

“This lot is in close proximity to the [INSERT VALUE] waste water treatment plant and may be adversely affected by virtue of odour emissions from that facility.” (Western Australian Planning Commission)

AM7 A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
“This lot is in close proximity to an existing poultry farm(s) and may be adversely affected by virtue of odour, noise, dust and/or light emissions from that land use.” (Western Australian Planning Commission)

AM8 A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificates of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

“This lot is situated in the vicinity of [INSERT AIRPORT], and is currently affected, or may in the future, be affected by aircraft noise. Noise exposure levels are likely to increase in the future as a result of increases in numbers of aircraft using the airport, changes in aircraft type or other operational changes. Further information about aircraft noise, including development restrictions and noise insulation requirements for noise-affected properties, are available on request from the relevant local government offices.” (Western Australian Planning Commission)

Amenity advice

AMa1 In regard to Condition [INSERT VALUE] the planting and design of the special fencing should be in accordance with the Western Australian Planning Commission’s Planning Bulletin 63 Policy for Dealing with Potential Conflicts Between Residential Subdivision and Market Gardens in East Wanneroo.

AMa2 In relation to Condition/s [INSERT VALUE], the landowner/applicant is advised that if evidence is provided that the market garden/s have ceased operating after conditional approval is granted then Condition/s [INSERT VALUE] will no longer need to be satisfied.

Part 3 – Buildings and use conditions

B1 All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)

B2 Uniform fencing being constructed along the boundaries of all of the proposed lots abutting [INSERT VALUE]. (Local Government)

B3 Written confirmation from the local government that all necessary local government approval(s) have been issued and that the whole of the building has been completed in accordance with those approvals. (Local Government)

B4 All dwelling(s) being constructed to plate height prior to the submission of the diagram or plan of survey (deposited plan). (Local Government)

B5 Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot(s) [INSERT VALUE] at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)

B6 A management statement being prepared and submitted for the Western Australian Planning Commission’s consideration and written confirmation in accordance with Section 5C of the Strata Titles Act 1985 (as amended), to include the following additions to the by-laws contained in Schedules 1, 2 and 2A of that Act:

(a) Development or redevelopment on the [strata][survey strata] [DELETE AS APPLICABLE] lots is to comply with a development approval issued by the local government.

(b) Amendment to or repeal of the above provision cannot be effected without the Western Australian Planning Commission’s agreement. (Local Government)

B7 The existing dwelling being retained is to comply with the requirements of the Residential Design Codes. (Local Government)

B8 Prior to commencement of subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission. (Local Government)
B9 The landowner/applicant shall provide a written undertaking to the satisfaction of the Western Australian Planning Commission to advise prospective purchasers of the provisions of the local government’s local planning scheme that relate to the use and management of the land. (Local Government)

B10 A restrictive covenant, to the benefit of the local government, pursuant to section 129BA of the *Transfer of Land Act 1893* (as amended) is to be placed on the certificates of title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:

“No new development shall occur within [INSERT VALUE] of the right-of-way abutting the [INSERT VALUE] boundary of the lots to accommodate widening of the right-of-way should it be required in the future.” (Local Government)

B11 Common walls being shown on the survey strata plan as prescribed “party wall easements”, pursuant to Regulation 14G of the *Strata Titles General Regulations 1996* and Section 5D of the *Strata Titles Act 1985*. (Local Government)

B12 Boundary(ies) of lots defined by “party walls”, are to be subject to a party wall rights easement(s) created pursuant to section 136C of the *Transfer of Land Act 1893*, which is to be shown on the diagram or plan of survey (deposited plan) as constructed. (Local Government)

B13 A restriction(s) in accordance with Section 6 of the *Strata Titles Act 1985* is to be placed on the certificate(s) of title of the proposed lot(s) confirming that [INSERT VALUE]. The restriction(s) are to be included on the deposited plan. The restriction(s) are to state as follows:

‘[INSERT APPROPRIATE WORDING FROM SITUATION COLUMN]’ (Local Government)

B14 A restrictive covenant, to the benefit of [INSERT VALUE] pursuant to Section 129BA of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:

‘[INSERT APPROPRIATE WORDING FROM SITUATION COLUMN]’ (Local Government)

Buildings and use advice

Ba1 In regard to Condition [INSERT VALUE], the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission.

Ba2 In regard to Condition [INSERT VALUE], planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.

Ba3 This approval does not represent approval for any existing encroachments over the road reservation, private road or right-of-way. You are advised to contact the State Land Services Branch of the Department of Regional Development and Lands regarding this matter.

Ba4 With regard to Condition [INSERT VALUE], the landowner/applicant is advised to consult with the local government to determine the requirements for the registration of “party walls” (mutual easements of supports) on the certificate(s) of title and provisions of the *Local Government (Miscellaneous Provisions) Act 1960* to which the “party walls” may be subject to.

Part 4 – Drainage and site works conditions

D1 Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:

a) lots can accommodate their intended use; and
b) finished ground levels at the boundaries of the lot(s) the subject of this approval
match or otherwise coordinate with the existing and/or proposed finished ground
levels of the land abutting. (Local Government)

D2 Prior to the commencement of subdivisional works, an urban water management plan is to
be prepared and approved, in consultation with the Department of Water, consistent with
any approved [INSERT VALUE] Local Water Management Strategy/Drainage and Water
Management Plan [DELETE AS APPLICABLE]. (Local Government)

D3 Engineering drawings and specifications are to be submitted and approved, and works
undertaken in accordance with the approved engineering drawings and specifications and
approved plan of subdivision, for the filling and/or draining of the land, including ensuring
that stormwater is contained on-site, or appropriately treated and connected to the local
drainage system. Engineering drawings and specifications are to be in accordance with an
approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists,
to the satisfaction of the Western Australian Planning Commission. (Local Government)

D4 The land being filled, stabilised, drained and/or graded as required to ensure that:

a) lots can accommodate their intended development; and

b) finished ground levels at the boundaries of the lot(s) the subject of this approval
match or otherwise coordinate with the existing and/or proposed finished ground
levels of the land abutting; and

c) stormwater is contained on-site, or appropriately treated and connected to the local
drainage system. (Local Government)

D5 Prior to the commencement of subdivisional works, the landowner/applicant is to provide a
pre-works geotechnical report certifying that the land is physically capable of development
or advising how the land is to be remediated and compacted to ensure it is capable of
development; and

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

D6 Suitable arrangements being made with the Water Corporation for the drainage of the land
either directly or indirectly into a drain under the control of that body. (Water Corporation).

D7 Suitable arrangements being made for connection of the land to the comprehensive district
drainage system at the landowner/applicant’s cost. (Local Government)

D8 Drainage easements and reserves as may be required by the local government for drainage
infrastructure being shown on the diagram or plan of survey (deposited plan) as such,
granted free of cost, and vested in that local government under Sections 152 and 167 of the
Planning and Development Act 2005. (Local Government)

D9 A management plan detailing how risk of erosion and sedimentation impacts into nearby
water bodies will be minimised during subdivision is to be:

a) prepared by the landowner/applicant and approved prior to the commencement of
subdivisional works; and

b) implemented during subdivisional works. (Swan River Trust)

D10 Arrangements being made to the satisfaction of the Western Australian Planning
Commission for the filling and/or capping of any bores and/or wells, or the identification of
any bore and/or well to be retained on the land. (Local Government)

Drainage and site works advice

Da1 Condition [INSERT VALUE] has been imposed in accordance with Better Urban Water
Management Guidelines (WAPC 2008). Further guidance on the contents of urban water
management plans is provided in ‘Urban Water Management Plans: Guidelines for
preparing and complying with subdivision conditions’ (Department of Water 2008).
Part 5 – Electricity and gas pipeline conditions

E1 Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE] for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power) [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE]

E2 Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE] for the provision of an electricity supply service to the lot(s) shown on the approved plan of subdivision. (Western Power) [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE]

E3 Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE], for the provision of an electricity supply to the survey-/vacant [DELETE AS APPLICABLE] strata lots shown on the approved plan of subdivision, which may include the provision of necessary service access rights either as an easement under Section 136C and Schedule 9A of the Transfer of Land Act 1893 for the transmission of electricity by underground cable, or (in the case of approvals containing common property) via a portion of the common property suitable for consumer mains. (Western Power) [DELETE /INSERT LICENSED SERVICE PROVIDER AS APPLICABLE]

E4 A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: ‘A network electricity supply is not available to the lot/s.’ (Local Government)

E5 The provision of easements pursuant to Section 167 of the Planning and Development Act 2005 for existing or planned power infrastructure being granted free of cost to that body. (Western Power) [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE]

Electricity and gas pipeline advice

Ea1 In regard to Condition [insert E1/E2 condition number], Western Power [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE] provides only one underground point of electricity supply per freehold lot.

Part 6 – Environmental conditions

EN1 Prior to the commencement of subdivisional works a foreshore/ environmental/bushland/tree/wetland/wildlife protection [DELETE AS APPLICABLE] management plan for [INSERT VALUE] is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan. (Department of Water) OR (Local Government) OR (Department of Environment and Conservation) [DELETE AS APPLICABLE]
EN2 Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works. (Local Government)

EN3 A revegetation plan being prepared, approved and implemented for the revegetation of [INSERT VALUE] or the area shown on the dated [INSERT VALUE] (attached) [DELETE AS APPLICABLE] with appropriate native species to the specifications of the Department of Environment and Conservation. (Department of Environment and Conservation) OR (Local Government) [DELETE AS APPLICABLE]

EN4 Measures being taken to ensure vegetation within the proposed Regional Open Space Reserve as identified in the plan dated [INSERT VALUE] (attached), is protected prior to the commencement of subdivisional works. (Local Government) OR (Department of Environment and Conservation) OR (Department of Water). [DELETE AS APPLICABLE]

EN5 Measures being taken to ensure no vegetation within Bush Forever Site No. [INSERT VALUE] is removed or disturbed during subdivisional works, other than as approved in a [INSERT VALUE Management Plan or plan of subdivision], including any secondary impacts from works to provide service infrastructure and drainage to implement the approved plan of subdivision. (Department of Environment and Conservation) or (Local Government). [DELETE AS APPLICABLE]

EN6 A fence restricting [vehicle] [pedestrian] [stock] [feral animal] [DELETE AS APPLICABLE] access to [INSERT VALUE] is to be constructed:
   a) on the [INSERT VALUE] boundary; OR
   b) on the boundaries shown on the plan dated [INSERT VALUE] (attached); to protect native vegetation. (Local Government) OR (Department of Environment and Conservation) OR (Department of Water). [DELETE AS APPLICABLE]

EN7 Prior to subdivisional works in the foreshore/waterway area, a plan is to be submitted and approved, detailing the waterway crossing and indicating how design and construction will minimise detrimental impacts on the waterway form and function. The waterway crossing plan is to be implemented as part of the subdivisional works. (Department of Water)

EN8 An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Environment and Conservation before any subdivision works or development are commenced. Where an acid sulphate soils management plan is required to be submitted, all subdivision works shall be carried out in accordance with the approved management plan. (Department of Environment and Conservation)

EN9 a) Prior to commencement of subdivision works, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required.
   b) If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to the issuing of titles to the satisfaction of the Western Australian Planning Commission on advice from the Department of Environment and Conservation, to ensure that the lots created are suitable for the proposed use.

   Investigations and remediation are to be carried out in compliance with the Contaminated Sites Act 2003 and current Department of Environment and Conservation Contaminated Sites Guidelines. (Department of Environment and Conservation)

EN10 A restrictive covenant, to the benefit of the Department of Environment and Conservation, pursuant to section 129BA of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land to protect areas identified for conservation. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). (Department of Environment and Conservation)

EN11 A restrictive covenant, to the benefit of the local government, pursuant to section 129BA of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:
“No development is to take place outside the defined building envelope(s), unless otherwise approved by the local government.” (Local Government)

Environmental advice

Ena1 Condition [INSERT VALUE] makes reference to an “acid sulphate soils self-assessment form”. This form can be downloaded from the Western Australian Planning Commission’s website at: www.planning.wa.gov.au.

The “acid sulphate soils self-assessment form” makes reference to the Department of Environment and Conservation’s “Identification and Investigation of Acid Sulphate Soils” guideline. This guideline can be obtained from the Department of Environment and Conservation’s website at: www.dec.wa.gov.au.

Ena2 In relation to Condition [INSERT VALUE] and in accordance with regulation 31(1)(c) of the Contaminated Sites Regulations 2006, a Mandatory Auditor’s Report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Environment and Conservation as evidence of compliance with Condition [INSERT VALUE]. A current list of accredited auditors is available from www.dec.wa.gov.au.

Ena3 The landowner/applicant is advised that the Department of Environment and Conservation has prepared dust control guidelines for development sites, which, outline the procedures for the preparation of dust management plans. The dust management plans are generally approved, and their implementation overseen, by Local Government. Further information on the guidelines can be obtained from the Department of Environment and Conservation’s website www.dec.wa.gov.au under air quality publications.

