MINUTES
Planning and Engineering Services Committee Meeting
Held on Monday 15 February 2016 at 4:00pm
City of Rockingham Boardroom
# City of Rockingham
## Planning and Engineering Services Committee
### Meeting Minutes
#### Monday 15 February 2016

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**Planning and Engineering Services Committee Minutes**

**Monday 15 February 2016**

**PDS-011/16** Notice of Motion – Investigate Opportunities to Streamline the City’s Business Approval Processes to Facilitate the Establishment and Growth of Small Businesses in Rockingham 113

**PDS-012/16** Notice of Motion – Draft Planning Policy - Flagpoles in Residential Areas 116

**Engineering and Parks Services**

**EP-004/16** Notice of Motion – The Chief Executive Officer to provide a report to Council on options to upgrade the temporary pedestrian access along Surf Drive from Warnbro Sound Avenue, including the provision of street lighting 119
1. **Declaration of Opening**

The Chairperson declared the Planning and Engineering Services Committee Meeting open at **4.00pm**, welcomed all present, and delivered the Acknowledgement of Country.

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

2.1 **Councillors**

Cr Chris Elliott (Chairperson)
Cr Matthew Whitfield
Cr Deb Hamblin (Deputy Mayor)
Cr Katherine Summers
Cr Barry Sammels (Mayor)
Cr Justin Smith (Observer)
Cr Lee Downham (Observer)

2.2 **Executive**

Mr Andrew Hammond (Chief Executive Officer)
Mr Bob Jeans (Director Planning and Development Services)
Mr John Woodhouse (Director Legal Services and General Counsel)
Mr Chris Thompson (Director Engineering and Parks Services)
Mr Peter Ricci (Manager Major Planning Projects)
Mr Brett Ashby (Manager Strategic Planning and Environment)
Mr Richard Rodgers (Manager Building Services)
Mr Mike Ross (Manager Statutory Planning)
Mr Rod Fielding (Manager Health Services)
Mr Ian Daniels (Manager Engineering Services)
Mr Kelton Hincks (Manager Asset Services)
Mr James Henson (Manager Parks Development)
Mr Adam Johnston (Manager Parks Operations)
Mr Allan Moles (Manager Integrated Waste Services)
Ms Melinda Wellburn (PA to Director Planning and Development Services)

2.3 **Members of the Gallery:**

4

2.4 **Apologies:**

Nil

2.5 **Approved Leave of Absence:**

Nil

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

Nil

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 14 MARCH 2016

PRESIDING MEMBER
<table>
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<th>Time</th>
<th>Public Question Time</th>
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<td>4.01pm</td>
<td>The Chairperson invited members of the Public Gallery to ask questions.</td>
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<tr>
<td>4.1</td>
<td>Mrs Janice Harwood, No.22 Ukich Place, Baldivis - PDS-007/16 - Proposed Structure Plan - Lots 316 and 1340 Stakehill Road, Karnup (Karnup Phase One)</td>
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</tbody>
</table>

The Chairperson invited Mrs Harwood to present her questions to the Planning and Engineering Services Committee. Mrs Harwood asked the following questions:

1. Why weren't all the residents affected by the upgrade to Stakehill Road notified when the information was sent out last year?

The Chairperson advised that the upgrade of Stakehill Road was not part of the Concept Plan, although affected by it and that the Report did mention some aspects of Stakehill Road.

The Chairperson also advised that this item is going to be discussed later in the meeting and that in fact, submissions were considered and people were advised of the upgrade of Stakehill Road because submissions were received.

2. The proposed Structure Plan is acceptable to Main Roads. What does that mean?

The Chairperson advised that there will be further planning done on Stakehill Road and that there may well be consultation on that.

The Director, Planning and Development Services advised that the proposal to upgrade Stakehill Road forms part of the Sub-Regional Planning Framework. Should this proposal proceed through to a formal Metropolitan Region Scheme Amendment (including a requirement to widen Stakehill Road) to include the reservation in the Metropolitan Region Scheme, that would include a public consultation period.

3. What does "Village Urban" mean and what will be built there?

Mr Brett Ashby, Manager Strategic Planning and Environment advised that the plan is a Concept Plan and it typically indicates a medium density of development with smaller lots and an urban type appeal.

4. The proposed Structure Plan identifies areas for commercial development. What will be built there? What about possible noise from equipment and impacts of future development?

Mr Brett Ashby, Manager Strategic Planning and Environment advised that it is proposed as a Neighbourhood Centre which will be a retail centre to serve the local community. Mr Ashby further advised that potential impacts on amenity, including noise, would be considered in assessment of any development applications for the Neighbourhood Centre.

The Chairperson advised Mrs Harwood that her further questions to the City would be taken on notice and responses would be provided at a later date.

5. Page 6 indicates that the propose Structure Plan was advertised on 18 December 2015 and documentation sent to residents for submissions. Although the upgrade to minor roads was mentioned why was the upgrade to Stakehill Road not mentioned in this documentation?

Taken on notice.

6. Is Council aware that The Sound Telegraph does not deliver to the area proposed as Rural Residential.

Taken on notice.
7. Page 7(I) "Stakehill Road will need to be upgraded to accommodate anticipated traffic."

Are Council aware that the submissions detailed on Page 7, 8, 9 and 10 are based on the information sent to residents regarding the Phase One Structure Plan. As previously outlined the residents were unaware of Stakehill Road upgrade. Is the CoR going to seek further submissions from those residents having the knowledge now that the Stakehill Road upgrade was omitted?

Taken on notice.

8. Page 10 Construction of a wall to protect land owners north of Stakehill Road from noise generated from Stakehill Road was declined.

Is Council aware that there is not only a noise issue but a safety issue in terms of vehicles leaving the road at high speed onto residents properties?

Taken on notice.

9. What are the future development plans for the Chicken Farm land? Will CoR ensure that and developments do not affect our rural lifestyle?

Taken on notice.

10. Page 15 DOP does not support the proposal subject to:

1. Review of the 42m road reservation for the ultimate form of Stakehill Road and consideration of the 50-52m reservation in accordance with the Integrator A type road as outline in LN should the road functions require it. Further justification is required should the reservation remain at 42m as proposed.

Proponents response:

2. Disagree. The road reserve for Stakehill Road was developed with CoR considering its future planning and function. The detailed justification for the proposed 42m road reserve is included in the update TA report (refer section 4.1 of the updated TA report). Sufficient land for required road reserve widening will be made available along the southern side of Stakehill Road, however, LandCorp has the expectation that the landowners to the north of Stakehill Road will provide adequate compensation to LandCorp in lieu of widening of the reservation to the north of Stakehill Road and the land that these landowners would otherwise have to give up.

Is the CoR aware that if land is "provided" by landowners to the north of Stakehill Road that one owner would not be able to get out of their front door and the other would have their house demolished? Why is the CoR not considering the proposal to upgrade the road in context with the rezoning of the Rural Residential area? Will the CoR support and enhance the lifestyle of the RR area by considering relocating the section of Stakehill Road along the proposed RR area?

Taken on notice.

11. Will the CoR look at providing a 50m buffer zone for the RR area and not just on the new side of the road?

Taken on notice.

12. Can the CoR ask that the residents of the affected areas be involved in the DOP and MR planning processes?

Taken on notice.
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| 13. | Our property is 150m from the Avocado Farm and does not meet the HD current requirements for a 500m buffer. Can the CoR provide me with the details of the name of the HD officer who completed this report so that we can have further investigations why we are being exposed to poisonous chemicals. As residents of the proposed RR area we ask if CoR can give us the same care and consideration in any planning processes that affects us. At the moment I believe we are being looked at as just an Environmental Buffer. Why is the CoR allowing the Avocado Farm to operate next to us using highly toxic chemicals especially the "bombs" needed for avocados and now only concerned when this development is proposed?  
*Taken on notice.* |
| 14. | Page 20 Map from draft South Metropolitan and Peel Sub-Regional Planning Framework.  
Why does this map which available for public submissions not have road names? Does the CoR think this is easy for the average person to interpret?  
*Taken on notice.* |

**5. Confirmation of Minutes of the Previous Meeting**

Moved Cr Hamblin, seconded Cr Summers:

That Committee **CONFIRMS** the Minutes of the Planning and Engineering Services Committee Meeting held on 18 January 2016, as a true and accurate record.  
Committee Voting – 5/0

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

6.1 **Cr Whitfield - Unauthorised Car Dealership**  
Cr Whitfield requested an update on the possible unauthorised car dealership on Baldivis Road, which he tabled at the January 2016 Committee meeting which Mr Mike Ross, Manager Statutory Planning agreed to investigate and respond.