Part 7 – Fire and emergency conditions

F1 The landowner/applicant is to prepare, have approved by the [INSERT RELEVANT CLEARING AGENCY], and implement a detailed plan demonstrating the location and capacity of fire emergency infrastructure to the satisfaction of the Western Australian Planning Commission. (INSERT RELEVANT CLEARING AGENCY)

F2 A fire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC’s Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3) to the specifications of the local government and/or the Fire and Emergency Services Authority. (Fire and Emergency Services Authority) OR (Local Government) [DELETE AS APPLICABLE]

F3 A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: ‘The lot(s) is/are subject to a fire management plan.’ (Local Government)

F4 Prior to the commencement of subdivisional works, the proposed vacant lot(s) is/are to be searched for unexploded ordnance to a depth of at least 1 metre. (Fire and Emergency Services Authority UXO)

F5 Prior to commencement of subdivisional works:

a) the application area is to be subjected to a limited assessment survey (field validation) for unexploded ordnance; and

b) in the event that evidence of unexploded ordnance contamination is found on site, the area is to be fully searched for unexploded ordnance to a depth of at least one metre; and

c) should evidence of unexploded ordnance be located, a notification, pursuant to section 165 of the Planning and Development Act 2005 is to be placed on the certificates of title of the proposed vacant lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the diagram or plan of survey (deposited plan). The notification to state as follows:

“This land has previously been used as an artillery range and may contain unexploded ordnance. Whilst the land has been searched to a depth of at least 1 metre no guarantee can be given that all unexploded ordinances have been located. Any ordnance found should be treated as dangerous and its location reported to police or defence establishment.” (Fire and Emergency Services Authority UXO)
F6 A Notification, pursuant to section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed vacant lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification to state as follows:

“This land has previously been used as an artillery range/ammonition depot/defence air field [DELETE / INSERT AS APPLICABLE] and may contain unexploded ordnances. Whilst the land has been searched to a depth of at least 1 metre no guarantee can be given that all unexploded ordnances have been located. Any ordnance found should be treated as dangerous and its location reported to police or defence establishment.” (Western Australian Planning Commission)

F7 A Notification, pursuant to section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) containing existing development advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification to state as follows:

“This land has previously been used as an artillery range/ammonition depot/defence air field [DELETE / INSERT AS APPLICABLE] and may contain unexploded ordnances (UXO). As no search for UXO has been conducted on the land, no guarantee can be given that the sub-surface is free from UXO. Any ordnance found should be treated as dangerous and its location reported to police or defence establishment.” (Western Australian Planning Commission)

Fire and emergency infrastructure advice

Fa1 The Fire and Emergency Services Authority of Western Australia (FESA) advises that historical research has revealed that during the past 100 years, former elements of the Australian Defence Forces may have conducted training and/or operational activities within or close to the area of the proposed subdivision. It is possible that as a result of these activities, the subject area may contain unexploded ordnance (UXO). Whilst it is considered that the possible risk from UXO on the land subject to this approval is minimal, an absolute guarantee that the area is free from UXO cannot be given. Should, during subdivisional works, or at any other time, a form or suspected form of UXO be located, FESA has advised that the following process should be initiated:

(a) do not disturb the site of the known or suspected UXO;
(b) without disturbing the immediate vicinity, clearly mark the site of the UXO;
(c) notify Police of the circumstances/situation as quickly as possible; and
(d) maintain a presence near the site until advised to the contrary by a member of the WA Police Service or Defence Forces.

Further advice on this issue may be obtained by contacting the Unexploded Ordnance Unit, Fire and Emergency Services Authority of Western Australia.

Part 9 - Lot design conditions

L1 The plan of subdivision is to be modified so that no lot is less than [INSERT VALUE] in area. (Local Government)

L2 The plan of subdivision is to be modified so that no lot is greater than [INSERT VALUE] in area. (Local Government)

L3 Detailed Area/Local Development [DELETE AS APPROPRIATE] Plan(s) being prepared and approved for lots shown on the plan dated [INSERT VALUE] (attached) that address the following:
Part 10 – Reserves conditions

R1 A foreshore reserve:
   a) [INSERT VALUE] in width from the high water mark of the [INSERT VALUE],
   OR [DELETE AS APPLICABLE]
   b) in accordance with the plan dated [INSERT VALUE] (attached); as established by
      survey, being shown on the diagram or plan of survey (deposited plan) as a reserve
      for recreation/reserve for foreshore management/reserve for conservation/reserve
      for waterway management [DELETE / INSERT AS APPLICABLE] and vested in
      the Crown under Section 152 of the Planning and Development Act 2005, such
      land to be ceded free of cost and without any payment of compensation by the
      Crown. (Western Australian Planning Commission)

R2 The proposed reserve(s) shown on the approved plan of subdivision being shown on the
   diagram or plan of survey (deposited plan) as reserve(s) for [INSERT VALUE] and vested in
   the Crown under Section 152 of the Planning and Development Act 2005, such land to be
   ceded free of cost and without any payment of compensation by the Crown. (INSERT
   CLEARING AGENCY AS APPLICABLE)

R3 An area(s) of land at least [INSERT VALUE] in area, in a position to be agreed with the
   Western Australian Planning Commission, being shown on the diagram or plan of survey
   (deposited plan) as a reserve for [INSERT VALUE] and vested in the Crown under Section
   152 of the Planning and Development Act 2005, such land to be ceded free of cost and
   without any payment of compensation by the Crown. (Local Government)

R4 Arrangements being made for the proposed public open space to be developed by the
   landowner/applicant to a minimum standard and maintained for two summers through the
   implementation of an approved landscape plan providing for the development and
   maintenance of the proposed public open space in accordance with the requirements of
   Liveable Neighbourhoods and to the specifications of the local government. (Local
   Government)

Reserves advice

Ra1 With regard to Condition [INSERT VALUE], provisions of section 153 of the Planning
   and Development Act 2005 provide that arrangements can be made, subject to further approval
   of the Western Australian Planning Commission, for a cash-in-lieu contribution by the
   landowner/applicant to the local government.

Ra2 With regard to Condition [INSERT VALUE], the development is to include full earthworks,
   basic reticulation, grassing of key areas, and pathways that form part of the overall
   pedestrian and/or cycle network.

Ra3 In regard to Condition(s) [INSERT VALUE] the location of the foreshore reserve is to be
   confirmed prior to ground disturbing activities on abutting land. The foreshore reserve is to
   be protected from disturbance during sub divisional works.

Ra4 In regard to Condition [INSERT VALUE], the Western Australian Planning Commission
   hereby approves of a cash-in-lieu contribution in accordance with Section 153 of the
   Planning and Development Act 2005.
Part 11 - School sites conditions

S1 Arrangements being made, to the satisfaction of the Western Australian Planning Commission, for the transfer of land free of cost to the Department of Education for the provision of a primary school site(s) to serve the area, as identified within the approved plan of subdivision/[INSERT NAME/DELETE AS APPLICABLE] Structure Plan. (Department of Education)

S2 The land denoted as proposed primary school site on the approved plan of subdivision is to be set aside as a separate lot, pending the acquisition of the land by the Department of Education. (Department of Education)

S3 The landowner/applicant making a pro-rata contribution towards the cost of the acquisition of the primary school site identified in the subdivision locality. (Department of Education)

Part 12 – Transport, roads and access conditions

T1 Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant’s cost.

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)

T2 Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:

a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider and/or
b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly and/or
c) temporary turning areas are provided to those subdivisional roads that are subject to future extension and/or
d) embayment parking is provided within the/abutting the proposed. [INSERT VALUE] [DELETE OPTIONS A) TO D) AS APPLICABLE] to the satisfaction of the Western Australian Planning Commission. (Local Government)

T3 Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, for the provision of shared paths through and connecting to the application area:

EITHER

to the satisfaction of the Western Australian Planning Commission;

OR in accordance with the plan dated (attached);

OR in accordance with the approved [INSERT NAME] structure plan. [DELETE AS APPLICABLE]

The approved shared paths are to be constructed by the landowner/applicant. (Local Government)
T4 Engineering drawings and specifications are to be submitted and approved, and satisfactory arrangements being made for subdivisional works to be undertaken in accordance with the approved plan of subdivision and engineering drawings and specifications, for the construction of full earthworks, one carriageway, shared path(s), drainage facilities and grade separated pedestrian crossing(s) required for the portion of [INSERT VALUE] within/abutting [DELETE AS APPLICABLE] the application area. (Local Government)

T5 Satisfactory arrangements being made with the local government for the full/partial [INSERT VALUE HERE] cost of upgrading and/or construction of [INSERT VALUE ROAD(S)] in the locations as shown on the plan dated [INSERT] (attached) to a standard of [INSERT VALUE]. (Local Government)

T6 The [INSERT VALUE] reserve being set out on a separate diagram or plan of survey (deposited plan) and transferred free of cost to the Commissioner for Main Roads WA for road purposes and without any payment of compensation. (Main Roads WA)

T7 The land required for the widening of [INSERT] as shown on the plan dated [INSERT] (attached) for [INSERT] is to be set aside as a separate lot for acquisition pending future road widening requirements. An easement is to be provided over all of the lot to be set aside for the benefit of the remaining lot(s) for the purpose of providing [vehicular access] [DELETE IF ALTERNATIVE ACCESS POSSIBLE], right of footway, water, sewer, drainage, gas, electricity, television, telecommunications and other necessary service infrastructure, pending construction of the future road widening. (Western Australian Planning Commission)

T8 An agreement for the acquisition of the land within the subdivision required for the road widening shown on the approved plan (attached) between the landowner and the [local government/ Main Roads WA] [DELETE AS APPROPRIATE] is to be executed. The land required for road widening is to be shown as ‘Road Widening’ on the agreement for the acquisition and the diagram or plan of survey (deposited plan). (Local Government) (Main Roads WA) [DELETE AS APPLICABLE]

T9 [INSERT VALUE] being widened in accordance with the approved plan of subdivision/plan dated [INSERT VALUE/DELETE AS APPLICABLE] (attached) by the landowner/applicant transferring the land required to the Crown free of cost for the purpose of widening [INSERT VALUE].

T10 The section of [INSERT VALUE] widened in accordance with this approval, is to be constructed and drained at the full cost of the landowner/applicant. (Local Government)

T11 All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission’s Liveable Neighbourhoods policy/ DC 2.6 Residential Road Planning/ DC 4.1 Industrial Subdivision [DELETE AS APPLICABLE]. (Local Government)

T12 [INSERT VALUE] metre truncation is to be provided at the junction of the access way and the proposed [INSERT VALUE] rear lot. (Local Government)

T13 A [INSERT VALUE] metre truncation is to be provided at the junction of the access way and the [INSERT VALUE] road reserve. (Local Government)

T14 A [INSERT VALUE] wide right-of-way is to be provided, constructed and drained at the landowner/applicants cost along the [INSERT VALUE] boundary of the subject land. The right-of-way is to be accurately illustrated and denoted on the [Diagram or Plan of Survey (Deposited Plan) or Survey-Strata Plan] [DELETE AS APPLICABLE] and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)

T15 The portion of the right-of-way abutting the [INSERT VALUE] boundary of the subject land and any portion/s of the right of way required to be widened for the purpose of this subdivision being sealed, drained and paved to its full width and the remaining portion of the right-of-way from the [INSERT VALUE] boundary to the existing nearest constructed road being made trafficable. (Local Government)

T16 The proposed access way(s) being constructed and drained at the landowner/applicant’s cost to the specifications of the local government. (Local Government)
T17 The access way forming part of the rear lot shall be a minimum width of [INSERT VALUE] metres, free of any building projections associated with existing site development and depicted on the diagram or plan of survey (deposited plan) and/or survey strata plan [DELETE AS APPLICABLE] accordingly. (Local Government)

T18 The access way to the rear lot, including truncations and vehicle manoeuvring areas being shown on the survey strata plan as common property. (Local Government)

T19 All pedestrian access way(s) within the subdivision being constructed and drained at the landowner/applicant’s cost and shown on the diagram or plan of survey (deposited plan) as such and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)

T20 Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)

T21 Pursuant to section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009 a covenant preventing vehicular access onto [INSERT VALUE] being lodged on the certificate(s) of title of the proposed lot(s) at the full expense of the landowner/applicant. The covenant is to prevent access, to the benefit of [INSERT VALUE], in accordance with the plan dated [INSERT VALUE] (attached) and the covenant is to specify:

“No vehicular access is permitted from [INSERT VALUE].” (Local Government)

T22 The landowner/applicant entering into an agreement with the local government to ensure reciprocal rights of access over adjoining battle-axe access ways. (Local Government)

T23 Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government. (Local Government)

T24 A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

“The lot/s is/are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise.” (Local Government)

T25 The proposed rear lot/s being provided with a 1.5/1 [DELETE AS APPLICABLE] metre wide pedestrian access leg/s clear of any encroachments or projections associated with the existing dwelling/s including pipework, water heater systems, air-conditioning units, eaves or other such projections associated with the existing dwelling/s, to the satisfaction of the Western Australian Planning Commission. (Local Government)

T26 Easement(s) in accordance with Sections 195 and 196 of the Land Administration Act 1997 for the benefit of [INSERT VALUE] are to be placed on the certificate(s) of title of the proposed lot(s) specifying access rights. Notice of this easement(s) is to be included on the diagram or plan of survey (deposited plan). The easement(s) are to state as follows:

“...[INSERT VALUE]...”

Transport, roads and access advice

Ta1 In regard to Condition [INSERT VALUE], the landowner/applicant is advised to contact the Department of Planning /Main Roads WA/ Local Government [DELETE AS APPLICABLE] for information on purchase option(s).

Ta2 The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.

Ta3 In regard to Condition [INSERT VALUE], the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.
In regard to Condition [INSERT VALUE], the landowner/applicant is advised that to provide a minimum 1 metre clear of any encroachments or projections, any such encroachments or projections will need to be either removed, relocated or appropriately protected with easements, as required.

Main Roads Western Australia advises the landowner/application with regard to the [INSERT ROAD RESERVE NAME]

i) no earthworks are to encroach onto the road reserve;

ii) no stormwater drainage is to be discharged onto the road reserve; and

iii) the landowner/applicant shall make good any damage to the existing verge vegetation within the road reserve.

Part 13 – Water and sewer conditions

Arrangements being made with the Water Corporation [DELETE / INSERT SERVICE PROVIDER AS APPLICABLE] so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation) [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE]

Arrangements being made with the Water Corporation [DELETE / INSERT SERVICE PROVIDER AS APPLICABLE] so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation) [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE]

The provision of easements for existing or planned future water, sewerage and/or drainage infrastructure as may be required by the Water Corporation [DELETE / INSERT SERVICE PROVIDER AS APPLICABLE] being granted free of cost to that body. (Water Corporation) [DELETE / INSERT SERVICE PROVIDER AS APPLICABLE]

A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'A mains potable water supply is not available to the lot/s.' (Local Government)

A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'A reticulated sewerage service is not available to the lot/s.' (Local Government)

All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed. (Local Government)

The transfer of land for the purposes of the provision of water and sewerage infrastructure to be shown on the diagram or plan of survey (deposited plan) as a reserve and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown (Water Corporation) [DELETE / INSERT AS APPLICABLE]

In regard to Condition/s [INSERT VALUE], the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 67 of the Water Agencies (Powers) Act 1984 will be prepared by the Water Corporation to document the specific requirements for the proposed
Wa2 The Water Corporation has tentatively scheduled construction of sewers for this area in the Five Year Programme [INSERT VALUE]. Subject to factors that influence adherence to the programme, it is unlikely that a connection to sewerage would be available before [INSERT VALUE].

2. **APPLY** Planning Procedure 1.3 – Model Subdivision Conditions Schedule from the 26th September, when the new Model Subdivision Conditions were released by the Department of Planning to referral Authorities and Agencies.

3. **REVOKE** Planning Policy 3.4.3 Standard Conditions for Subdivision Applications, pursuant to clause 8.9.10(b) of Town Planning Scheme No.2.

Committee Voting – 4/0

<table>
<thead>
<tr>
<th>The Committee's Reason for Varying the Officer's Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer's Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not applicable</td>
</tr>
</tbody>
</table>
## Planning Services

### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-060/12</th>
<th>Final Approval - Scheme Amendment No.124 - Extinguishment of Restrictive Covenant</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1645</td>
<td></td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>TPG, Planning Consultant</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Erika Barton, Senior Planning Officer</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>19th November 2012</td>
<td></td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>26th June 2012 (SP-036/12)</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</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>Former Lot 5 in DP 52498, Baldivis Road, Baldivis</td>
<td></td>
</tr>
<tr>
<td>Lot Area:</td>
<td>Development</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Urban</td>
<td></td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Figure 1 - Location Plan</td>
<td>Figure 2 - Former Lots</td>
</tr>
<tr>
<td></td>
<td>Figure 3 - Former Lot 800 Land</td>
<td></td>
</tr>
</tbody>
</table>
Purpose of Report

To consider granting Final Approval to Amendment No.124 to Town Planning Scheme No.2 (TPS2) to extinguish a Restrictive Covenant affecting properties located in former Lot 800 Baldivis Road, Baldivis, east of the Rivergums Estate, which is shown in Figure 1.

Background

In 1978, a Restrictive Covenant (B458844) was registered against former Lot 5 for the purposes of maintaining the battle-axe access way for the benefit of former Lot 4.

In 2008, former Lot 5 was subdivided to excise the battle-axe access leg to create Claret Ash Boulevard, with the balance of the lot becoming Lot 800.
The 1978 Restrictive Covenant became redundant when Claret Ash Boulevard was constructed and provided access. The 1978 Restrictive Covenant has also been automatically included on the title of the new residential lots on former Lot 5.

In June 2012, the Council resolved to initiate Amendment No.124 to TPS2 to extinguish the Restrictive Covenant applying to former lot 5 Baldivis Road, Baldivis.

**Details**

As the submission period has closed, the Council must consider whether to adopt the Amendment, with or without modifications, or not to adopt the Amendment.

**Implications to Consider**

a. **Consultation with the Community**

The proposal was advertised for public comment for a period of 43 days commencing on the 31st August 2012 and closing on the 15th October 2012 in the following manner:

- Written notice was provided to 206 owners of the land affected by the Restrictive Covenant;
- A notice was published in the “Public Notices” section of the Weekend Courier newspaper on the 31st August 2012 and 7th September 2012; and
- Details of the proposal were made available for viewing on the City’s website.

At the end of the consultation period, four submissions were received. Two submissions supported the amendment, one objected, and one did not state either objection or support. The objection stated that insufficient information was provided and therefore he did not support the proposed Amendment.

b. **Consultation with Government Agencies**

The proposal was forwarded to the Environmental Protection Authority for its advice on whether the proposal should be subject to an environmental assessment. The Environmental Protection Authority advised that the proposal should not be assessed Environmental Protection Act 1986 and that it is not necessary to provide any advice or recommendations.

The comment of other Government agencies was not necessary.

c. **Strategic**

**Community Plan**

This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:-

**Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable City that provides for a genuinely desirable lifestyle.

d. **Policy**

Nil

e. **Financial**

Nil

f. **Legal and Statutory**

Regulation 17(2) of the Town Planning Regulations 1967 provides that once submissions have been considered, the City shall pass a resolution either that the amendment be adopted with or without modification, or that it does not wish to proceed with the amendment.

If the Council decides to proceed, the Amendment documents will be referred to the Western Australian Planning Commission seeking Final Approval by the Minister for Planning.
Comments

Following due regard to the submissions received and the number of properties involved, the proposed changes to TPS2 to extinguish a redundant Restrictive Covenant are considered appropriate, rather than seeking the agreement of 206 separate landowners.

It is recommended that the Council adopt the proposed Amendment to TPS2 without modification.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ADOPT** for Final Approval Amendment No.124 to Town Planning Scheme No.2 without modification.

2. **ADOPT** the recommendations contained within the Schedule of Submissions

Committee Recommendation

That Council:

1. **ADOPT** for Final Approval Amendment No.124 to Town Planning Scheme No.2 without modification.

2. **ADOPT** the recommendations contained within the Schedule of Submissions as follows:-

CITY OF ROCKINGHAM

AMENDMENT NO.124 TO TOWN PLANNING SCHEME NO.2

SCHEDULE OF SUBMISSIONS

<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
</table>
| No.1 Mr William Foster 4 Yarram Road, Balcatta WA 6021  
I would like this covenant removed from my title.  
My titles were delayed by six months due to this covenant existing when it is no longer applicable. | Noted. | That the submission be noted. |
| No.2 Mr K C & Mrs B S Paulsen 4/152 Balcatta Road, Balcatta WA 6021  
Happy with removal of covenant. | Noted. | That the submission be noted. |
| No.3 Mr Leo Van Vilet 15 Red Tingle Turn, Baldivis WA 6171  
Not enough information provided to me to make an informed decision. Therefore the answer is no.  
I also looked on your website (as the letter refers). Nothing to be found. | Written details of the proposed Scheme Amendment were provided to affected landowners and details of the proposal were made available for viewing on the City’s website. | That the submission be noted. |
Submissions:

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Address</th>
<th>Comment</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Mr Steve Egger</td>
<td>PO Box 3016, East Perth WA 6892</td>
<td>Noted.</td>
<td>That the submission be noted.</td>
</tr>
</tbody>
</table>

We fully support the scheme amendment as the construction of Claret Ash Boulevard has made the purpose of the Restrictive Covenant redundant.

Committee Voting – 4/0

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

Not applicable

Implications of the Changes to the Officer’s Recommendation

Not applicable
Planning Services
Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-061/12 Proposed Primary School</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>20.2012.214.1</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Parry &amp; Rosenthal Architects, on behalf of the Catholic Education Office</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Ross Underwood, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>19th November 2012</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>Tribal</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 10 Eighty Road, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>22.0527ha</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>1. Schedule of Submissions</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Figure 1 - Location Plan</td>
</tr>
<tr>
<td></td>
<td>Figure 2 - Site Plan</td>
</tr>
<tr>
<td></td>
<td>Figure 3 - Master Plan</td>
</tr>
<tr>
<td></td>
<td>Figure 4 - Consultation Plan</td>
</tr>
<tr>
<td></td>
<td>Figure 5 - Master Plan overlain on aerial photo</td>
</tr>
<tr>
<td></td>
<td>Figure 6 - Elevations</td>
</tr>
<tr>
<td></td>
<td>Figure 7 - Composite Plan showing the Master Plan for the school and the Parkland Heights Structure Plan</td>
</tr>
</tbody>
</table>

**Purpose of Report**

To consider an application for a non-government Primary School (up to Year 2) at Lot 10 on the corner of Eighty and Sixty Eight Roads, Baldivis.
Background

The site has been used historically for grazing activities. The Catholic Education Office purchased the land in 1997.

Details

The application proposes pre-primary, kindergarten and Years 1 and 2 rooms, administration and library, covered area, hard court, landscaping including four courtyards, a carpark with 38 car parking spaces, and 9 on-street spaces in the Eighty Road reserve (see Figure 2). The plans also include an ultimate Master Plan for a full Primary School and Secondary School on the land (see Figure 3).

Figure 1 – Location Plan
The school is expected to enrol 60 students in its first year. The capacity of the proposed development is 120 students. The applicant anticipates that the school will be expanded over the next few years to cater for up to Year 6 students, with a total expected capacity of 490 students at full development. Expansion of the school will be subject to future applications for Planning Approval.
The application was also accompanied by a Transport Assessment prepared by Shawmac. An addendum Technical Note to the Transport Assessment was also provided to address some of the City’s initial concerns with respect to access onto Eighty Road.
Implications to Consider

a. Consultation with the Community

The application was advertised for public comments for a period of 30 days, commencing on the 5th October 2012 and concluding on the 5th November 2012, with consultation undertaken in the following manner:

- A notice being published in the “Public Notices” section of the Weekend Courier on the 5th and the 12th October 2012;
- A sign being displayed on the site with notification of the proposal, for the duration of the consultation period;
- Written notice being provided to all nearby owners and occupiers of land; and
- Details of the proposal being published on the City’s website for the duration of the consultation period.

Figure 4 – Consultation Plan
At the conclusion of the consultation period, a submission was received from Taylor Burrell Barnett, on behalf of the developer of the adjacent Parkland Heights estate, providing the following comments (as summarised):

- There is no objection to the development of a non-government primary school on the subject site.
- The proponent’s Master Plan shows a number of potential conflicts with intersections onto Eighty Road from both the school and within Parkland Heights, and the Master Plan should be amended to address these conflicts.
- The Master Plan shows on-street car parking spaces opposite a proposed intersection, which is not supported.
- There are servicing constraints that may affect the Master Plan.
- The proponent’s Transport Assessment assumes that Rockingham Park intends to close the portion of Eighty Road south of its future diversion (see Figure 7), which is not the case. This section of Eighty Road should be upgraded by the proponent.
- Any footpaths on the western side of Eighty Road should be provided by the proponent.

The comments were forwarded to the proponent which provided the following response:

"It is encouraging that the Developers of the adjacent subdivision have no objection to the school proposals including the southern access from the future disconnected portion of Eighty Road.

The comments regarding the conceptual master plan and in particular the location of the access points is noted. However the access points shown are conceptual only and it is envisaged the future development of the school site will involve detailed planning and traffic studies which will address the concerns voiced. It is intended that the development of access strategies would be undertaken in conjunction with the City at a later date and would be considered in context with the Structure Plan for Parkland Heights Estate.

Transport Assessment –

- It is recognised that any future developments undertaken by Parkland Heights Estate are dependent on the developer and timeframes may not align with the ongoing development of the school site. Planning of subsequent stages will be in context with the current status of adjacent development.
- It is noted that the Eighty Road reservation south of the diversion of Eighty Road to Nairn Road is to remain. It is the Catholic Education Office’s proposal to retain the road pavement south of the diversion for access to the proposed primary school. It is recognised that any upgrading required by the City to use the portion of Eighty Road to access the school will be the responsibility of the school and not the developers of Parkland Heights Estate.
- The development of the first stage of the school is not likely to trigger a need for paths on the west side of Eighty Road south of the diversion. Should later stages require footpaths on the west side of Eighty Road, this will be addressed as part of the traffic assessment for the future stages."

It is considered that the proponent’s response satisfactorily addresses the submitter’s concerns. Issues relating to the diversion of Eighty Road and footpath locations are discussed further below.

b. Consultation with Government Agencies

The application was referred to the Department of Environment and Conservation and the Public Transport Authority for comment. The Public Transport Authority advised that the proposed primary school is generally conducive to the operation and growth of the Transperth network today and in the future, and it is intended that the school be accessible to a future expansion of route 564 on Nairn Drive, south of the future Eighty Road intersection (see Figure 4).

Having regard to the Public Transport Authority’s advice, it is recommended that the footpath network within the school be designed to facilitate a footpath link to Nairn Drive, to a potential future bus stop between Sixty Eight Road and the future Eighty Road diversion.
This may include deleting an on-street car parking space to provide for a path connection across Eighty Road.

No response was received from the Department of Environment and Conservation.

c. Strategic

Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:-

**Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle

d. Policy

Rural Land Strategy

The subject site is located in Planning Unit 4A of the City’s Planning Policy 5.2 – Rural Land Strategy (RLS). Planning Unit 4A “represents the northern section of [Planning Unit 4] where it serves as an interface between the future urban land located generally east of the ridgeline and the lake system parallel with Mandurah Road.” The RLS requires lots west of the ridgeline to maintain a rural viewshed from Mandurah Road and lots east of the ridgeline to promote a transition of lot densities from the urban land. On the basis of the above, consideration of an urban-type of development (such as a school) adjacent to the urban zoned land immediately east of the subject site is something anticipated by the RLS and is considered acceptable.

Bicycle Parking and End-of-Trip Facilities

There is not considered to be a high rate of cycling by Year 4 or younger students, so bicycle parking and end-of-trip facilities are not required.

e. Financial

Nil

f. Legal and Statutory

Zoning and Use Class Permissibility

The land is zoned ‘Rural’ under both the City of Rockingham Town Planning Scheme No.2 (TPS2) and the Metropolitan Region Scheme (MRS). The proposed development falls within the definition of an ‘Educational Establishment’ under TPS2, which is a use that is not permitted unless the Council exercises its discretion after following the advertising procedures of TPS2 (‘A’ use). The proposed development is a use that may not be consistent with the Rural zone and is therefore subject to a Clause 32 resolution under the MRS and requires planning approval from the Western Australian Planning Commission (WAPC) under the MRS. The application has been forwarded to the WAPC for its determination, which is in addition to a determination by the City under TPS2.

Rural Zone Standards

TPS2 sets out certain standards for development in the Rural zone. These standards, and the application’s compliance with them, is as follows:

- A 30m setback to the primary street is required under TPS2. The development obtains access from Eighty Road which is considered the “primary street” in this instance. The application proposes a carpark within the 30m setback area. The development of a carpark in the setback area is considered reasonable given Eighty Road abuts urban-zoned land to the east and the carpark setback is typical for urban development.

- A 10m setback to all other boundaries under TPS2. The application proposes a hardcourt setback 5m from the western boundary of the site and 9m from Sixty Eight Road; this is considered reasonable given the land immediately west of the proposed hardcourt is developed as a recreational centre and a long-term carpark for the storage of boats and caravans associated with the adjacent park home park.
Figure 5 – Master Plan overlain on aerial photo

- No clearing of native or remnant vegetation is permitted under TPS2. The application proposes the removal of four existing trees and the retention of a single tree in a landscaped area. The trees are not native to the area and appear to have been planted as part of a former garden, and there is no objection to the removal of the trees.