6.2 **Cr Whitfield - SmartWatch Drivers**  
Cr Whitfield queried the number of SmartWatch drivers employed by the City and the services provided. Mr Andrew Hammond, Chief Executive Officer and Mr Rod Fielding, Manager Health Services provided responses.

**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**

Nil
## 11. Bulletin Items

### Planning and Development Services Information Bulletin – February 2016

#### Health Services

1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial and Commercial Waste Monitoring
   3.3 Mosquito Control Program
   3.4 Environmental Waters Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls
   4.3 Food Premises Inspections
   4.4 Public Building Inspections
   4.5 Outdoor Public Event Approvals
   4.6 Permit Approvals
   4.7 After Hours Noise and Smoke Nuisance Complaint Service
   4.8 Complaint - Information
   4.9 Noise Complaints - Detailed Information
   4.10 Animal Exemptions
   4.11 Building Plan Assessments
   4.12 Septic Tank Applications
   4.13 Demolitions
   4.14 Swimming Pool and Drinking Water Samples
   4.15 Rabbit Processing
   4.16 Hairdressing and Skin Penetration Premises
   4.17 New Family Day Care Approvals
   4.18 Emergency Services
   4.19 Social Media
   4.20 Bush Fire Hazard Reduction
   4.21 Prohibited Burning Period
   4.22 Customer Requests Emergency Service Team
   4.23 Ranger Action Reports
   4.24 SmartWatch - Key Result Area - Visibility
   4.25 Key Result Area - Engagement with Community
   4.26 Key Result Area - Increasing Perception of Safety
   4.27 Notable Statistics

#### Building Services

1. Building Services Team Overview
2. Human Resource update
3. Project Status Reports
4. Information Items
   4.1 Monthly Building Permit Approvals - (All Building Types)
   4.2 Private Swimming Pool and Spa Inspection Program
   4.3 Demolition Permit
   4.4 Permanent Sign Licence
   4.5 Community Sign Approval
   4.6 Street Verandah Approval
   4.7 Occupancy Permits
### Strategic Planning and Environment
1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   - Local Planning Strategy (LUP/1352)
   - Water Campaign (EVM/56-02)
   - Karnup District Structure Plan (LUP/1546)
   - Cockburn Sound Coastal Alliance – Vulnerability & Flexible Adaptation Pathways Project Stage 3 (EVM/149)
4. Information Items
   - Delegated Advertising of Proposed Structure Plans

### Statutory Planning
1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   - Planning Products via the Web formerly eDA
4. Information Items
   - Land Use – Planning Enforcement
   - Subdivision/Development Approval and Refusals by the WAPC
   - Notifications and Gazettals
   - Subdivision Clearances
   - Subdivision Survey Approvals
   - Subdivision Lot Production
   - Delegated Development Approvals
   - Delegated Development Refusals
   - Delegated Building Envelope Variations
   - Subdivision/Amalgamation Approved
   - Strata Plans
   - Subdivision/Amalgamation Refused

### Planning and Development Directorate
1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   - Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08)
   - Northern Smart Village Sector – Masterplan, Development Policy Plan and Proposed Amendment No's.161 and 162 to Town Planning Scheme No.2
   - Eastern Sector - Masterplan, Development Policy Plan and Scheme Amendment
   - Southern Gateway/Rockingham Station Sector – Masterplanning, Development Policy Plan and TPS (LUP/1846 & LUP/1847)
   - ‘Mangles Bay Marina’
4. Information Items
   - Metropolitan Region Scheme Amendment Metropolitan Region Scheme Amendment 1297/57 - Proposal 31 ‘Kwinana Loop Railway’

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**Advisory Committee Minutes**
Committee Recommendation

Moved Cr Whitfield, seconded Cr Sammels:
That Councillors acknowledge having read the Planning Services Information Bulletin – February 2016 and the content be accepted.

Committee Voting – 5/0

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<td>4.3 Road Construction Program Federal Black Spot 2015/2016</td>
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<td>4.9 Road Maintenance Program 2015/2016</td>
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| **Parks Development** |  
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| 1. Parks Development Team Overview |  
| 2. Human Resource Update |  
| 3. Project Status Reports |  
| 3.1 Secret Harbour Emergency Access Path |  
| 3.2 Rockingham Foreshore Management Plan |  
| 3.3 Lewington Reserve Environmental Management Plan Review |  
| 3.4 Tamworth Hill Swamp, Revegetation |  
| 3.5 City Parks - Central Irrigation Management System |  
| 3.6 Laurie Stanford Irrigation Upgrade |  
| 3.7 Laurie Stanford Practice Cricket Net Replacement |  
| 4. Information Items |  
| 4.1 Groundwater Monitoring |  
| 4.2 Kulija Road Environmental Offsets |  
| 4.3 Climate Change Mitigation |  
| 4.4 Lake Richmond Heritage Listing |  
| 4.5 Dixon Road Conservation Reserve AAG Funding |  
| 4.6 Urban Water Management Referrals |  
| 4.7 Structure Plan Approval Referrals |  
| 4.8 Subdivision Approval Referrals |  
| 4.9 Development Application Referrals |  
| 4.10 Delegated Subdivision Public Open Space Practical Completion |  
| 4.11 Delegated Subdivision Public Open Space Handovers |  
| 4.12 Delegated Public Open Space Approvals |  
| 4.13 Memorial Seat Approvals |  

| **Parks Operations** |  
| --- | --- |
| 1. Parks Operation Team Overview |  
| 2. Human Resource Update |  
| 3. Project Status Reports |  
| 3.1 Beach Lookout Replacement - Secret Harbour Foreshore |  
| 3.2 Baldivis Nature Reserve, Install Formal Limestone Access Path (Greening Plan) |
### Asset Management

1. Asset Management Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Drainage data collection
   - 3.2 Road Condition Inspection and Modelling
   - 3.3 Lighting Consultants (Technical Planning/Design, Underground Power Program)
   - 3.4 Major Project Property Development Planning (Design Modifications/Tender Planning/Structural Testing)
4. Information Items
   - 4.1 Asset Management Improvement Strategy
   - 4.2 Asset Systems Management
   - 4.3 Solar Power
   - 4.4 2015/2016 Public Area Lighting and Arterial Lighting
   - 4.5 Secret Harbour Surf Life Saving Club – Renovation
   - 4.6 Lark Hill Sub Metering
   - 4.7 Baldivis Reserve Toilet Replacement
   - 4.8 Rockingham Day Care Fire Panel Replacement
   - 4.9 Eighty Road Reserve Club Facility
   - 4.10 Laurie Stanford Reserve Development
   - 4.11 Rhonda Scarrott Reserve Development
   - 4.12 Safety Bay Tennis Club – Reroofing and General Renovations
   - 4.13 Administration Building Exterior Render Repairs
   - 4.14 Aqua Jetty – Tiling of external 50m Pool

### Building Maintenance

1. Building Maintenance Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   - 4.1 Building Renewals
   - 4.2 Parks Renewals
   - 4.3 Electrical/Lighting Renewals
   - 4.4 Building Maintenance
   - 4.5 Graffiti Removal Monthly Statistics
   - 4.6 Graffiti Removal Annual Statistics
   - 4.7 Lighting Inspections

### Waste Services

1. Waste Services Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Introduction of 3 Bin Collection System Including Roll Out of 360 Litre Recycling Bins
4. Information Items
   - 4.1 Kerbside Collection
   - 4.2 Bulk Verge Collection
4.3 Waste Diversion Percentage

**Millar Road Landfill and Recycling Facility**
1. Millar Road Landfill and Recycling Facility’s Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Landfill Access Road and Associated Internal Roads
   3.2 Cell Construction – Cell 16
   3.3 New Leachate Dams
4. Information Items
   4.1 Tip Passes
   4.2 Landfill Statistics
   4.3 Waste Education and Promotion

**Advisory Committee Minutes**

**Committee Recommendation**

*Moved Cr Whitfield, seconded Cr Sammels:*

That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – February 2016 and the content be accepted.