Amenity

The subject site is located in a Rural area. There are market gardens operating on the southern side of Eighty Road, and the park home park to the west has a vegetated landscape setback to Sixty Eight Road to maintain a rural vista. It is acknowledged that the land to the east of Eighty Road is Urban-zoned and will ultimately be developed as the Parkland Heights estate expands.

The application proposes single-storey school buildings all joined together in a “Y” shape. Most of the buildings are 4m high but the covered area has a 7.5m high feature wall. The development features rammed earth construction with a metal roof.

The scale of the proposed development, and the materials used in the development, are consistent with the rural amenity of the locality. The location of the carpark along the eastern boundary supports the urban form of development expected along Eighty Road. From an amenity and design perspective, the proposal is supported.

Figure 6 - Elevations

Car Parking

TPS2 is silent on the car parking requirements for educational establishments. In these circumstances, TPS2 requires that the minimum number of car parking spaces required for the proposed development shall be determined having regard to:

(i) the nature of the proposed development;
(ii) the number of employees likely to be employed on the site;
(iii) the anticipated demand for parking; and
(iv) the orderly and proper planning for the locality.
The most relevant guide for determining the likely parking requirement for a school is the Guidelines for Road Safety Around Schools, Local Government Edition that was prepared by Roadwise, Western Australian Local Government Association and the Road Safety Council in 2007 (WALGA Guidelines). The WALGA Guidelines state:

“The requirement for parking at schools is related to the number of students attending a school. While a host of issues such as access to public transport, community vehicle ownership and population densities can influence parking needs, it has been found by practical assessment of numerous schools that parking requirements are mostly related to student numbers. The formulae applied by Local Governments and accepted by DET in relation to parking is as follows:

- Approximately 14 pick-up and set-down bays for every 100 children enrolled at primary schools and 7 per 100 children for high schools.
- School staff parking accommodated on the school grounds.”

Based on a potential for 120 students and 8 staff, a total of 25 car parking spaces is considered necessary to accommodate the anticipated demand for parking. The application proposes 38 on-site spaces plus 9 on-street spaces, which exceeds the minimum number of car parking spaces required under the WALGA Guidelines, and is suitable given the current isolation of the school from urban areas and public transport.

Carpark Design

The carpark has been designed in accordance with the Australian Standards for off-street parking and the WALGA Guidelines. There is, however, required to be a car parking space dedicated for persons with a disability, designed in accordance with the Australian Standards. This can be required as a condition of planning approval.

The proposed on-street car parking spaces on Eighty Road will be required to be designed in accordance with the relevant Australian Standards for on-street car parking. As noted above, one on-street car parking space may need to be removed to provide for a path connection across Eighty Road.

Access and Egress

The application proposes that the carpark operate as a one-way flow, with vehicles entering the carpark from Eighty Road via the southern crossover, and exiting onto Eighty Road via the northern crossover. The Proponent’s Technical Note indicates that the intersections will operate at acceptable levels.

Eighty Road is proposed to be diverted to the east, immediately north of where access to the school is proposed, to facilitate Nairn Drive connecting into the southern portion of Eighty Road, in accordance with the adopted Structure Plan for the adjacent Parklands Height estate. This is illustrated on Figure 7.

The application proposes that access to the school be obtained from the proposed cul-de-sac created by the Eighty Road diversion, rather than a point further north, to allow turning movements into and out of the school to occur onto a low-volume cul-de-sac rather than the higher volume Eighty Road. The proponent’s analysis of the intersection with the diverted Eighty Road and the cul-de-sac indicates that this intersection will operate at queues of up to 2 vehicles and at acceptable levels of service.

It has been adequately demonstrated that the proposed access onto Eighty Road will operate satisfactorily both with the current Eighty Road configuration and the future configuration of a diverted Eighty Road and remnant cul-de-sac.
Pedestrian access

The nearest public footpath to the school is over 800m to the north; the footpath network is being progressively extended through the subdivision of the Parkland Heights estate. Connection to the existing footpath network is therefore not warranted.

The application should provide a footpath connection along Eighty Road to the point at which Eighty Road is proposed to be diverted, to so that the design of the future diversion can accommodate connection to a footpath to the school.

Environmental Considerations

TPS2 requires the City to give consideration to 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. In this regard, the northern portion of the subject site is affected by Outridge Swamp, a ‘Conservation Category’ wetland. Further development of the subject site will need to include consideration of impacts to this swamp, including the requirement for buffers and the potential existence of acid sulphate soils.

The proposed development should consider incorporating water-sensitive urban design principles as identified in the City's Planning Procedure 1.8 – Water Sensitive Urban Design, including:
“(i) Minimise runoff through maximum infiltration using multiple low cost management measures to reduce runoff volumes and peak flows;

(ii) Retain and restore existing elements of the natural drainage system, including waterway, wetland & groundwater features, regimes & processes and integrate these elements into the urban landscape;

(iii) Maximise water use efficiency, reduce potable water demand and maximise the re-use of harvested water; and

(iv) Minimising pollutant inputs through implementation of appropriate non-structural and structural controls.”

This can be included in a Water Management Plan as a condition of approval.

Comments

The primary school proposed by the Catholic Education Office is considered to be a suitable proposal for the growing Baldivis area. Its location off Eighty Road is accessible to students in the area, and the attributes of the 22ha site make it suitable for the construction of a full primary and secondary school. The primary school’s location at the southeast corner of the site makes it readily accessible to vehicles and bus passengers from the future extension of Nairn Drive.

The proponent’s Master Plan provides a suitable blueprint for future expansions of the school, including a church and secondary school. The Plan provides for numerous playfields and retention of the portion of Outridge Swamp on the land. Consideration of the location of access points and on-street parking on Eighty Road can be addressed through subsequent development approvals for the various expansions of the school.

It is recommended that the Council approve the application for the proposed primary school.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVE the proposed primary school on Lot 10 Eighty and Sixty Eight Roads, Baldivis, subject to the following conditions:

1. The carpark must:-

   (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit - Certified;

   (ii) include one car parking space dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work; and

   (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter.

2. Engineering plans must be provided for Eighty Road, where it abuts the proposed development, to be upgraded to an urban road standard, including drainage, kerbing and line marking, to the satisfaction of the City of Rockingham, prior to applying for a Building Permit. Eighty Road must be upgraded in accordance with the approved engineering plans prior to the development being occupied.

3. On-street car parking spaces must be designed in accordance with the Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking, prior to applying for a Building Permit, and must be constructed, sealed, kerbed, drained and marked prior to the development being occupied.
4. A shared path must be constructed along the western side of Eighty Road between the proposed development and the point at which Eighty Road is planned to be diverted (as identified in the approved Structure Plan for the Parklands Height estate), prior to the development being occupied.

5. Pedestrian crossing facilities (including pram ramps) must be provided on Eighty Road adjacent to the main pedestrian entry point, prior to the development being occupied. Any on-street car parking space shown on the approved plans that is affected by the crossing location is to be deleted.

6. A Water Management Plan that includes the following detail must be prepared to the satisfaction of the City of Rockingham prior to the development being occupied:
   (i) Minimise runoff through maximum infiltration using multiple low cost management measures to reduce runoff volumes and peak flows;
   (ii) Retain and restore existing elements of the natural drainage system, including waterway, wetland & groundwater features, regimes & processes and integrate these elements into the urban landscape;
   (iii) Maximise water use efficiency, reduce potable water demand and maximise the re-use of harvested water;
   (iv) Minimising pollutant inputs through implementation of appropriate non-structural and structural controls; and
   (v) All stormwater being contained and disposed of on-site.

   The Water Management Plan must be implemented for the duration of the development.

7. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development.

Footnotes
(a) Approval to commence development must be separately obtained under the provisions of the Metropolitan Region Scheme. Your application has been forwarded to the Western Australian Planning Commission for determination. Approval should be obtained prior to applying for a Building Permit.
(b) This approval does not include the future works identified in the Master Plan; to undertake further expansion of the primary school a new application for Planning Approval must be submitted to the City.

Committee Recommendation

That Council APPROVE the proposed primary school on Lot 10 Eighty and Sixty Eight Roads, Baldivis, subject to the following conditions:
1. The carpark must:-
   (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit - Certified;
   (ii) include one car parking space dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work; and
   (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter.

2. Engineering plans must be provided for Eighty Road, where it abuts the proposed development, to be upgraded to an urban road standard, including drainage, kerbing and line marking, to the satisfaction of the City of Rockingham, prior to applying for a Building Permit. Eighty Road must be upgraded in accordance with the approved engineering plans prior to the development being occupied.
3. On-street car parking spaces must be designed in accordance with the Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking, prior to applying for a Building Permit, and must be constructed, sealed, kerbed, drained and marked prior to the development being occupied.

4. A shared path must be constructed along the western side of Eighty Road between the proposed development and the point at which Eighty Road is planned to be diverted (as identified in the approved Structure Plan for the Parklands Height estate), prior to the development being occupied.

5. Pedestrian crossing facilities (including pram ramps) must be provided on Eighty Road adjacent to the main pedestrian entry point, prior to the development being occupied. Any on-street car parking space shown on the approved plans that is affected by the crossing location is to be deleted.

6. A Water Management Plan that includes the following detail must be prepared to the satisfaction of the City of Rockingham prior to the development being occupied:
   (i) Minimise runoff through maximum infiltration using multiple low cost management measures to reduce runoff volumes and peak flows;
   (ii) Retain and restore existing elements of the natural drainage system, including waterway, wetland & groundwater features, regimes & processes and integrate these elements into the urban landscape;
   (iii) Maximise water use efficiency, reduce potable water demand and maximise the re-use of harvested water;
   (iv) Minimising pollutant inputs through implementation of appropriate non-structural and structural controls; and
   (v) All stormwater being contained and disposed of on-site.
   The Water Management Plan must be implemented for the duration of the development.

7. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development.

Footnotes
(a) Approval to commence development must be separately obtained under the provisions of the Metropolitan Region Scheme. Your application has been forwarded to the Western Australian Planning Commission for determination. Approval should be obtained prior to applying for a Building Permit.

(b) This approval does not include the future works identified in the Master Plan; to undertake further expansion of the primary school a new application for Planning Approval must be submitted to the City.

Committee Voting – 4/0

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 an additional nomination for a Deputy position for appointment on the Heritage Reference Group reporting through the Planning Services Committee.

### Background

In September 2012, the Council appointed the following members to the Heritage Reference Group for a two-year term of office commencing 25th September 2012:-

- Mr Terry Craig  
  Rockingham District Historical Society
- Mrs Sylvia Reed  
  Rockingham District Historical Society

### Details

The City has received a late nomination from the Rockingham District Historical Society for Mrs Wendy Durant for a Deputy position on the Heritage Reference Group.

### Implications to Consider

a. Consultation with the Community

   Letters were sent to existing members of the Heritage Reference Group seeking nominations for membership of the Group.
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 contained in the Community Plan 2011:-
   
   **Aspiration 15:** Governance systems that ensure decision making and resource allocation is accountable, participative and legally and ethically compliant.

   **Aspiration 16:** A Council which engages with all elements of the community in order to make decisions that respect Rockingham’s unique sense of place whilst positively contributing to its future prosperity.


d. Policy
   Council Policy ‘Governance and Meeting Framework’ underpins the review and appointment of community membership of Advisory Committees.


e. Financial
   The financial implications of the review and appointment of community members to Advisory Committees is limited to the cost of advertising and officer time in undertaking the review. Costs will be accommodated within existing budget allocations.

f. Legal and Statutory
   Sections 5.8, 5.9 and 5.10 of the Local Government Act 1995 specifies legislative matters in respect to committees and the appointment of committee members.

<table>
<thead>
<tr>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>On occasion, operational requirements can impact on a member’s ability to attend a meeting; as such a number of organisations have nominated additional representatives (deputies) for Advisory Committees. Mrs Wendy Durant has an extensive knowledge of heritage and has previously served on the Heritage Reference Group and its predecessor (the Heritage Advisory Committee) for a number of years.</td>
</tr>
<tr>
<td>It is recommended that Mrs Durant be appointed as a Deputy Member on the Heritage Reference Group, for a two year term (with the commencement date backdated to the 25th September 2012).</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Officer Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>That Council <strong>APPOINT</strong> Mrs Wendy Durant as a Deputy Member to the Heritage Reference Group for a two year term of office commencing retrospectively from the 25th September 2012.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Committee Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>That Council <strong>APPOINT</strong> Mrs Wendy Durant as a Deputy Member to the Heritage Reference Group for a two year term of office commencing retrospectively from the 25th September 2012.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Committee Voting – 4/0</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not applicable</td>
</tr>
</tbody>
</table>
Planning Services
Statutory Planning Services

Reference No & Subject: SP-063/12 Planning Procedure 1.13 - Preparation and Assessment of Scheme Amendments

File No: LUP/1265
Proponent/s: City of Rockingham
Author: Mr Mike Ross, Manager, Statutory Planning
Other Contributors: 19th November 2012
Date of Committee Meeting: April 2012 (SP-021/12)
Previously before Council: Executive
Disclosure of Interest: Nature of Council’s Role in this Matter:

Site: Lot Area: LA Zoning: MRS Zoning: Attachments: Maps/Diagrams:

Purpose of Report
For Council to consider adopting Planning Procedure 1.12 – Preparation and Assessment of Scheme Amendments.

Background
The City encourages applicants to discuss their proposal with the City, prior to lodging a formal request for a Scheme Amendment. The City advises whether or not the desired land use or development can be currently approved within the planning framework of Town Planning Scheme No.2, without the need for a Scheme Amendment and offer guidance as to whether the Scheme Amendment request is likely to be supported by the City and what specific considerations needed to be made and justification provided.

Details
The purpose of this Planning Procedure is to set out the City’s requirements for the preparation, assessment, determination and adoption of Scheme Amendments in the district.

The Scheme Amendment process is set out in the Planning Procedure, which includes a flow chart that clearly explains the process.

The Planning Procedure sets out the information requirements that are required from applicants in order for the Council to consider applications for Scheme Amendments.
The Structure of the Planning Procedure is set out as follows:-

1. Introduction
2. Statement of Intent
3. Planning Practice
   3.1 Public Enquiries
   3.2 Preparation of Scheme Amendments
      3.2.1 General Requirements
      3.2.2 Special Rural and Special Residential Zone
   3.3 Initial Assessment
   3.4 Initiation by the Council
   3.5 Scheme Amendment Documents
   3.6 EPA Determination
   3.7 Consent to Advertise
   3.8 Advertising
   3.9 Concurrent Advertising
   3.10 Council’s Determination
   3.11 Minister’s Determination
   3.12 Gazettal
4. Interpretations

Appendix 1 – Scheme Amendment Report Template
Appendix 2 – Local Planning Scheme (LPS) Environmental Checklist
Appendix 3 – Scheme Amendment Flowchart

<table>
<thead>
<tr>
<th>Implications to Consider</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Consultation with the Community</td>
</tr>
<tr>
<td>As the Planning Procedure deals with procedural matters, a process of community consultation is not considered necessary. A notice will be published in a local newspaper, upon the Council's adoption of Planning Procedure.</td>
</tr>
<tr>
<td>b. Consultation with Government Agencies</td>
</tr>
<tr>
<td>The City is not required to consult with Government agencies, but it will forward a copy of the adopted Planning Procedure to the Department of Planning for information.</td>
</tr>
<tr>
<td>c. Strategic</td>
</tr>
<tr>
<td>This item addresses the Community's Vision for the future and specifically the following Aspirations contained in the Community Plan 2011:-</td>
</tr>
<tr>
<td>Aspiration 11: Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provide for a genuinely desirable lifestyle.</td>
</tr>
<tr>
<td>Aspiration 15: Governance systems that ensure decision making and resource allocation is accountable, participative and legally and ethically compliant.</td>
</tr>
<tr>
<td>d. Policy</td>
</tr>
<tr>
<td>Nil</td>
</tr>
<tr>
<td>e. Financial</td>
</tr>
<tr>
<td>Nil</td>
</tr>
</tbody>
</table>
f. Legal and Statutory

The City is responsible for administering, observing and enforcing Town Planning Scheme No.2 (TPS2), pursuant to the Planning and Development Act 2005 (the Act). Section 75 of the Act outlines the statutory requirements for the Council to amend TPS2, for any land within the district, as follows:

(a) The Council may prepare a Scheme Amendment that is approved by the Minister for Planning and published in the Government Gazette; or

(b) All or any owners of land in the Scheme Area may apply for a Scheme Amendment, which is subject to adoption, with or without modification by the Council, approved by the Minister for Planning and published in the Government Gazette.

Comments

The Planning Procedure brings together the requirements of the Planning and Development Act 2005, the Environmental Protection Act 1986, and the Town Planning Regulations 1967, into one document that describes the procedure for preparing and assessing applications for Scheme Amendments.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPT Planning Procedure 1.13 - Preparation and Assessment of Scheme Amendments.

Committee Recommendation

That Council ADOPT Planning Procedure 1.13 - Preparation and Assessment of Scheme Amendments, as follows:

PLANNING PROCEDURE 1.13

PREPARATION AND ASSESSMENT OF SCHEME AMENDMENTS

1. Introduction

The Council is responsible for administering, observing and enforcing Town Planning Scheme No.2 (TPS2), pursuant to the Planning and Development Act 2005 (PD Act 2005). Section 75 of the PD Act enables the Council to amend TPS2, for any land within the district, as follows:

(a) The Council may prepare a Scheme Amendment, that is approved by the Minister for Planning and published in the Government Gazette; or

(b) All or any owners of land in the Scheme Area may apply for a Scheme Amendment, which is subject to adoption, with or without modification by the Council, approved by the Minister for Planning and published in the Government Gazette.

2. Statement of Intent

The purpose of this Planning Procedure is to set out the statutory requirements for the preparation, assessment, determination and adoption of Scheme Amendments within the district.

The Scheme preparation or Amendment process is set out on the attached flowchart.

This Procedure should also be read in conjunction with the PD Act 2005 and Environmental Protection Act 1986 (EP Act 1986) and Town Planning Regulations 1967 (Regulations 1967) and the Environmental Guidance Statement No.33 for Planning and Development (EPA) May 2008.

3. Planning Practice

3.1 Public Enquiries

Before lodging a formal request, applicants are encouraged to discuss their proposal with the City’s Planning Services. The City will advise whether or not the desired land use or development can be approved within the planning framework of Town Planning Scheme No.2, without the need for a Scheme Amendment and offer guidance as to whether or not the Scheme Amendment request is likely to be supported and what specific considerations need to be made and justification.
It is recommended that the applicant engage a Planning Consultant who can assess all relevant ‘planning matters’ in the initial Scheme Amendment application. If the Council supports the requested Scheme Amendment, the Planning Consultant will be requested to prepare the necessary statutory report to be sent to the Western Australian Planning Commission (WAPC), Environmental Protection Authority (EPA) and the Minister for Planning.

Note: The City is unlikely to support requests for a change in zoning, residential density coding for an individual lot or other small area, independently of a broader TPS2 review, which it has commenced. Modifications of a small area in isolation of the wider locality is referred to the City as ‘spot rezoning’, which are often inconsistent with orderly and proper planning.

3.2 Preparation of Scheme Amendments

3.2.1 General Requirements

An application for a Scheme Amendment submitted to the City shall include a written application from the Proponent, clearly describing the proposal and the changes sought to TPS2. Such detail may include such plans and other information that the City may reasonably require to enable the application to be determined, and may include the following:-

(a) The address of the subject land to which the Scheme Amendment applies;

(b) An accurate description of the requested change in zoning, density coding or other amendment to TPS2;

(c) The reasons for the Scheme Amendment.

(d) Planning justification for the application, referencing any applicable City Policies and WAPC Policies.

(e) The likely effect, if any, of the proposal on the amenity of surrounding land, in terms of building form, traffic, access and the proposed use of the land generally.

(f) Such other information as may be required by the City.

If the Scheme Amendment proposes any changes to the Scheme Map, the City will require that the zones and reserves be identified on the Scheme Amendment using the corresponding colour as shown on the Scheme Map Legend.

The initial application, including full justification and explanation, should be mailed to the Chief Executive Officer, City of Rockingham, PO BOX 2142, Rockingham DC WA 6967.

3.2.2 Special Rural and Special Residential Zones

For ‘Special Rural Zone’ and ‘Special Residential Zone’ Scheme Amendments, Proponents should contact the City's Planning Services for specific information requirements, relating to Bush Fire Hazard Assessments, Land Capability, Environmental Assessment, Building Envelopes, Services and other information as may be required by the City.

Note: The Council resolved to not support any future proposals to rezone land to ‘Special Rural’ and ‘Special Residential’, where the land is identified as ‘future urban’ or ‘urban investigation’ in the Western Australian Planning Commission’s (WAPC) draft Southern Metropolitan Sub-Regional Structure Plan until the Rural Land Strategy has been reviewed. (Minutes SP-021/12 24/04/12)

3.2.3 Planning Fee

An Administration Fee, as described in the City’s Planning Information Bulletin No.2.2 – Scale of Fees for Planning Services, is also required.

3.3 Initial Assessment

Upon receiving the proposed Scheme Amendment, the City will:-

(a) Determine that the proposed Scheme Amendment is deficient of information/fee and seek further details from the Proponent; or

(b) Determine that the proposed Scheme Amendment has been submitted with sufficient information and prepare an Officer Report to an ordinary Meeting of the Council.
3.4 Initiation by the Council

Regulation 13 of the Town Planning Regulations 1976 (the Regulations) requires the Council to either:

(a) Resolve to proceed with the Scheme Amendment, adopt the proposed Scheme Amendment in accordance with the Act; or
(b) If it resolves not to proceed with the Scheme Amendment, notify the WAPC in writing of that resolution.

3.5 Scheme Amendment Documents

When a Scheme Amendment has been adopted (initiated) by the Council, the Proponent is required to prepare five copies of the Scheme Amendment documents in accordance with the City’s Template (Appendix 1). The City’s Template must be used by Proponents and includes the following information:

(a) The Council’s resolution to amend TPS2;
(b) A Scheme Amendment Report which provides a detailed description of the proposal, relevant planning considerations and background information, and justification for the amendment. An extract from the Minutes of Council or Committee Meetings are not acceptable;
(c) An amending text setting out the changes to be made to the Scheme Text, if applicable;
(d) Existing Scheme Map, for a rezoning amendment, which illustrates the current zoning of the subject land and shall be a colour original consistent with the TPS2 Scheme Maps;
(e) Scheme Amendment Map, for a rezoning amendment, which illustrates the proposed zoning and shall be a colour original consistent with the TPS2 Scheme Maps; and
(f) An Adoption page which provides for the Council’s adoption of the amendment at the final approval stage, the Council’s execution of the amendment, and endorsement of documents by the Chairperson of the WAPC and the Minister for Planning.

The Local Planning Scheme (LPS) Environmental Checklist (Appendix 2) must be completed by the Proponent prior to the City referring the Scheme Amendment documents to the EPA.

3.6 EPA Determination

The City will refer all Scheme Amendments to the EPA to determine whether Environmental Assessment is required or not.

When a Scheme Amendment has been forwarded to the EPA in accordance with s.81 of the PD Act 2005, the EPA must advise the City within 28 days after the referral:

(a) If it considers that the proposed Scheme Amendment should not be assessed under Part IV Division 3 s.48A.(1)(a) of the Environmental Protection Act 1986 (EP Act 1986) and may provide its advice and recommendations; or
(b) That the Scheme Amendment should be assessed by it under Part IV Division 3 s.48A.(1)(b) of the EP Act 1986.

Note: When the EPA has decided to assess a Scheme Amendment the City is unable to advertise the Scheme Amendment under s.84 of the PD Act 2005, until it has forwarded the Environmental Review to the EPA and the EPA has advised the review has been undertaken in accordance with those instructions, or 30 days has elapsed since referring the environmental review, without further advice from the EPA.

3.7 Consent to Advertise

Prior to advertising, the City will ensure that a Scheme Amendment complies with the Town Planning Regulations 1967 (Regulation) as follows:

(a) The Scheme Amendment is consistent with any Regulations made under the PD Act 2005;
(b) The Scheme Amendment is consistent with the Metropolitan Region Scheme (MRS); and
(c) The Scheme Amendment is consistent with any State Planning Policy (SPP).

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 3 DECEMBER 2012

PRESIDING MEMBER
When a Scheme Amendment is inconsistent with the requirements of Regulation 25(2), the Scheme Amendment will be referred by the City to the Department of Planning for consent to advertise.

3.8 Advertising

Regulation 5 requires the City to advertise the Scheme Amendment, in accordance with the following requirements:

(a) Publish a notice once in a newspaper circulating in the district;
(b) Display a notice of the Scheme Amendment in the City’s Administration Building;
(c) Notify relevant Public Authorities; and
(d) The City will make available for inspection during office hours at the City’s Administration Office a copy of the Scheme Amendment.

In addition to the above advertising requirements, the City will undertake further measures it considers appropriate to give public notice of the Scheme Amendment, such as displaying the Scheme Amendment on the City’s Website and requiring the Proponent to erect Signage giving public notice of the Scheme Amendment. Public submissions may be made within a period of 42 days from the date of publication of the advertisement in the newspaper circulating in the district.

3.9 Concurrent Advertising

The City recognises the benefit of advertising a Scheme Amendment concurrently with a Structure Plan or Subdivision Guide Plan, where possible, which are given statutory effect through TPS2. When Structure Plans and Subdivision Guide Plans are prepared for display with Scheme Amendments they must contain explanatory wording located in a prominent position on the plan and in any accompanying text indicating the status and relevance of the Structure Plan and Subdivision Guide Plan to the particular planning process, as outlined in WAPC Planning Bulletin No.5. The statement should also advise that separate approvals are necessary for the subdivision and development of land which may result in changes to the building envelopes shown on the Subdivision Guide Plan displayed with the Scheme Amendment.

3.10 Council’s Determination

Regulation 17 requires the Council to consider all submissions on the Scheme Amendment within 42 days from the publication of the advertisement. The Council’s decision to either:

(i) Adopt the Scheme Amendment for Final Approval (with or without modification); or
(ii) Not proceed with the Scheme Amendment;

must be forwarded to the WAPC, for consideration by the Minister for Planning, pursuant to Regulation 17(2).

3.11 Minister’s Determination

Regulation 21(1) enables the Minister for Planning to:

(a) Approve the Scheme Amendment;
(b) Refuse to approve the Scheme Amendment; or
(c) Require the City to modify the Scheme Amendment before approval is given.

Regulation 21(2) requires that within 42 days of the City being notified by the Minister for Planning:-

(a) Approving the Scheme Amendment; or
(b) Requiring the City to modify the Scheme Amendment to comply with the decision of the Minister for Planning,

the City must comply with any modifications required by the Minister for Planning and forward three copies of the Scheme Amendment to the WAPC for final approval.

3.12 Gazettal

When a Scheme Amendment approved by the Minister is published in the Government Gazette it has legal effect pursuant to the PD Act 2005. The City will ensure that copies of the Scheme Amendment are available to the public.

4. Interpretations

For the purposes of this Planning Procedure, the following terms shall have the same meaning as in Town Planning Scheme No.2:-
**WAPC** means the Western Australian Planning Commission constituted under the Planning and Development Act 2005.

**Council** means the Council of the City of Rockingham.

For the purpose of this Planning Procedure, the following terms are defined as follows:

**EPA** means the Environmental Protection Authority.

**PD Act** means the Planning and Development Act 2005.

**Planning Bulletin No.5** means WAPC Planning Bulletin No.5 – Structure Plans Advertised with Rezoning Amendments 1995

**Regulations** means Town Planning Regulations 1967.

**TPS2** means City of Rockingham Town Planning Scheme No.2

5. **Adoption**

This Planning Procedure was adopted by the Council at its ordinary Meeting held on the 27th November 2012.

---

**Note:** The Appendix documents below do not form part of this Planning Procedure and may be modified from time to time.

**Appendices**

1. Scheme Amendment Report Template
2. Local Planning Scheme (LPS) Environmental Checklist
3. Scheme Amendment Flowchart
Town Planning Scheme No.2

Amendment No.
PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME

CITY OF ROCKINGHAM

DISTRICT ZONING SCHEME

TOWN PLANNING SCHEME NO.2 – AMENDMENT [*insert No.]