Committee Voting – 5/0
12. Agenda Items

### Planning and Development Services

**Plan and Development Services**

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<th>Reference No &amp; Subject:</th>
<th>PDS-004/16 Proposed Dog Exercise Areas – Secret Harbour</th>
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<tbody>
<tr>
<td>File No:</td>
<td>CUS/8-06</td>
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<tr>
<td>Risk Register No:</td>
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<tr>
<td>Applicant:</td>
<td>Mr Michael Howes, Coordinator Ranger Services</td>
</tr>
<tr>
<td>Owner:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>August 2015, September 2015, October 2015 (PDS-045/15)</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Various Public Open Space Reserves in Secret Harbour</td>
</tr>
<tr>
<td>Site:</td>
<td></td>
</tr>
<tr>
<td>Lot Area:</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td></td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
</tbody>
</table>
| Maps/Diagrams:         | 1. Bonaparte Reserve - Lot 8002 Bonaparte Drive (Reserve No. 48561)  
                          2. Coffs Bend - Lot 8002 Coffs Bend (Reserve No. 48356)  
                          3. Yampi Vale Reserve - Lot 8001 Yampi Vale (Reserve No. 48063)  
                          4. Tuart Park - Lot 4886 Bluestone Parkway (Reserve No. 47615)  
                          5. Existing and Proposed Dog Exercise Areas – Secret Harbour |

**Purpose of Report**

To declare parks and reserves within Secret Harbour as Dog Exercise Areas, following a public consultation process.
Background

At the August 2015 Council Meeting a Notice of Motion was presented to Council by Cr Chris Elliott. This Notice of Motion requested the Chief Executive Officer (CEO) to investigate areas within Secret Harbour that could be considered suitable to be declared as Dog Exercise Areas.

Council, at its September 2015 meeting, resolved that the CEO prepare a report on suitable parks and reserves within Secret Harbour that could be considered for declaration as Dog Exercise Areas.

This report was subsequently completed and at the October 2015 Council Meeting four reserves were identified as being suitable. Council supported the proposed reserves for the purpose of public consultation.

This report outlines the investigation, identifies suitable areas to be declared Dog Exercise Areas and provides the results of the public consultation that was conducted.

For reserves to be considered suitable, the following criteria were used:

1. They must be of an adequate size - to ensure that there is sufficient space for dogs to run off-leash;
2. Compatibility with adjacent park activities - ensuring incompatible uses such as playgrounds, sports areas, BBQ facilities are not co-located. This can be obtained via physical or natural barriers or adequate distance;
3. Where possible, minimal internal pathways - to ensure that the interaction between dogs and recreational users of the reserve is kept to a minimum;
4. Proximity to other reserves and parks that are not declared dog exercise areas. There must be an adequate mix between areas where people can go to exercise dogs off leash and areas which can be utilised by the general public; and
5. Other considerations - possibility of flooding, natural water features, drainage reserves, form and layout.

The following four reserves were identified as fitting the above criteria.

1. Bonaparte Reserve - Lot 8002 Bonaparte Drive (Reserve No.48561)
2. Coffs Bend - Lot 8002 Coffs Bend (Reserve No.48356)

3. Yampi Vale Reserve - Lot 8001 Yampi Vale (Reserve No.48063)
4. Tuart Park - Lot 4886 Bluestone Parkway (Reserve No. 47615)

**Details**

Nil

**Implications to Consider**

a. **Consultation with the Community**

In accordance with Section 1.7 of the Local Government Act 1995 the City has given local public notice of its intention to specify dog exercise areas.

The public consultation period for the proposed Dog Exercise Areas began on 4 November 2015 and closed on 2 December 2015.

Consultation included the following:

- A Public Notice advertised in the Sound Telegraph on 4 November 2015;
- A Public Notice and Information posted on the City’s website;
- A Public Notice being posted on noticeboards at the Administration Building and all Local Public Libraries;

The majority of the submissions received related to requests for an enclosed (fenced) dog exercise area. Without a park or reserve first being declared a dog exercise area it will not be possible to implement an enclosed dog area within Secret Harbour. In the future if an enclosed dog area is proposed for Secret Harbour there will be reserves available which will enable an enclosed dog park to be established.

The following submissions were received on the proposed Dog Exercise Areas as a result of the Public Notice.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 14 MARCH 2016

<table>
<thead>
<tr>
<th>Community Member</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sue Yuill</td>
<td>An enclosed dog exercise area would be more beneficial in Secret Harbour.</td>
<td>If the reserves are approved an enclosed area can then be considered.</td>
</tr>
<tr>
<td>Nichola Adams</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Simon Ashworth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laura Hughes</td>
<td>Tuart Park is frequently used families and is not ideal for dogs to be off leash.</td>
<td>This reserve has been removed from the Officer Recommendation. Refer to comments section.</td>
</tr>
<tr>
<td>Suzanne Aitken</td>
<td>Tuart Park is surrounded by busy roads and is frequently used for weddings/local events.</td>
<td></td>
</tr>
<tr>
<td>Kathryn Ashworth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greg Jackson</td>
<td>Bonaparte Drive Reserve is used daily by children for recreational purposes.</td>
<td>Bonaparte Reserve was one of the few that met all criteria. If there are ongoing issues it can be removed at a later date.</td>
</tr>
<tr>
<td>Debbie Davis</td>
<td>Bonaparte Drive reserve already poorly maintained and has severe drainage problems.</td>
<td></td>
</tr>
<tr>
<td>Joanne Paddon</td>
<td>Does not want Swanbourne Reserve to be declared a dog exercise area.</td>
<td>Swanbourne reserve is not currently a dog exercise area and is not proposed in this report.</td>
</tr>
<tr>
<td>Lisa Rasmussen</td>
<td>Yampi Vale reserve is small and currently has no bins available for dog owners to remove excrement. Also concerned about off leash dogs not being under effective control.</td>
<td>The Rangers will be increasing patrols to ensure that people comply with the Dog Act 1976.</td>
</tr>
<tr>
<td>Kelly</td>
<td>Supports introduction of more dog exercise areas in Secret Harbour.</td>
<td></td>
</tr>
</tbody>
</table>

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

Aspiration B: Strong Community

Strategic Objective: Services and Facilities - Community facilities and services that accommodate contemporary community expectation and are justified, well used, cost-effective and, where appropriate, multi functional.

Strategic Objective: Safety and Support - A community that feels safe and secure in home, work and leisure environments, and has access to a range of effective support services and partnerships when encountering challenging or difficult times.
d. **Policy**
   
   Not Applicable

e. **Financial**
   
   Signage for all three reserves is estimated at a cost of $500.

f. **Legal and Statutory**

   Section 31 of the Dog Act 1976 specifies that a local government may determine (by absolute majority) both dog exercise and dog prohibited areas.

   "31. Control of dogs in certain public places

   (2B) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited

   (3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area."

g. **Risk (High/Extreme)**

   Nil

**Comments**

The suburb of Secret Harbour is characterised by low density residential development with small local and neighbourhood public open spaces. There are minimal numbers of reserves within Secret Harbour that are suitable as proposed Dog Exercise Areas. Most have infrastructure such as playgrounds which results in them being inappropriate

Tuart Park was proposed as a Dog Exercise Area, however, after further investigation and consideration of submissions it is proposed to remove this reserve from the Officer Recommendation. Although there is a large grassed area that was considered appropriate for dogs to be exercised off-leash, there is also infrastructure within other areas of the park where it is not considered appropriate for dogs to be off-leash.

If the recommended reserves are approved as Dog Exercise Areas, the number of declared reserves within Secret Harbour will rise from one to four, as shown below.
5. Existing and Proposed Dog Exercise Areas – Secret Harbour

**Voting Requirements**

Absolute Majority

**Officer Recommendation**

That Council *DECLARES* the following reserves as Dog Exercise Areas:

1. Bonaparte Reserve - Lot 8002 Bonaparte Drive (Reserve No.48561)
2. Coffs Bend - Lot 8002 Coffs Bend (Reserve No.48356)
3. Yampi Vale Reserve - Lot 8001 Yampi Vale (Reserve No.48063)

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Hamblin:

That Council *DECLARES* the following reserves as Dog Exercise Areas, for a trial period of 12 months, after which it will be reviewed:

1. Bonaparte Reserve - Lot 8002 Bonaparte Drive (Reserve No.48561)
2. Coffs Bend - Lot 8002 Coffs Bend (Reserve No.48356)
3. Yampi Vale Reserve - Lot 8001 Yampi Vale (Reserve No.48063)

Committee Voting – 5/0

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

To enable community input into the use of the reserves as Dog Exercise Areas.

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

Not Applicable
## Purpose of Report

To consider a proposed Structure Plan over Lot 123 Pike Road, Baldivis, following the completion of public advertising. The proposal represents an amendment to the 'Baldivis Grove' Structure Plan (Lot 335 Eighty Road and Lots 1001 and 3001 Pike Road, Baldivis), in that it is intended to expand the 'Baldivis Grove' Structure Plan to include Lot 123 Pike Road.

## Details

### Description of the Proposal (As Advertised)

The structure plan area is located on the northern side of Pike Road, to the east of Mandurah Road. The land to the north and east of the structure plan area is zoned Development (‘Baldivis Grove’ residential estate). The land to the south is predominantly zoned Special Residential and Special Rural, whilst the land to the west is zoned Rural (see Figure 1).
1. Location Plan

The proposed Structure Plan includes the following elements (refer to Figures 2 and 3):
- Residential densities ranging from RMD25 - RMD40 proposed to facilitate development of approximately 54 dwellings; and
- A 4,891m² parcel of Public Open Space.
2. Advertised Structure Plan Map
3. Advertised Development Concept Plan

Implications to Consider

a. Consultation with the Community

Advertising Methodology

The proposed Structure Plan was advertised for a period of 28 days, commencing on 20 November 2015 and concluding on 18 December 2015. Public advertising was carried out in the following manner:

- 9 nearby land owners (as shown on properties with a yellow border on Figure 4), servicing agencies and the Baldivis Residents Association were notified of the proposal in writing and invited to comment;
- The Applicant erected one (1) sign on site on Pike Road advertising the proposed Structure Plan;
- A notice was placed in the Weekend Courier newspaper on 20 November 2015; and
- Copies of the proposed Structure Plan and relevant documents were made available for inspection at the City's Administrative Offices and placed on the City's website.

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

Public Submissions: Following the close of the advertising period, the City had received four (4) submissions from nearby landowners.

A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment to this Report). The content of the issues raised in these submissions are summarised and addressed as follows:

<table>
<thead>
<tr>
<th>Environment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission:</td>
</tr>
<tr>
<td>Applicant's Response:</td>
</tr>
<tr>
<td>City's Comment:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The structure plan does not identify significant trees for retention and integration into the estate, despite many large Jarrah and Tuart trees being present that provides feeding, roosting and nesting habitat for endangered Black Cockatoos.</td>
</tr>
</tbody>
</table>
Applicant’s Response:
The site is parkland cleared with only a small number of trees remaining in it. Due to the earthworks required as per points above there is little chance of retaining trees.

The subject area is largely parkland cleared, with little to no understorey present. The vegetation holds minimal ecological value due to its degraded nature, however there are some large eucalypts present. A habitat tree survey was undertaken (27 May 2015) to identify the trees on site that may have value as fauna habitat, particularly for black cockatoos (including Carnaby’s black cockatoos, Baudin’s black cockatoos and forest red-tailed black cockatoos). Where possible, trees will been retained in the eastern POS. It should be noted that no signs of cockatoo breeding or foraging were identified during the survey.

City’s Comment:
The site was included as part of an omnibus Metropolitan Region Scheme (MRS) Amendment for various lots across Baldivis and surrounds. The EPA assessed the proposed change in land use associated with the amendment and determined the amendment to be ‘Not Assessed – Advice Given’ in October 2006.

The advice was in response to potential environmental issues of vegetation and flora, as contained below:

“Aerial photography of the site indicates the subject land is sparsely vegetated. All native vegetation should be preserved as far as practicable during and after clearing for site works and to accommodate the proposed subsequent urban development. Measures should be taken to ensure the identification and management of any significant vegetation on site worthy of retention prior to the commencement of site works” – EPA, 2006.

Black Cockatoo Habitat

Coterra Environment was commissioned by Spatial Property Group to prepare an Environmental Summary Report (ESR) to provide a detailed description of the existing environment and outline proposed management measures to effectively manage or mitigate any potential environmental impacts resulting from the implementation of the development.

Lot 123 has historically been parkland cleared and used for the grazing of horses. A desktop review using the City’s Intramaps indicates that a large number of mature trees remain on the Lot. Historically, the vegetation was representative of the regional Cottesloe Complex – Central and South – Mosaic of woodland of Eucalyptus Gomphocephala (Tuart) – Eucalyptus Marginata (Jarrah) – Corymbia Calophylla (Marri); closed heath on the limestone outcrops.

The ESR concluded the site presents a suitable habitat for the following significant fauna species that are listed as vulnerable or endangered under the Environmental Protection and Biodiversity Conservation Act 1999:

- Calyptorhynchus Baudinii (Baudin’s Black Cockatoo);
- Calyptorhynchus Latirostris (Carnaby’s Black Cockatoo);
- Calyptorhynchus Banksii subp. Naso (Forest Red-tailed Black Cockatoo); and
- Merops Ornatus (Rainbow Bee Eater).

The ESR acknowledges that mature Tuart and Jarrah trees can support roosting, feeding and/or breeding requirements of the abovementioned three Black Cockatoo species. As such, remnant mature trees within the subject area may provide some habitat opportunities for Black Cockatoo species. It is however unlikely that the Rainbow Bee Eater will utilise the site at habitat, this is due to the highly disturbed nature of the site.

A site visit conducted by Coterra found approximately 30 trees that may provide breeding, roosting and foraging habitat to Black Cockatoos. Some of the larger eucalypts were found to contain hollows, in some cases inhabited by bees. No evidence of foraging or breeding (chewed nuts/cones, hollows with outer edge scratchings etc.) was observed during the site visit. Despite this, both submissions attest to Black Cockatoos using these trees for breeding, roosting and foraging since they took up residence at Lot 122 in 1991.
A site visit conducted by City Officers on 18 January 2016 revealed that the site contains numerous potential breeding trees for Carnaby’s Black Cockatoo. A potential breeding tree is defined as a Jarrah, Tuart or Marri tree with a diameter greater than 500mm at breast height, regardless of whether the tree has a hollow or not. The majority of the potential breeding trees were located outside of the proposed Public Open Space reservations and there was no evidence of any beehives within the hollows.

As such, it is recommended that the applicant undertakes a Tree Survey to determine the number of trees on the site with a diameter at breast height that is greater than 500mm. This survey is essential for determining the location of the habitat value areas and how much of these areas are to be cleared as a result of the proposed development, as this is currently not clear.

The accurate mapping of significant trees will assist in ensuring that the POS is appropriately located to accommodate identified trees and other opportunities for retaining significant trees within the structure plan area.

The trees identified in the Tree Survey will be treated in accordance with Australian Standard AS 4970(2009) – Protection of Trees on Development Sites. The same standard will apply to all of the trees within the proposed Public Open Space reservation.

**Recommendation:**

It is recommended that the applicant prepare a Tree Survey to determine the location of trees on the site that may provide breeding, roosting and foraging habitat to Black Cockatoos.

**Submission:**

The Structure Plan Report is not informed by a Tree Survey to identify nesting, roosting and foraging habitat for Black Carnaby Cockatoos.

**Applicant’s Response:**

As per the above point, a habitat tree survey was undertaken (27 May 2015) to identify the trees on site that may have value as fauna habitat, particularly for black cockatoos. Where possible, trees will been retained in the eastern POS. It should be noted that no signs of cockatoo breeding or foraging were identified during the survey.

**City’s Comment:**

Refer to previous comments.

**Submission:**

Environmental assets should not only be identified in the appendix of the structure plan report, but represented on the structure plan map, consistent with the WAPC’s Structure Plan Framework, which requires the map to show ‘protected environmental features’.