RESOLVED THAT the Council, pursuant to Section 75 of the Planning and Development Act 2005 initiate an Amendment to the City of Rockingham Town Planning Scheme No.2 to amend the Scheme Text as follows:

1. Amending the Scheme Text as follows:

2. Amending the Scheme Maps as follows:

Dated this ________ day of __________________ 20

ANDREW HAMMOND
CHIEF EXECUTIVE OFFICER
SCHEME AMENDMENT REPORT

LOCAL AUTHORITY : CITY OF ROCKINGHAM

DESCRIPTION OF TOWN PLANNING SCHEME : CITY OF ROCKINGHAM TOWN PLANNING SCHEME No.2

TYPE OF SCHEME : DISTRICT ZONING SCHEME

SERIAL NO. OF AMENDMENT : AMENDMENT No. ___

PROPOSAL :

1. BACKGROUND

2. DETAILS

3. COMMENT

ANDREW HAMMOND
CHIEF EXECUTIVE OFFICER
PLANNING AND DEVELOPMENT ACT 2005
CITY OF ROCKINGHAM
TOWN PLANNING SCHEME NO.2
AMENDMENT [*INSERT No.]

The City of Rockingham under and by virtue of the powers conferred upon it by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme by:-

1. Amending the Scheme Text as follows:

2. Amending the Scheme Maps as follows:
ADOPTION

ADOPTED by resolution of the Council at the City of Rockingham Ordinary meeting of the Council held on the __ day of ________ 20__. 

____________________
Chief Executive Officer

____________________
Mayor

FINAL APPROVAL

ADOPTED for Final Approval by resolution of the City of Rockingham at the ordinary Meeting of the Council held on the ___ day of ___________ 20__ and the Seal of the Municipality was, pursuant to that resolution, hereunto affixed in the presence of:--

_______________________
Chief Executive Officer

_______________________
Mayor

Recommended/Submitted for Final Approval by the Western Australian Planning Commission:

Delegated Under S.16 of P&D Act 2005

____________________
Date

Final Approval Granted

_______________________
Minister for Planning

_______________________
Date
Referral of a Scheme to the Environmental Protection Authority

PURPOSE OF THIS GUIDE

In 1996 legislation was introduced requiring all planning schemes and their amendments to be referred to the Environmental Protection Authority (EPA). Referral requirements are set out in the planning legislation relevant to the scheme, and include a requirement that the EPA is given such written information about the scheme as is sufficient to enable the EPA to comply with section 48A of the Environmental Protection Act 1986 (EP Act) ie to decide whether or not to assess the scheme.

The purpose of this guide is to help clarify referral requirements.

Whilst the EPA has some general information for each municipality, it often does not have local or site specific information. Under the relevant planning legislation, it is the role of the authority responsible for the scheme to provide sufficient information. The information that is likely to be sufficient in most instances is indicated in this guide. The EPA will advise if further information is required. Upon receiving sufficient information, the EPA must make a decision within 28 days on whether or not to assess the scheme.

A referral must contain:

- A copy of Council’s resolution to prepare or adopt the scheme. Referral upon adoption is preferred as more information is usually available at that time.

- Scheme documentation - a hard copy of the referral of the scheme, text and map/s, together with an electronic copy of the documentation, as follows:
  - a Compact Disc version of the scheme, or scheme amendment, in PDF (Portable Document Format) file format, contained in a soft clear plastic adhesive-backed envelope;
  - Spatial data (GIS or CAD) on CD, depicting the scheme/amendment extent, georeferenced and conforming to the following parameters:
    - Datum: GDA94;
    - Projection: Geographic (latitude/longitude) or Map Grid of Australia (MGA);
    - Format: Arcview shapefile, Arcinfo coverages, Microstation or AutoCad.

- Sufficient information for the EPA to decide whether or not to assess the scheme. This will usually be a completed Environmental Checklist (see over), and, in cases where the scheme may have environmental implications, the following:
  - clear identification on a map of the location of the land to which the scheme applies
  - an outline development plan or subdivision guide plan, where appropriate
  - information on relevant items in the environmental checklist (see over)

---

1 In this document, the term ‘scheme’ has the same meaning as in the Environmental Protection Act 1986, and includes regional and town planning schemes and their amendments. Now also known as local planning schemes under Part 5 of the Planning and Development Act 2005.
o when electronic documentation is not available, additional copies of the scheme documentation for the EPA Service Unit to forward to the Department of Environment and Conservation and other agencies for technical advice.

The EPA Service Unit’s Planning and Infrastructure Branch can advise on referral requirements and issues of environmental significance. Liaison with the EPA Service Unit may be particularly helpful in the following instances - schemes raising potentially significant environmental issues and whole-of-municipality town planning schemes. The Planning and Infrastructure Branch can be contacted by ringing 6364 6500 and asking for an environmental officer who deals with the region.
Referral of a scheme to the Environmental Protection Authority

ENVIRONMENTAL CHECKLIST

Title of scheme*: ____________________________________________

This checklist is intended to assist authorities responsible for schemes to identify potential environmental issues, and to supply the information that the EPA requires to decide whether or not to assess a scheme.

Please tick the appropriate box and supply the information indicated at Section D below to the EPA. For clarification of any terms or descriptions used, please refer to EPA Guidance No. 33 “Environmental Guidance for Planning and Development” through the EPA website or the Planning and Infrastructure Assessments Branch of the EPA Service Unit.

A. Biophysical factors

1. Does the area to which the scheme applies contain or adjoin any of the following?
   a) bushland. If yes, identify__________________________________________
   □ □ □
   b) a wetland (includes seasonally damp land), watercourse or river - if yes, identify □ □ □
   c) an estuary or inlet. If yes, identify__________________________________________
   □
   d) coastal area or near-shore marine area. If yes, identify________________________
   □ □
   e) a public water supply area. If yes, identify______________________________
   □ □ □
   f) a landform of special interest, for example, karst, beach ridge plain. If yes, identify □ □ □

2. Is any area to which the scheme applies in a catchment that is of particular environmental concern or interest?

   If yes, identify the catchment:
   □ □ □
   - Lake Clifton catchment
   - Swan Coastal Plain catchment of the Peel–Harvey Estuary
   - Swan and Canning Rivers catchment (other than Ellenbrook catchment)
   - Ellenbrook catchment
   - Other catchment (please name)

3. Is the land to which the scheme applies the subject of any significant or potentially significant soil or land degradation issues, for example, salinity, waterlogging, erosion, acid sulphate soil?

   If yes, identify issue/s: ____________________________________________
   □ □ □

B. Pollution management

4. Does the scheme allow for a land use that will or could discharge a significant quantity of a potential pollutant to the air, surface water, soil or groundwater?

   If yes, please identify the land use/s, and associated pollutants: __________________________
5. Does the scheme allow for a land use that could require a buffer over adjoining land? that is, does it allow for uses that may affect adjoining land (including land that may be used for future residential use) due to gases, noise, vibration, odours, light? □ □ □
   If yes, please identify land use/s, and off-site areas that may be affected: __________________________
   What is the distance to the nearest residences? __________________________

6. Would the scheme allow a residential area or sensitive land use (e.g. school) to be located in an area likely to be affected by emissions (e.g. gases, noise, odour) from industry, agriculture or infrastructure (e.g. landfill site)? □ □ □
   If yes, please identify: __________________________

7. Does the scheme apply to a site that has been used for a past land use which may have contaminated the soil or groundwater, for example, market garden, industrial use, fill? □ □ □
   If yes, please identify: __________________________

8. Does the scheme apply to any land with a high watertable? □ □ □

C. Social surroundings

9. Does the scheme raise any issues known to be of concern to the public? □ □ □
   If yes, is the concern to the public related to an environmental issue? □ □ □
   Please specify the environmental issue(s) of concern_______________________________

10. Is the scheme likely to raise heritage or cultural issues due to impacts on the biophysical environment? □ □ □
    If yes, please identify_______________________________

11. Does the scheme apply to areas of land where there are existing or potential land uses associated with high levels of risk, for example, a high pressure gas pipe line, heavy industry? □ □ □
    If yes, please identify: __________________________

D. Additional information

- If all answers to the questions above are “no”, no other environmental information is required to accompany this checklist.
- If answers include “yes” or “unsure”, please provide information for those items on:
  o the existing environment
  o potential environmental impacts and their magnitude/significance
  o how the impacts will be managed to ensure a good environmental outcome.

The EPA will review the checklist and information submitted and if not sufficient for the EPA to decide whether or not to assess the scheme, the EPA may request additional information.

Name of person completing form: __________________________
Date: _______
Position: __________________________ Contact Phone/Email: __________________
Application
An application to amend Town Planning Scheme No.2 is submitted to the City in writing, outlining planning justification for the proposal and payment of a Planning Fee.

Initiation by Council
The City assesses the proposed Scheme Amendment and prepares a report to an Ordinary Meeting of Council. The Council considers the proposal and may resolve:

1. Not to proceed with an amendment to Town Planning Scheme No.2.
2. To proceed to Amend Town Planning Scheme No.2.

Note: There are no appeal rights against the Council's decision not to initiate a Scheme Amendment.

EPA Referral of Scheme Amendment
If the Council has initiated a Scheme Amendment, the applicant must prepare the Scheme Amendment documents and submit 5 copies to the City. The City will then refer the Scheme Amendment to the Environmental Protection Authority (EPA) for consideration. If the EPA consents to the Scheme Amendment without requiring further environmental assessment, the City may proceed to advertise the Scheme Amendment.

Advertising
The City may proceed to advertise the Scheme Amendment for 42 days, provided it is of a minor nature and conforms with the policies of the Western Australian Planning Commission, or refer the amendment to the WAPC for approval to advertise the amendment. The City undertakes notification of affected owners, newspaper notice and the applicant is required to erect signage in accordance with the City's specifications.

Final Adoption
All submissions lodged during the advertising period are referred to the Council for its consideration in the form of a Schedule of Submissions. Each submission is considered and the Council must resolve to either support or dismiss the submission lodged. The Council may resolve to:

(a) not support the Scheme Amendment because of the strength and validity of the submissions lodged against a proposal and seek the consent of the Minister for Planning not to proceed with the amendment; or

(b) dismiss the objections and grant Final Adoption to the Scheme Amendment seeking final approval of the Minister for Planning; or

(c) adopt the Scheme Amendment in a modified form and seek the final approval of the Minister for Planning.
Planning Services Committee Minutes
Monday 19 November 2012

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 3 DECEMBER 2012

The Committee's Reason for Varying the Officer's Recommendation
Not applicable

Implications of the Changes to the Officer's Recommendation
Not applicable

Final Approval - Minister for Planning
If the Hon Minister grants Final Approval to the Scheme Amendment, it takes effect from the date of publication of the Final Approval in the Government Gazette.
If the Minister decides to refuse the Scheme Amendment, notification of the refusal is published in the Government Gazette. The City informs all submissions of the Minister's decision.

Overview
The Scheme Amendment process can take several months to complete and the length of time varies with the complexity of the Scheme Amendment but is around 12 months to complete. The City requires the applicant to pay an advertising bond of $1,000 and refunds any unspent amounts. The Scheme Amendment costs are also set out in accordance with the Council's Planning Administration Fees which cover the costs associated with processing the application.
**Planning Services**  
Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-064/12 Pedestrian Access Way Closure Request - Gosforth Court to June Road, Safety Bay</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/923</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr S Dougherty</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Planning Officer</td>
</tr>
</tbody>
</table>
| Other Contributors:     | Mr Dave Waller, Coordinator Statutory Planning  
|                         | Mr Mike Ross, Manager Statutory Planning                                                      |
| Date of Committee Meeting: | 19th November 2012                                                                 |
| Previously before Council: | November 2007 (PD108/11/07)                                                                    |
| Disclosure of Interest: | Tribunal                                                                                      |
| Nature of Council’s Role in this Matter: | Tribunal                                                                |
| Site:                   | Pedestrian Access Way (PAW) joining Gosforth Court and June Road (SB334)                       |
| Lot Area:               | 241m² Crown Land                                                                              |
| LA Zoning:              | Urban                                                                                          |
| MRS Zoning:             | Urban                                                                                          |
| Attachments:            | 1. Schedule of Submissions  
|                         | 2. Petition                                                                                    |
| Maps/Diagrams:         | Figure 1 - Location Plan  
|                         | Figure 2 - View of PAW from June Road                                                          |
|                         | Figure 3 - Consultation Plan                                                                   |
|                         | Figure 4 - Graffiti in PAW                                                                     |
|                         | Figure 5 - Movement Network                                                                    |
|                         | Figure 6 - View to Bus stop from June Road                                                     |
|                         | Figure 7 - Public Transport Route                                                               |
Purpose of Report

To consider an application to close the Pedestrian Access Way (PAW) between Gosforth Court and June Road, Safety Bay.

Background

In September 2007, the City received an application from Mr Dougherty seeking closure of the PAW from four adjoining landowners. The matter was considered by the Council at its ordinary Meeting held on the 27th November 2007, when it resolved to advertise the proposal for 35 days.

A total of nine submissions were received, including four submissions from residents and five from service authorities. Three residents supported the closure request and one objected. The Water Corporation and Telstra advised that there were services within the PAW. Alinta Gas, Western Power and the City’s Engineering Services provided no objection to the proposal.

In January 2008, the City sought comment from the former Department of Planning and Infrastructure.

In August 2008, it was advised that:-

"the Department is not satisfied that the closure of the PAW is appropriate given the opposition from a number of residents and as measures, such as the provision of lighting, trimming of overhanging shrubbery, installation of additional barriers midway along the PAW, and relocation of the bus shelter, which may improve the visual presence of the PAW and defer anti-social behaviour, have yet to be considered. Furthermore, the Department has previously advised the City that it should undertake a strategic assessment of all existing PAWs to determine those that should be retained and those that should be closed."

On this basis, the application to close the PAW could not proceed.
In February 2010, the Council adopted a *Pedestrian Access Way Strategy* (the Strategy). The aim of the Strategy is to inform the Council in its decision-making with respect to applications to close PAW’s, and provide recommendations on which PAW’s could be upgraded and maintained.

The Strategy applies a classification system which relates to connectivity only. The classifications of PAW’s are as follows:-

**E (Essential):** The PAW should be retained and kept open, as it forms an essential or important function in the local pedestrian and cycle movement network.

**R (Retain):** The PAW should preferably be kept open, as it has some significance in the local pedestrian and cycle movement network. Closure may be acceptable, however, if prompted by significant local community support and clear evidence of considerable anti-social and/or criminal behaviour associated with the PAW.