**Applicant’s Response:**

Habitat tree mapping is provided in the Environmental Summary Report, Figure 7. The ESR is provided as a supporting document to the Structure Plan report.

**City’s Comment:**

The Structure Plan Framework (Western Australian Planning Commission, August 2015) states that as a general guide, a structure plan map is to show (amongst other things) “protected environmental and heritage features”. It is considered that the intent of this reference is to ensure that significant environmental features such as wetlands and their associated buffers are shown on structure plans.

**Submission:**

The location of the road reserve within Rural zoned land is inconsistent with the General Provisions of the ‘Rural’ zone under the Scheme:

"Clearing of Vegetation: No native or remnant vegetation shall be removed or cleared unless approved by the Council, and other than for the purpose of a fire break, fire protection within a building protection zone, dwelling, outbuilding, fence and vehicular access or where such vegetation is dead, diseased or dangerous."
### Applicant’s Response:
This point is not relevant and clearing will be undertaken through the subdivision approval process. All roads associated with the proposed development as per the structure plan are considered in terms of any necessary clearing by the City and the WAPC through the relevant approval processes.

### City’s Comment:
The Scheme provision referred to in the submission applies to the clearing of vegetation associated with a Development Application, not the clearing of vegetation associated with approved subdivisional works.

### Structure Plan Design

#### Submission:
Inappropriate rural land dependency for road to service dwellings - Lots 121 Mandurah Road and Lot 122 Pike Road.

#### Applicant’s Response:
There is a 19m wide easement in place over Lots 121 and 122 (in favour of Lot 123) allowing for a 16m wide road as agreed in previous meetings with the City of Rockingham as well as 3m for ‘working room’ to allow machinery to construct the road.

#### City’s Comment:
The structure plan proposes that the western subdivisional road be constructed on the adjoining Rural zoned land. This approach was also proposed and approved for the adjoining ‘Baldivis Grove’ structure plan.

In this regard, the City’s Rural Land Strategy provides for the adjoining land to be rezoned to Special Rural and Special Residential and the placement of the road along the boundary between the Urban and Rural land will provide access to future Special Rural/Special Residential lots, should the adjoining land ultimately be rezoned and subdivided.

As noted by the applicant, an easement exists over the title of Lots 121 and 122 (in favour of Lot 123) to provide for the proposed road.

#### Submission:
No transitional lot sizes to rural zoned land. The lots should transition in a similar manner to that applied between Woodleigh Grove and Baldivis Grove (currently under construction), where larger residential lots of 2,000sqm adjoin existing special residential land. The interface has the potential to cause
- Land use conflict;
- Sterilisation of rural land; and
- Pressure on rural land to be rezoned to a residential land use.

#### Applicant’s Response:
The requirement for the transition between Woodleigh Grove and the Australand (now Frasers) Development was required through the MRS Amendment process, there has not been a requirement for this interface. It is also consistent with the interface of the residential lots on Lot 601 Mandurah Road to the north of the subject land.

The proposal is consistent with the Urban Zoning and approved concept which was approved as part of the Australand Structure Plan.

#### City’s Comment:
The City’s Rural Land Strategy provides for the adjoining land to be rezoned to Special Rural and Special Residential. The intent of this policy position is to provide for a transition of land use and density between Mandurah Road and Eighty Road.
<table>
<thead>
<tr>
<th>Submission:</th>
<th>Location of R40 lots is provided in a questionable location and is not in close proximity to any commercial centre or public transport options.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant's Response:</td>
<td>R40 lots are proposed opposite an area of Public Open Space, which is considered an area of high amenity to support this medium density zoning. It is consistent with the locations of R40 in the adjoining approved Structure Plan. The R40 density provides for a variety of housing outcomes.</td>
</tr>
<tr>
<td>City's Comment:</td>
<td>The location of the R40 coded land adjacent to an area of high amenity such as Public Open Space (POS) meets the locational criteria set out in Liveable Neighbourhoods.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission:</th>
<th>Concern that a 16m wide road reserve is not sufficient in the context of R25 lots that can be a minimum of 300sqm and average 350sqm.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant's Response:</td>
<td>The proposed road reserve is supported in the Traffic Report which accompanied the Structure Plan.</td>
</tr>
<tr>
<td>City's Comment:</td>
<td>The road reserve widths proposed within the structure plan are suitable for the volume of traffic predicted in the Traffic Assessment Report.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission:</th>
<th>Change the density coding of adjoining residential lots to rural land to R2.5 and adjoining Pike Road to R5.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant's Response:</td>
<td>The proposal is consistent with the Urban Zoning and approved concept which was approved as part of the Australand Structure Plan.</td>
</tr>
<tr>
<td>City's Comment:</td>
<td>The City's Rural Land Strategy provides for the Rural zoned land abutting the structure plan area to be rezoned to Special Residential. The intent of this policy position is to provide for a transition of density between the Urban and Rural land.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bush Fire Management</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission:</td>
<td>The Fire Management Plan (FMP) does not adequately identify the fire threat within 100m of the site. The report does not identify the vegetation to the south of the site (south of Pike Road) and the unmanaged Western Power substation site to the east as a fire threat.</td>
</tr>
<tr>
<td>Applicant's Response:</td>
<td>The Fire Management Plan has been approved DFES, so the points above are not relevant.</td>
</tr>
<tr>
<td>City's Comment:</td>
<td>This issue is dealt with in the Comments section of this report.</td>
</tr>
</tbody>
</table>
b. **Consultation with Government Agencies**

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

- Alinta Gas
- Department of Aboriginal Affairs
- Department of Education
- Department of Environmental Regulation
- Department of Fire and Emergency Services
- Department of Health
- Department of Parks and Wildlife
- Department of Transport
- Department of Water
- Main Roads WA
- Public Transport Authority
- Telstra
- Water Corporation
- Western Power

Following the close of the advertising period, the City had received nine (9) submissions from State Agencies. A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment to this Report). The issues raised in these submissions are summarised and addressed as follows:

<table>
<thead>
<tr>
<th>Department of Water</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>The Department of Water required amendments to the Local Water Management Plan (LWMS) regarding the following sections of the report: section 2.9.1 'Groundwater Levels', section 3.3.2 'Irrigation Supply', section 4.3.3 'Infiltration Basin' and section 4.4.2 'Vegetation'.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>The applicant has submitted an amended LWMS addressing the above requirements, with the exception of section 3.3.2 'Irrigation Supply'. In this regard, the Department of Water has recently advised the applicant that a license application for groundwater extraction will need to be submitted to the Department before it will endorse the LWMS and Local Structure Plan.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department of Health</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>The City of Rockingham should also use this opportunity to minimise potential negative impacts of the mixed density developments such as noise, odour, light and other lifestyle activities. Public health impacts draw attention to those issues and they should be appropriately and adequately address at this stage. To minimise adverse impacts on the residential component, the City of Rockingham could consider incorporation of additional sound proofing/insulation, double glazing on windows, or design aspects related to location of air conditioning units and other appropriate building/construction measures.</td>
</tr>
</tbody>
</table>
Dwelling applications will be considered against the requirements of the Building Code of Australia, the Residential Design Codes and any other legislative requirements applicable on the subject land.

**c. Strategic**

**Community Plan**

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

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

**d. Policy**

**State Planning Policies**

**Directions 2031**

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

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

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

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

**Liveable Neighbourhoods**

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

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

- Element 1 - Community Design
- Element 2 - Movement Network
- Element 3 - Lot Layout
- Element 4 - Public Parkland
- Element 5 - Urban Water Management
- Element 6 - Utilities
- Element 7 - Activity Centres and Employment
- Element 8 - Schools

Each Element has two components - 'Objectives' and 'Requirements'. Objectives describe the principal aims of each Element, and Requirements present a range of qualitative and quantitative responses to meeting the Objectives. Requirements include matters that 'should' be considered, where there is a range of design solutions, and matters that 'must' be satisfied.
The City has assessed the proposal in accordance with the Objectives' and 'Requirements' of Liveable Neighbourhoods. The assessment outcomes are summarised as follows:

**Element 1 - Community Design**

The Structure Plan integrates appropriately with the adjoining 'Baldivis Grove' Structure Plan and all lots are within a walkable catchment to public open space from within the Structure Plan area.