**NE (Non-essential):** The PAW could be closed without significantly affecting the local pedestrian and cycle movement network. Few residents would be disadvantaged.

**NP (No path):** The PAW does not contain a path. Therefore the PAW could be ‘closed’ without any disruption to the local pedestrian and cycle movement network.

The Strategy classifies the subject PAW as ‘non-essential’, meaning that the PAW could be closed without significantly affecting the local and pedestrian cycle movement network. The Strategy includes the following additional comments:

*“The PAW provides some convenience of access for cul-de-sac residents (Gosforth Court) wanting to access localities to the east as well as the bus stop on June Road. The PAW is not necessary for residents living outside the cul-de-sac, as nearby alternative access routes exist (June Road, Joseph Road). The PAW is in poor condition and feels unsafe to use. It requires some urgent upgrading. Alternatively, closure of the PAW could be supported.”*

In December 2010, the Western Australian Planning Commission (WAPC) advised that it had no objection to the closure of the PAW’s classified as ‘non-essential’ (on the basis of the findings of the Strategy) if a specific request for closure is received and its closure is supported by the local community.

In March 2009, the Council resolved to adopt Planning Procedure 1.5 - Closure of Pedestrian Access Ways, which details the process to be followed by the City in processing applications to close PAW’s. By adopting the procedure, the City was able to progress with Mr Dougherty’s application.

### Details

In February 2012, a further application was received from Mr Dougherty, the owner of Lot 207 (No.9) Gosforth Court, Safety Bay seeking closure of the PAW which abuts this property. The application is based on general anti-social behaviour including:-

- litter (rubbish, bottles, syringes);
- graffiti;
- damage to property (Police Reports);
- unlawful use by motorbikes; and
- excessive noise (late hours, intoxicated people).

The proponent advises that the abovementioned problems have been ongoing for a number of years and that the closure of the PAW is the only solution.

The PAW is 4m wide and approximately 60m long and connects Gosforth Court and June Road, Safety Bay. The PAW includes a concrete footpath and is lined with fibro cement fencing abutting three properties and zinclume fencing abutting one property (as shown in Diagram 2).
Implications to Consider

a. Consultation with the Community

In accordance with the WAPC Planning Bulletin No.57A and the City’s Planning Procedure 1.5 – Closure of Pedestrian Access Ways (the Procedure), the application was advertised for 35 days, in the following manner:-

- An advertisement detailing the proposal was placed in the Public Notices section of the Sound Telegraph;
- Information including a report detailing the issues relating to the proposed closure was placed on the City's Website for the duration of advertising.
- Notification was sent to 781 owners and occupiers generally within a 400m radius of the PAW; and
- Relevant Service Authorities were invited to comment.
At the conclusion of the advertising period, 29 submissions were received, with 11 submissions opposing the closure of the PAW, 16 supporting the closure and 2 submissions neither for nor against the closure. This report should be read in conjunction with the Schedule of Submissions included as Attachment 1.

The owner of No.10B Gosforth Court also provided a petition with 21 signatories opposing the closure of the PAW. Three of the signatories had also submitted separate submissions. The majority of the signatories reside at the grouped dwelling complex at No.6 Gosforth Court, with the remaining signatories from other properties in Gosforth Court, Resolution Drive and June Road. A copy of this petition is included as Attachment 2.

The submissioners supporting the closure of the PAW provided the following reasons:-
(i) litter, graffiti & antisocial issues;
(ii) damage to property & invasion of privacy; and
(iii) excessive noise.

The submissioners opposing the closure of the PAW raised the following concerns:-
(i) negative impact on the movement network;
(ii) lack of passive surveillance to bus stop if PAW was closed;
(iii) establishment of precedent to close PAW’s; and
(iv) lack of alternative safe routes.

Responses to the issues raised in the submissions are provided below:-
Supporters - Litter, Graffiti & Antisocial Issues

Concerns were raised by some submissioners that the PAW was littered with rubbish and graffiti. On inspection of the PAW, only a small amount of litter was found in the PAW, however, the fences lining the PAW and nearby property fences had been the target of graffiti (as shown in diagram 4). Concern was also raised that the PAW was being used as a route for motorcycles. Closure of the PAW would prevent graffiti and the dumping of litter, as well as preventing access for motorcycles and antisocial behaviour in the PAW.

Supporters - Damage to property & Invasion of Privacy

Concerns were raised that since the PAW is open, it allows ease of passage to vandals to commit damage to properties adjacent to the PAW, such as letterboxes being stolen and doors and windows being damaged. Several submissions also noted that people had tried to break into or trespass on properties adjoining the PAW. On inspection of the PAW it was noted that the PAW has a portion of fence along the PAW had been broken. The concerns regarding antisocial behaviour are considered valid.

Supporters - Excessive noise

Noise disturbance to nearby properties as a result of pedestrians using the PAW was referred to in some submissions. Closure of the PAW would resolve noise disturbance and antisocial behaviour to landowners adjacent to the PAW.

Objectors - Movement Network

Submissions opposing the closure of the PAW noted that its closure would have an adverse impact on pedestrian movement to the bus stop on June Road and to the beach.

There are two alternative walking routes to the nearest bus stop should the PAW be closed. Option A is approximately 256m from the western entrance of Gosforth Court to the closest bus stop on June Road adjacent to Hawker Reserve, or Option B is approximately 500m from the western entrance of Gosforth Court to the nearest bus stop on June Road between Joseph Road and Janet Road (see diagram 5).

Liveable Neighbourhoods states that “typically, most people will consider walking up to 400m (five minutes) to daily activities, or 800m (10 minutes) to a train station or town centre”. Should the PAW be closed, the majority of properties within a 300m radius of the PAW can reach the bus stop on June Road adjacent to the PAW within 400m. This is considered an acceptable distance for an efficient walkable catchment.
In regard to the impact on pedestrian access to the beach, it is acknowledged that residents at the end of Gosforth Court closest to the PAW would need to walk an additional 495m to get to the beach, bringing the total walking distance to reach the beach to approximately 832m. Beach access is still readily available by bicycle, bus, car or by walking the extra distance.

Objectors - Lack of passive surveillance to bus stop if PAW was closed
Submissions opposing the closure raised a concern regarding the lack of passive surveillance to the bus stop if the PAW was closed. The bus stop on June Road is located directly in front of the access to the PAW (refer to diagram 6). As the PAW is straight, it provides a good line of sight from Gosforth Court to the bus stop. Whilst this is acknowledged, passive surveillance of the bus stop is not considered to be compromised by the potential closure of the PAW, as there are houses adjacent and directly opposite to the bus stop that also provide good passive surveillance.
Objectors - Establishment of precedent to close PAW’s

All requests to close PAW’s are assessed on their individual merits in accordance with their classification contained within the Strategy. The closure of the PAW is in accordance with the City’s Strategy and will not result in a precedent for the closure of other PAW’s.

Objectors - Lack of alternative safe routes

Concern was raised that should the PAW be closed, the alternative route to gain access to June Road from Gosforth Court (Joseph Road) is not safe, as Joseph Road has no footpath and an uneven road surface.

Gosforth Court and Joseph Road are both local access streets which carry low traffic volumes and there are no footpaths. For residents living in Gosforth Court, there is no footpath that connects to the PAW at present. There is, however, a verge and local park for separation of pedestrians and vehicles and thus this route is considered acceptable for pedestrian safety.

b. Consultation with Government Agencies

The application was referred for comment to Western Power, ATCO Gas (previously Alinta), Telstra, Department of Water, Main Roads WA and Water Corporation.

Department of Water and Main Roads raised no objection to the proposal. No response was received from ATCO Gas or Telstra.

The Water Corporation raised no objection to the PAW closure provided the water main within the PAW is cut and capped at each end of the PAW and advised that the sewer main within the PAW will require a 3m easement located centrally over the sewer main for its protection. The costs of these works are required to be met by the proponent.

Western Power provided no objection, but noted that due to the existence of overhead powerlines and underground cables adjacent to the PAW, should any works occur they must comply with Worksafe Regulation 3.64 of the Guidelines for Work in the Vicinity of Overhead Powerlines.

The application was also referred to the Department of Planning, which confirmed that the proposed closure is in accordance with the City’s Pedestrian Access Way Strategy adopted in February 2010.
c. **Strategic**

   **Community Plan**

   This item addresses the Community's Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:-

   **Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable City that provides for a genuinely desirable lifestyle.

   **Policy**
   
   Nil

   **Financial**
   
   Nil

   **Legal and Statutory**

   The process for dealing with the closure of Pedestrian Access Ways is based upon subsection 87(2) of the Land Administration Act (1997), which states that whenever the Minister for Lands (the Minister) considers that a parcel of Crown land is unsuitable for the retention as a separate lot because of its geographical location, potential use, size, shape or any other reason based on good land use planning principles, the Minister may, with the consent of the adjoining owner and payment to the Minister of the price agreed with that adjoining land owner, amalgamate that parcel with the adjoining lands.

   **Comments**

   Closure of the PAW would not significantly impact upon the movement network or access to public transport by nearby residents. The PAW does not provide access to any community facilities, employment facilities, educational establishments or shopping centres and is not necessary for residents living outside the Gosforth Court cul-de-sac. The PAW is also non-essential in the City's Strategy. On balance of the issues raised by submissioners, and the non-essential classification in the Strategy, it is recommended that the Council proceed with the closure of the PAW between Gosforth Court and June Road.

   If Council proceeds with the closure of the PAW, the matter will be referred to State Land Services (Department of Regional Development and Lands) for processing, under section 87 of the Land Administration Act 1997. State Land Services will then:-

   - Assess the application to determine whether PAW closure and disposal, or any alternative arrangement, can proceed;
   - Arrange the offer and acceptance documentation;
   - Provide information regarding the requirements for the survey and plan preparation (in limited circumstances State Land Services will arrange for the preparation of survey and graphic); and
   - Close the PAW and effect disposal of the subject land.

   **Voting Requirements**

   Simple Majority

   **Officer Recommendation**

   That Council:

   1. **PROCEED** with the closure of the Pedestrian Access Way between Gosforth Court and June Road, Safety Bay.

   2. **REQUIRE** the proponent to pay for all costs associated with the Pedestrian Access Way closure, including the Water Main within the Pedestrian Access Way being cut and capped at each end of the PAW, and the provision of a 3m easement located centrally over the Sewer Main for its protection.
Committee Recommendation

That Council APPROVE the closure of the Pedestrian Access Way between Gosforth Court and June Road, Safety Bay subject to the proponent paying for all costs associated with the Pedestrian Access Way closure, including the Water Main within the Pedestrian Access Way being cut and capped at each end of the PAW, and the provision of a 3m easement located centrally over the Sewer Main for its protection.

Committee Voting – 3/2

Councillors having voted for the motion: Cr Smith (2)
Cr Liley

Councillors having voted against the motion: Cr Elliott
Cr Hill

NOTE: Due to an equality of votes at the Planning Services Committee meeting, the Chairman exercised his right to cast a second vote to reach a decision in this matter (Section 5.21(3) of the Local Government Act 1995).

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

In order to combine the Officer’s Recommendation resulting in a clearer Committee Recommendation.

Implications of the Changes to the Officer’s Recommendation

Not applicable
## Planning Services

**Statutory Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-065/12 Proposed Extension to Landscape Supply Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>28/5091-02</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Ms T Curovic for Lorian Nominees</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Regan Travers, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>19th November 2012</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>
</tbody>
</table>

| Site:                   | Lot 455 (No.3) Pug Rd, Cnr St Albans Rd, Baldivis |
| Lot Area:               | 23.24ha                                              |
| LA Zoning:              | Rural                                                |
| MRS Zoning:             | Rural                                                |
| Attachments:            | 1. Copy of Submission                                |
|                         | 2. Proposed Site Plan (27th October 2011)           |
| Maps/Diagrams:         | Figure 1 - Location Plan                             |
|                         | Figure 2 - Aerial Photo                              |
|                         | Figure 3 - Filled Area Photo                         |
|                         | Figure 4 - Consultation Plan                         |
|                         | Figure 5 - Existing Landscape Supply Yard Photo      |

## Purpose of Report

To consider an application seeking Planning Approval for a Landscape Supply Yard (Hardstand) on Lot 455 (No.3) Pug Road, Baldivis.
Background

In November 2009, the City approved an application for a Landscape Supply Centre (Earth and Stone) in the south east corner of the site.

In November 2010, City Officers observed trucks depositing imported soil on the site.
In December 2010, the City instructed the owners that the importation of the fill was unlawful and required Planning Approval pursuant to the City's Town Planning Scheme (TPS2), or was required to be removed by the 5th January 2011. In January 2011, a City Officer observed more trucks depositing fill.

In January 2011, the City received a retrospective planning application for landfill on the subject site. The City requested further information from the proponent to enable assessment of the proposal. In March 2011, the City deemed the application to have been refused, pursuant to clause 6.10 of TPS2, because a decision in respect of the application had not been conveyed to the proponent within 60 days.

In September 2011, Lorian Nominees Pty Ltd advised the City that it did not consider the filling of land required Planning Approval and was not contaminated soil because it was sourced from a Stakehill Road Quarry.

In September 2011, the City instructed its solicitors to commence legal action against Lorian Nominees Pty Ltd. At the Court Hearing held in April 2012, a representative from Lorian Nominees Pty Ltd entered a guilty plea. The Court imposed a fine of $27,500 and ordered Lorian Nominees Pty Ltd to pay the City's legal costs in the amount of $3,500.

The City subsequently received an application for Planning Approval for a Hardstand Area for Storage and Transport. In October 2012, the application was refused by the City, as it was classified as a ‘Contractors Yard’ which is a use that is not permitted (‘X’) in the Rural zone.

In November 2011, the City received a further application for a Landscape Supply Yard, which is the subject of this report.

**Details**

The proponent seeks Planning Approval to use a Hardstand area as a Landscape Supply Centre. The details of the proposal are as follows:-
- The hardstand area is 160m x 180m (2.88ha in area);
- The hardstand is to be used to store products including limestone blocks, pots, containers of mixed products, irrigation, kit form structures, soils and mulches and pre-bagged products;
- The site is a Landscape Supply Centre and will be a distribution centre for four other Garden Centres;
- No additional soil bays are proposed at this stage. The application does not include soil blending;
- The anticipated number of distribution haulage vehicles is approximately 1 to 2 vehicles per day operating from 8.30am to 5.00pm Monday to Friday. The intended entry points are from the existing crossover and one new crossover onto St Albans Road;

- Sand drift is to be suppressed with the use of a water cart and an adhesive product called gluon. The surface of the hardstand is to be constructed of 200mm of limestone and 50mm asphalt profiling; and

- A transportable building on the property, which is not shown on the submitted plan, is being used as a ‘Caretakers Dwelling’ and was therefore excluded from this application.