The proposed densities across the Structure Plan are considered appropriate as they respond to the context of the locality and meet Liveable Neighbourhoods and Directions 2031 and Beyond requirements.

**Element 2 - Movement Network**

The Structure Plan design considers its context and provides a permeable and efficient movement network.

Road upgrade contributions will be required from the developer at subdivision stage for the upgrade of Pike Road.

**Element 3 - Lot Layout**

An indicative lot layout demonstrates that the Structure Plan layout can effectively accommodate the siting and construction of dwellings on generally rectangular shaped lots.

**Element 4 - Public Parkland**

An area of 4,891m$^2$ of Public Open Space is provided which satisfies the 10% requirement for the site. The applicant advises that up to six large Tuart trees are proposed for retention within the POS.

The POS is located within the walkable catchment of all lots within the structure plan area.

Refer to the section of this report dealing with Planning Policy 3.4.1 - Public Open Space, for further comments regarding POS.

**Element 5 - Urban Water Management**

The Local Water Management Strategy prepared to accompany the Structure Plan has been assessed and some minor modifications, points of clarification and corrections are required to be made to the document (refer to the Comments section of this report).

**Element 6 - Utilities**

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

**Element 7 - Activity Centres and Employment**

There are no Activity Centres proposed in the Structure Plan area, however, the structure plan area is located approximately 1,000m from the Settlers Hills Local Centre on Arpenteur Drive to the east and approximately 2,000m from a Baldivis Town Centre on Safety Bay Road to the north-east.

**Element 8 - Schools**

There are no Schools proposed in the Structure Plan area, however, the structure plan area is located approximately 1,000m from a School sites on Arpenteur Drive to the east.

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

On 7 December 2015, the following documents were gazetted:

- Fire and Emergency Services (Bush Fire Prone Areas) Order 2015;
- Planning and Development (Local Planning Schemes) Amendment Regulations 2015;
- State Planning Policy No.3.7 - Planning in Bushfire Prone Areas; and
- Building Amendment Regulations (No.3) 2015.
The Department of Fire and Emergency Services (DFES) and the Western Australian Planning Commission (WAPC) concurrently released the:

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

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


The State Map is based on the Department of Fire and Emergency Services/Office of Bushfire Risk Management’s Mapping Standard for Bush Fire Prone Areas. It essentially includes any bush fire prone vegetation with a 100m buffer around the vegetation. It is a binary system, i.e. it is either bush fire prone or not. The mapping does not indicate any level of hazard; it is simply a tool to trigger further assessment.

The State Map will be reviewed initially within six months and annually thereafter.

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

This structure plan application was submitted prior to SPP3.7 and the Guidelines coming into effect and as such, the structure plan and associated Bush Fire Management Plan were prepared and assessed under the now superseded Guidelines.

Refer to the Comments section of this report for specific comments regarding the Bush Fire Management Plan.

Planning Policy 3.4.1 - Public Open Space

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

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

The Landscape Concept Plan for the public open space seeks to accommodate drainage and tree retention, combined with amenity planting and some grassed areas. The extensive planted areas associated with the drainage function results in minimal flat grass space for community use, which affects the usability of the POS.

The Landscape Concept Plan will need to be modified to provide for more usable space for the community.

The City supports tree retention, provided that the proposed retained trees are healthy and the form is conducive to be incorporated into the public open space. The LWMS landscape plan indicates an overlap of three trees to be retained trees within the northern boundary of the POS area. These appear to be on the edge of the POS and proposed road.

As mentioned earlier in this report, a Tree Survey is recommended to accurately map the trees worthy of retention within the structure plan area. The accurate mapping of significant trees will assist in ensuring that the POS is appropriately located to accommodate identified trees.
e. **Financial**
   Nil

f. **Legal and Statutory**

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

   In accordance Clause 19(1) of the *Planning and Development (Local Planning Schemes) Regulations (2015)*, Schedule 2 - Deemed Provisions for Local Planning Schemes (Planning Regulations), the local government:
   (a) must consider all submissions made to the local government within the period specified in a notice advertising the structure plan; and
   (b) may consider submissions made to the local government after that time; and
   (c) may request further information from a person who prepared the structure plan; and
   (d) may advertise any modifications proposed to the structure plan to address issues raised in submissions.

   Determination of a Structure Plan ultimately rests with the WAPC. In accordance with Clause 20 of the Planning Regulations, the local government must perform the following actions:
   (1) The local government must prepare a report on the proposed structure plan and provide it to the WAPC no later than 60 days after the day that is the latest of:
      (a) the last day for making submissions specified in a notice given or published under clause 18(2); or
      (b) the last day for making submissions after a proposed modification of the structure plan is advertised under clause 19(2); or
      (c) a day agreed by the Commission.
   (2) The report on the proposed structure plan must include the following:
      (a) a list of the submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the structure plan advertised under clause 19(2);
      (b) any comments by the local government in respect of those submissions;
      (c) a schedule of any proposed modifications to address issues raised in the submissions;
      (d) the local government's assessment of the proposal based on appropriate planning principles;
      (e) a recommendation by the local government on whether the proposed structure plan should be approved by the WAPC, including a recommendation on any proposed modifications.

   Schedule 2, Part 4, clause 29(1) of the Regulations states that a structure plan may be amended by the Western Australian Planning Commission at the request of the local government or a person who owns land in the area covered by the plan.

   Schedule 2, Part 4, clause 29(2) of the Regulations states that the procedures for making a structure plan set out in Schedule 2, Part 4 of the Regulations, with any necessary changes, are to be followed in relation to an amendment to a structure plan.

   g. **Risk (High/Extreme)**
   Nil

   **Comments**

   The proposed structure plan has been assessed by City Officers and the following additional comments are provided.
### Local Water Management Strategy

**Assessment:**
The assessment of the LWMS has identified the following matters that require attention:
- Further information surrounding the groundwater quality is required.
- The Landscape and Irrigation Strategy requires clarification to support the proposed reduced allocation rate of 6,750 kL/ha/yr.
- Landscape plan inconsistent with engineering drawings.
- Explanation of the water conservation initiatives being proposed.
- Further information is required regarding the stormwater modelling assumptions and strategy.

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

**Recommendation:**
*That the Local Water Management Strategy be amended to address the matters raised in the City’s assessment.*

### Bush Fire Management Plan

**Assessment:**
Vegetation Classification – the Bushfire Management Plan does not classify the existing vegetation on the site. It needs to look at both permanent and temporary hazards.

Hazard Level – the hazard level should be changed to:-
- Extreme – woodland, scrub;
- Moderate – open woodland, unmanaged grasslands, woodland and permanent grass understorey;
- Low – maintained gardens.

Distance to classified vegetation:-
- the distance to vegetation has not be clearly provided;
- the blanket 20m Building Protection Zone (BPZ) is inaccurate and cannot be relied upon to be provided within the road reserves.

Effective Slope – the slopes have not been provided for all of the classified vegetation.

BAL Determination – assessment has not been provided for all vegetation classes and the assessment needs to consider both interim and ultimate situations.

Siting of Development – the development does not provide for an 80m Hazard Separation Zone and therefore, the Performance Criteria needs to be addressed.

The City's assessment of the Bush Fire Management Plan identified some minor modifications, points of clarification and corrections required to be made to the document, the details of which will be forwarded to the WAPC for its consideration.

**Recommendation:**
*That the Bush Fire Management Plan be amended to address the matters raised in the City’s assessment.*
Conclusion
Following the consideration of the submissions received and the City's assessment of the Structure Plan proposal, it is recommended that the Council advise the WAPC that the Structure Plan be approved subject to the preparation of a Tree Survey, and that the LWMS and Bush Fire Management Plan being amended to address the matters raised in this Report.

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

Voting Requirements
Simple Majority

Officer Recommendation

That Council ENDORSES the following recommendations to the Western Australian Planning Commission, with respect to the proposed amendment to the 'Baldivis Grove' Structure Plan (Lot 335 Eighty Road and Lots 1001 and 3001 Pike Road, Baldivis) to include Lot 123 Pike Road:

1. The proposed Structure Plan be approved subject to the following modifications:
   (i) The preparation of a Tree Survey to determine the location of trees on the site that may provide breeding, roosting and foraging habitat to Black Cockatoos and adjust the Structure Plan according to results, as required;
   (ii) The Local Water Management Strategy being amended to address the matters raised by the City; and
   (iii) The Bush Fire Management Plan being amended to address the matters raised in this Report.