### Implications to Consider

#### a. Consultation with the Community

In accordance with clause 6.3.3 of TPS2 and Planning Procedure 1.3 - Community Consultation, the application was referred to four nearby owners and occupiers for comment, for a period of 14 days (see Figure 3).

At the close of the advertising period, one submission objecting to the proposal had been received from the owners of Lot 24 St Albans Road, Baldivis. The submission objected to the proposal for the following reasons:

(i) Negative Impacts of Business (i.e. noise, dust, traffic);
(ii) Poor Landscaping (i.e. existing yard); and
(iii) Potential Mosquito Impacts from drainage basin.
b. Consultation with Government Agencies

The City referred the application to the Department of Environment and Conservation (DEC) and the Department of Water (DoW) for comment. The responses are as follows:

**Department of Environment and Conservation**

The DEC advised that under the Contaminated Sites Act 2003 (CS Act 2003), it classified Lot 455 as ‘possibly contaminated – investigation required’ on 6th September 2007 and a memorial was placed on the Certificate of Title.

The DEC considers that as the land is not being developed for a more sensitive land use, the potential contamination issues can be managed under the CS Act 2003 and it has no objection to the proposed development.

**Department of Water**

The DoW provided general comments on drainage, groundwater requirements and Peel Harvey Coastal Plan Catchment issues. The DoW advised that the majority of the Lot is affected by potential flooding, because the site is located within a floodway. The obstruction caused by the proposed development was not considered to significantly impact the general flooding regime of the area. Consequently, the proposal was considered acceptable by the DoW.

In accordance with Water Quality Protection Note 90 – Organic Material – Storage and recycling, it was recommended that organic material, such as green waste or compost, is not stored on the proposed expansion area for the following reasons:

- “There should be a vertical separation distance of at least 2m from the base of the drainage pit to the maximum groundwater level. DoW advised that historically, the maximum groundwater level appears to be within 2m of the ground surface; and
- Facilities are located within the 1 in 100 year flood level.”

The DoW advised that should organic material be permitted, the organic material is to be stored in a weatherproof shelter and on low permeability hardstand.

**Comment:**

Based on the DoW Perth Groundwater Atlas, the pre-fill vertical separation on-site where the development is located had a pre-works separation of 2m to groundwater. To ensure sufficient vertical separation is maintained, any drainage should maintain a vertical separation of 2m to the highest known groundwater levels.

To ensure products stored on the hardstand do not adversely impact upon groundwater quality, any organic material must be stored in a weatherproof shelter and on low permeability hardstand (i.e. concrete or asphalt floor).

c. **Strategic**

**Community Plan**

This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

**Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.

d. **Policy**

**Rural Land Strategy**

The City’s Planning Policy 5.2, *Rural Land Strategy* (RLS) provides guidance in determining applications for development in rural areas. The subject site is within Precinct 6A of the RLS, within which the primary objective is to ensure preservation of the raw material resources in the area. The continued use of the land in accordance with the current ‘Rural’ zoning is compatible with the objective of preserving the natural resource for future extraction opportunities. Proposals for development are required to comply with the following:

- “Development shall be of a scale that minimises intrusion into the landscape.
- Development proposals are to include a Landscaping Plan detailing a proposed tree planting programme.
Revegetation priority areas along Millar, Doghill, St Albans Road, Telephone Lane, Folly Pool, Maramanup Pool and the Serpentine Main Drain and the Peel Drain.

Minimum building level 0.5m above 1:100 year flood level in areas subject to inundation as identified.

Sand pads or the like shall be graded and landscaped to the Council’s specifications.

Buildings to be setback 30m from all subdivisional roads and 10m from all other boundaries, except that a 50m landscaped buffer is required along the Kwinana Freeway reservation.”

The proposal is not compliant with the RLS requirements as the proposed land use is not consistent with the current ‘Rural’ zoning and is of a scale which intrudes into the landscape.

The Peel-Harvey Coastal Plain Catchment

The subject site is located within the Peel-Harvey Catchment Area.

The Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992 sets out environmental quality objectives for the Estuary, which if achieved will rehabilitate the Estuary and protect it from further degradation, and outline the means by which the environmental quality objectives are to be achieved and maintained.

The Council must ensure that decisions and actions are compatible with the achievement and maintenance of the environmental quality objectives. This is normally achieved if the proposal is consistent with State Planning Policy 2.1 – The Peel-Harvey Coastal Plain Catchment.

State Planning Policy No.2.1 - The Peel-Harvey Coastal Plain Catchment encourages the retention and rehabilitation of existing remnant vegetation. There is no clearing of remnant vegetation proposed and subject to compliance with the DoW requirements; the proposal is Policy compliant.

Draft South Metropolitan and Peel Sub-Regional Structure Plan (SMPSRSP).

The SMPSRSP was released for public comment in June 2009 by the Western Australian Planning Commission (WAPC), which identified the land west of the Kwinana Freeway and generally north of Kerosene Lane and south of Millar Road as ‘industrial’. It also identified land east of the Kwinana and north of Mundijong Road as ‘Industrial Investigation’. This includes the land subject of this report.

Industrial Land Strategy

In February 2010, the WAPC released the draft Industrial Land Strategy 2009 Perth and Peel. The underlying aim of the Strategy was to have a land bank which comprises a rolling 15 to 20 year industrial land release program.

In April 2012, the WAPC released the Economic and Employment Lands Strategy: non-heavy industrial Perth Metropolitan and Peel Regions. This study identified the subject land within a ‘potential non-heavy Industrial Area’, based on a medium term 4 to 10 years planning timeframe. The proposal appears to be predicated on the basis of future industrial development potential, however, the Strategy identified significant drainage constraints and further studies are needed before a decision can be made to rezone the land.

e. Financial

Nil

f. Legal and Statutory

Town Planning Scheme No.2

The land is included in the Rural zone of TPS2. The objective of the Rural zone is to preserve land for farming and foster semi-rural development which is sympathetic to the characteristics of the area in which it is located, having regards to the objectives of the Rural Land Strategy as a guide to future development within the zone.

Under TPS2, the interpretation of a Landscape Supply Yard is as follows:-

“Landscape Supply Yard: means premises used for the storage and sale in bulk of sand, soil, stone, gravel, mulch, woodchips, wood, paving slabs, limestone blocks and other such materials.”
A ‘Landscape Supply Yard’ is an ‘A’ use which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice in accordance with clause 6.3 of the Scheme. The City considers that the scale and use of the proposed Landscape Supply Yard is inappropriate on the following planning grounds:

- It is a ‘distribution centre’ for four other Garden Centres.
- The scale of the development is significantly larger than existing metropolitan landscape supply yards. The City investigated the size of fifteen Landscape Supply Yards in the metropolitan region. Of the fifteen, thirteen were between 0.5ha to 1ha in size. The two others were 1.81ha and 3.02ha and located in industrial zoned areas.
- The scale of the development (2.8ha) is such that the proposal is considered to be more appropriately located on land zoned Industrial.
- There is inadequate information provided on the submitted plans to indicate how the hardstand area will be used, because there is no layout plan of the proposal.
- The proponent intends to store products akin to a Landscape Supply Yard but its purpose is ‘storage and distribution centre’, rather than an independent Landscape Supply Yard.
- The development is likely to adversely impact on the rural character amenity of the area, which is characterised by the adjacent Special Rural zone and other land uses.
- The proposed development fails to comply with the objective of the Rural Zone in TPS2, to preserve the land for farming and foster semi-rural development which is sympathetic to the character of the area, having regard to the City’s Rural Land Strategy.
- The proponent has not clarified what ‘kit form structures’ they will sell and the sale of ‘mixed products’ has not been explained.
- Clause 4.11.2 of TPS2 requires all development to be setback a minimum of 30 metres from the primary Street (i.e. St Albans Rd) and 10 metres from all other Rural zone boundaries. The proposed development proposes a landscaping strip of six metres in width and fails to comply with this development setback requirement.

**Comments**

**Response to Submission**

**Negative Impacts of Business**

*Noise and traffic*

The proponent advised that the number of additional vehicles accessing the site will be low (1 or 2 per day). The City considers that the extra traffic is minor and can be accommodated by the existing road network. Vehicles accessing and exiting the site will use the southern section of St Albans Road and Mundijong Road linking to the Kwinana Freeway and are therefore unlikely to have a negative impact on existing residents north of the site.

*Dust*

Sand drift was an issue when the land was being filled, but is to be suppressed with the use of a water cart and an adhesive to bind the surface. The surface of the hardstand is to be constructed of 200mm of limestone and 50mm asphalt profiling.

*Poor Landscaping*

The existing Landscape Supply Yard does not include any landscaping around its perimeter to St Albans Road and is in need of improvement. The existing Landscape Supply Centre was granted Planning Approval by the Council on 25th November 2005 and included a condition which required the first ten metres of the site fronting St Albans Road and setback area to the southern boundary (Folly River Drain) being landscaped and reticulated to the satisfaction of the Council. This has not been satisfactorily achieved.
Potential Mosquito Impacts

There is an increased risk of mosquito breeding with the open style drainage basin. The proponent would need to use subsoil drainage via soakwells or similar arrangement.

Conclusion

It is recommended that the Council refuse the application for the proposed Landscape Supply Yard (Hardstand), on the basis that the development fails to comply with Town Planning Scheme No.2 and is not consistent with the objectives of Precinct 6A of the City’s Rural Land Strategy.

Voting Requirements

Simple Majority

Officer Recommendation

That Council REFUSE the application seeking Planning Approval for a Landscape Supply Yard (Hardstand) at Lot 455 (No.3) Pug Road Baldivis, subject to the following reasons:

1. The proposed development fails to comply with the objective of the Rural Zone in Town Planning Scheme No.2, to preserve the land for farming and foster semi-rural development which is sympathetic to the character of the area, having regard to the City’s Rural Land Strategy.

2. The proposed Landscape Supply Yard extension would serve a different purpose as a distribution centre for four other Garden Centres and is of a scale (2.8ha) that would adversely affect the amenity of the area.

Committee Recommendation

That Council REFUSE the application seeking Planning Approval for a Landscape Supply Yard (Hardstand) at Lot 455 (No.3) Pug Road Baldivis, subject to the following reasons:

1. The proposed development fails to comply with the objective of the Rural Zone in Town Planning Scheme No.2, to preserve the land for farming and foster semi-rural development which is sympathetic to the character of the area, having regard to the City’s Rural Land Strategy.

2. The proposed Landscape Supply Yard extension would serve a different purpose as a distribution centre for four other Garden Centres and is of a scale (2.8ha) that would adversely affect the amenity of the area.

Committee Voting – 4/0
The Committee’s Reason for Varying the Officer’s Recommendation

Not applicable

Implications of the Changes to the Officer’s Recommendation

Not applicable

4.45pm - Mr Andrew Hammond, Chief Executive Officer left the Planning Services Committee meeting.
13. **Matters Behind Closed Doors**

The Chairperson advised that the Committee would proceed behind closed doors to consider Item SP-067/12 - Reconsideration of Liberal Party Signage - State Administrative Tribunal.

That the meeting proceed behind closed doors, in accordance with Section 5.23(2)(d) and (h) of the Local Government Act 1995.

Carried - 4/0

4.45pm - Members of the Gallery left the Planning Services Committee meeting.

## Statutory Planning

**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)(d) & (h) of the Act

### Planning and Development Services

**Statutory Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-067/12 Reconsideration of Liberal Party Signage - State Administrative Tribunal</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>28/535</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Ben Morton, Liberal Party of Australia (WA Division) Inc.</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>19th November 2012</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>June 2012 (SP-040-12)</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 6 (No.180) Safety Bay Road (Cnr Scott Road), Safety Bay.</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>1002m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Commercial</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
</tbody>
</table>
## Attachments:

**Maps/Diagrams:**
- Figure 1 - Location Plan
- Figure 2 - Signage of previous occupant
- Figure 3 - Existing Wall sign Roof Sign facing north
- Figure 4 - Existing Wall and Roof Signage facing west and south
- Figure 5 - Existing Pylon Sign
- Figure 6 - Proposed Option 1 Wall Sign
- Figure 7 - Proposed Option 2 Wall Sign
- Figure 8 - Proposed Roof Sign

## Voting Requirements

**Simple Majority**

### Officer Recommendation

That Council **GRANT** Planning Approval, upon review of its decision, to permit the revised Donna Gordin Wall Sign (Option 1) and modified Roof Sign, and other associated Campaign Office Signage on Lot 6 (No.180) Safety Bay Road, Safety Bay.

### Committee Recommendation

That Council **GRANT** Planning Approval, upon review of its decision, to permit the revised Donna Gordin Wall Sign (Option 1) and modified Roof Sign, and other associated Campaign Office Signage on Lot 6 (No.180) Safety Bay Road, Safety Bay.

Committee Voting – 4/0

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

Not applicable

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

Not applicable

That the meeting be reopened to the public.

Carried - 4/0

4.50pm - The meeting was reopened to the public. No members of the public were present, therefore the recommendation passed behind closed doors was not read aloud.
### 14. Reports of Councillors

The Chairperson provided a brief verbal report on his attendance at ICLEI's "Thriving Communities" Conference in Melbourne the previous week, relating his view on the town planning being carried out in Rockingham to industry "best practice", based on the outcomes of the conference papers. The Chairperson advised that he would be submitting a written report in due course.

### 15. Addendum Agenda

**Nil**

### 16. Motions of which Previous Notice has been given

**Nil**

### 17. Notices of Motion for Consideration at the Following Meeting

**Nil**

### 18. Urgent Business Approved by the Person Presiding or by Decision of the Committee

**Nil**

### 19. Date and Time of Next Meeting

The next Planning Services Committee Meeting will be held on **Monday 3rd December 2012** in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.

### 20. Closure

There being no further business, the Chairperson thanked those persons present for attending the Planning Services Committee meeting, and declared the meeting closed at **5.00pm**.