2. The advice and recommendations as outlined in the City's Report be considered by the Western Australian Planning Commission in its determination.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Summers:

That Council ENDORSES the following recommendations to the Western Australian Planning Commission, with respect to the proposed amendment to the 'Baldivis Grove’ Structure Plan (Lot 335 Eighty Road and Lots 1001 and 3001 Pike Road, Baldivis) to include Lot 123 Pike Road:

1. The proposed Structure Plan be approved subject to the following modifications:
   (i) The preparation of a Tree Survey to determine the location of trees on the site that may provide breeding, roosting and foraging habitat to Black Cockatoos and adjust the Structure Plan according to results, as required;
   (ii) The Local Water Management Strategy being amended to address the matters raised by the City; and
   (iii) The Bush Fire Management Plan being amended to address the matters raised in this Report.

2. The advice and recommendations as outlined in the City's Report be considered by the Western Australian Planning Commission in its determination.

Committee Voting – 5/0

The Committee’s Reason for Varying the Officer’s Recommendation
Not Applicable

Implications of the Changes to the Officer’s Recommendation
Not Applicable
### Purpose of Report

To consider a proposed Structure Plan over Portion of Lot 306 McDonald Road, Baldivis, following the completion of public advertising.

### Details

**Description of the Proposal (As Advertised)**

The structure plan area is located on the western side of McDonald Road, to the north of Fifty Road. The land to the north and east of the structure plan area is zoned Development and includes the ‘Paradiso’ and ‘Chimes’ residential estates. The land to the south is predominantly zoned Rural, with some Development zoned land adjacent to McDonald Road. The land to the west is predominantly zoned Development, with Rural zoned land fronting Mandurah Road (refer to Figure 1).
1. Location Plan

The proposed Structure Plan includes the following elements (refer to Figure 2):

- Residential densities ranging from RMD-25 – RMD-40 proposed to facilitate development of approximately 195 dwellings; and

- Three areas of public open space comprising a total of 1.74 hectares.
2. Advertised Structure Plan Map

**Implications to Consider**

a. **Consultation with the Community**

Advertising Methodology

The proposed Structure Plan was advertised for a period of 28 days, commencing on 20 November 2015 and concluding on 18 December 2015. Public advertising was carried out in the following manner:
- 138 nearby land owners (as shown on properties with a yellow border on Figure 3), servicing agencies and the Baldivis Residents Association were notified of the proposal in writing and invited to comment;
- The Applicant erected one (1) sign on site on McDonald Road advertising the proposed Structure Plan;
- A notice was placed in the Weekend Courier newspaper on 20 November 2015; and
- Copies of the proposed Structure Plan and relevant documents were made available for inspection at the City’s Administrative Offices and placed on the City’s website.

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

3. Location of Advertising

Public Submissions: Following the close of the advertising period, the City had received three (3) submissions from nearby landowners.

A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment to this Report). The content of the issues raised in these submissions are summarised and addressed as follows:

<table>
<thead>
<tr>
<th>Amenity</th>
<th>Submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Concern that density will result in unreasonable noise disturbance.</td>
</tr>
</tbody>
</table>
Applicant’s Response:

The proposed development is consistent with the Urban zone.

City’s Comment:

It is acknowledged that there will be additional noise generated to nearby residents due to the urbanisation of the Structure Plan area. In this regard, any potential noise will be required to comply with the criteria specified within the Environmental (Noise) Protection Regulations (1997).

Given predicted traffic volumes meet the requirements of Liveable Neighbourhoods, the potential impact of traffic related noise is not likely to adversely impact the locality.

Structure Plan Design

Submission:

Provide a few more corner blocks of 800-1000m².

Applicant’s Response:

The proposed densities are consistent with the targets of both Liveable Neighbourhoods and Directions 2031.

City’s Comment:

The proposed densities across the Structure Plan are considered appropriate as they respond to the context of the locality and meet Liveable Neighbourhoods and Directions 2031 and Beyond requirements.

Submission:

Provide additional Open Space including amenities such as a Tennis Court.

Applicant’s Response:

A tennis court is not required, however the landscaping design of the public open space will be determined at the appropriate time.

City’s Comment:

The structure plan proposes a surplus of public open space (in excess of the 10% requirement) and the landscaping design, improvements and amenities to be incorporated into the open space will be to the City’s requirements and satisfaction.

Submission:

The POS is focused on the hill which is too steep and rocky to develop.

Applicant’s Response:

A concept for the POS on the hill has been provided with the LSP documents. POS A and B are located on the western site boundary to accommodate the Parmelia gas pipeline easement and buffer. Based on the landscape concept plan prepared by Emerge Associates this area will predominately be composed of pedestrian network and native vegetation. An area of turf at a gradient of 1:6 bounded by terraced walls is also provided to accommodate the slope.

POS C is located in the centre of the development. Based on the preliminary earthworks plans the POS will slope from approximately 6.5m AHD in the northwest corner to 4.5m AHD in the southeast corner. This equates to shallow gradient of approximately 2%.
City's Comment:
The submission refers to POS A and B which incorporates the easement and buffer for the Parmelia High Pressure Gas Pipeline. This land can only be used for passive POS and the existing levels cannot be altered.

**Submission:**
Provide a corner store to service the locality.

**Applicant's Response:**
*There is not a retail demand in this location, however, the site is approximately mid way between the Spud Shed commercial area and the future commercial on the corner of Amazon and Nairn, so therefore the demand generated from this development is adequately catered for.*

City’s Comment:
The structure plan area is located within proximity to two proposed Neighbourhood Centres. Being approximately 800m from the proposed ‘Spud Shed’ Neighbourhood Centre on Kerosene Lane to the north and approximately 1,200m from a proposed Neighbourhood Centre on Nairn Drive to the south.

Furthermore, the Council has the discretion to approve a Corner Store (referred to as a ‘Homestore’ in Town Planning Scheme No.2), should a planning application for such use be submitted.

**Traffic**

**Submission:**
Concern that there is no public transport to local shops, schools and Rockingham.

**Applicant’s Response:**
The issue of Public Transport routes is a matter for PTA.

**City’s Comment:**
The provision of public transport is the role of the State Government and a matter the Western Australian Planning Commission would have considered when it rezoned the land to ‘Urban’.

At this stage, it is noted that there is a lack of public transport services to the proposed Structure Plan area. The City acknowledges the concerns of the community with respect to the lack of State Government facilities and services within the area and will advocate wherever possible for increased services to residents in the greater Baldivis area. The City will continue to work with the Public Transport Authority to refine bus route services within Baldivis.

**Submission:**
Concern that streets are too narrow to accommodate buses.

**Applicant’s Response:**
McDonald Road has been designed to cater for buses should the need arise.

**City’s Comment:**
McDonald Road provides the main north-south access along the eastern boundary of the structure plan area between Fifty Road and Kerosene Lane. This road is proposed as an 18m wide Neighbourhood Connector B which is suitable to accommodate buses.
b. Consultation with Government Agencies

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

- Alinta Gas
- APA Group
- Department of Aboriginal Affairs
- Department of Education
- Department of Environmental Regulation
- Department of Fire and Emergency Services
- Department of Health
- Department of Parks and Wildlife
- Department of Transport
- Department of Water
- Public Transport Authority
- Telstra
- Water Corporation
- Western Power

Following the close of the advertising period, the City had received nine (9) submissions from State Agencies. A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment to this Report). The issues raised in these submissions are summarised and addressed as follows:

<table>
<thead>
<tr>
<th>APA Group</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>The APA Group is the owner and operator of the Parmelia High Pressure Gas Pipeline and requires that prior to the commencement of subdivisional works, that an AS2885 Qualitative Risk Assessment is to be conducted by the landowner/applicant and a Pipeline Risk Management and Protection Plan is to be prepared and implemented by the landowner/applicant to the satisfaction of the City of Rockingham, the WAPC and APA group.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>The risk mitigation measures/controls outlined within the Pipeline Risk Management and Protection Plan are to be implemented by the landowner/applicant at part of the development works to the satisfaction and to the specifications of APA Group.</td>
</tr>
</tbody>
</table>

| City’s Comment: |
| WAPC Planning Bulletin No.87 - High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region provides guidance for development and ensures orderly and proper planning within the vicinity of regional gas pipelines, including the Parmelia High Pressure Gas Pipeline. |
| For proposals within the specified setback distance, applicants are required to demonstrate that the risk from the pipeline is within acceptable risk levels, with agreement to be reached with the pipeline owner on the need for a Risk Assessment. |
| It is standard practice for the Parmelia High Pressure Gas Pipeline that a Qualitative Risk Assessment and a Pipeline Risk Management and Protection Plan be prepared by the landowner/applicant prior to the commencement of subdivisional works. |
Department of Water

**Submission:**
The Department of Water is yet to receive an amended Local Water Management Strategy (LWMS).

**City's Comment:**
The Department of Water has since received and supported an amended LWMS.

c. **Strategic**

Community Plan

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

**Aspiration D:** Sustainable Environment

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

d. **Policy**

State Planning Policies

**Directions 2031**

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

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

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

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

**Liveable Neighbourhoods**

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

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

- Element 1 - Community Design
- Element 2 - Movement Network
- Element 3 - Lot Layout
- Element 4 - Public Parkland
- Element 5 - Urban Water Management
- Element 6 - Utilities
Element 7 - Activity Centres and Employment
Element 8 - Schools

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

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

Element 1 - Community Design
The Structure Plan integrates appropriately with its surroundings and all lots are within a walkable catchment to public open space from within the Structure Plan area.

The proposed densities across the Structure Plan are considered appropriate as they respond to the context of the locality and meet Liveable Neighbourhoods and Directions 2031 and Beyond requirements.

Element 2 - Movement Network
The Structure Plan design considers its context and provides a permeable and efficient movement network.

McDonald Road provides the main north-south access along the eastern boundary of the structure plan area. This road is proposed as an 18m wide Neighbourhood Connector B road, of which 6m is provided from this structure plan and the 12m balance from the landholding to the east.

Element 3 - Lot Layout
An indicative lot layout demonstrates that the Structure Plan layout can effectively accommodate the siting and construction of dwellings on generally rectangular shaped lots.

Element 4 - Public Parkland
The Structure Plan area provides for 1.74ha of open space, which is in excess of the 10% requirement.

The distribution of Public Open Space through the Structure Plan area has been primarily dictated by the requirement to provide an open space corridor over the Parmelia Gas Pipeline easement and buffer. The southern section of this open space corridor has been widened to provide for the retention of some remnant vegetation. An additional 4,900m² parcel of open space is proposed in a central location.

In view of the applicant’s intention to accommodate the drainage for the structure plan area on the adjoining Rural zoned land (same ownership), no drainage is required to be accommodated on any of the proposed open space.

The Structure Plan area has been appropriately designed to provide distribution of open space within a 300m walkable catchment of all residential dwellings. The linear open space over the pipeline easement/buffer will join with similar open space in the Paradiso Estate to the north, providing an uninterrupted open space connection through to the proposed Neighbourhood Centre on Kerosene Lane.

Element 5 - Urban Water Management
A Local Water Management Strategy prepared to accompany the Structure Plan has been assessed by the City. Refer to the Comments section of this Report.

Element 6 - Utilities
The Structure Plan Report provides appropriate documentation of the utilities requirements to be implemented at subdivision stage.

Element 7 - Activity Centres and Employment

There are no Activity Centres proposed in the Structure Plan area, however, the structure plan area is located approximately 800m from the proposed 'Spud Shed' Neighbourhood Centre on Kerosene Lane to the north and approximately 1,200m from a proposed Neighbourhood Centre on Nairn Drive to the south.
Element 8 - Schools

There are no Schools proposed in the Structure Plan area, however, the structure plan area is located approximately 500m from a proposed Primary School on Fairchild Drive to the east and approximately 1,000m from the existing Baldivis Primary School on Fifty Road to the south-east.

Planning Bulletin 87: High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region

WAPC Planning Bulletin No.87 provides guidance for development and ensures orderly and proper planning within the vicinity of regional gas pipelines, including the Parmelia High Pressure Gas Pipeline.

Furthermore, EPA Ministerial Statement No.580 – 19 December 2001 (issued when the rezoning of the land from Rural to Development zone was being assessed) states that the minimum setback for land uses and development from the centre line of the Parmelia High Pressure Gas Pipeline shall be 32m to the boundary of each residential lot. The proposed structure plan satisfies this requirement.

For proposals within the specified setback distance, applicants are required to demonstrate that the risk from the pipeline is within acceptable risk levels, with agreement to be reached with the pipeline owner on the need for a Risk Assessment.

The pipeline owner requires that prior to the commencement of subdivisional works, that an AS2885 Qualitative Risk Assessment is to be conducted by the landowner/applicant and a Pipeline Risk Management and Protection Plan is to be prepared and implemented by the landowner/applicant to the satisfaction of the City of Rockingham, the WAPC and APA Group. The risk mitigation measures/controls outlined within the Pipeline Risk Management and Protection Plan are to be implemented by the landowner/applicant at part of the development works to the satisfaction and to the specifications of APA Group.

Recommendation:

That the applicant be advised that prior to the commencement of subdivisional works, that an AS2885 Qualitative Risk Assessment is to be conducted by the landowner/applicant and a Pipeline Risk Management and Protection Plan is to be prepared and implemented by the landowner/applicant to the satisfaction of the City of Rockingham, the WAPC and APA Group.

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

On 7 December 2015, the following documents were gazetted:

- Fire and Emergency Services (Bush Fire Prone Areas) Order 2015;
- Planning and Development (Local Planning Schemes) Amendment Regulations 2015;
- State Planning Policy No.3.7 - Planning in Bushfire Prone Areas; and
- Building Amendment Regulations (No.3) 2015.

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

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

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

The State Map is based on the Department of Fire and Emergency Services/Office of Bushfire Risk Management’s Mapping Standard for Bush Fire Prone Areas. It essentially includes any bush fire prone vegetation with a 100m buffer around the vegetation. It is a binary system, i.e. it is either bush fire prone or not. The mapping does not indicate any level of hazard; it is simply a tool to trigger further assessment.

The State Map will be reviewed initially within six months and annually thereafter.

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

This structure plan application was submitted prior to SPP3.7 and the Guidelines coming into effect and as such, the structure plan and associated Bush Fire Management Plan were prepared and assessed under the now superseded Guidelines.

Refer to the Comments section of this report for specific comments regarding the Bush Fire Management Plan.

Planning Policy 3.4.1 - Public Open Space

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

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

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

District Structure Plan

At its ordinary Meeting held on 18 August 2000, the Council resolved to endorse the Baldivis North District Structure Plan for the purpose of guiding Comprehensive Development Plans (subsequently referred to as Structure Plans under Town Planning Scheme No.2) and planning generally for the North Baldivis area, subject to certain modifications being undertaken.

The proposed structure plan is consistent with the District Structure Plan.

e. Financial

Nil

f. Legal and Statutory

Planning and Development (Local Planning Schemes) Regulations (2015)

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

(a) must consider all submissions made to the local government within the period specified in a notice advertising the structure plan; and
(b) may consider submissions made to the local government after that time; and
(c) may request further information from a person who prepared the structure plan; and
(d) may advertise any modifications proposed to the structure plan to address issues raised in submissions.

Determination of a Structure Plan ultimately rests with the WAPC. In accordance with Clause 20 of the Regulations, the local government must perform the following actions:
(1) The local government must prepare a report on the proposed structure plan and provide it to the WAPC no later than 60 days after the day that is the latest of:
   (a) the last day for making submissions specified in a notice given or published under clause 18(2); or
   (b) the last day for making submissions after a proposed modification of the structure plan is advertised under clause 19(2); or
   (c) a day agreed by the Commission.

(2) The report on the proposed structure plan must include the following:
   (a) a list of the submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the structure plan advertised under clause 19(2);
   (b) any comments by the local government in respect of those submissions;
   (c) a schedule of any proposed modifications to address issues raised in the submissions;
   (d) the local government’s assessment of the proposal based on appropriate planning principles;
   (e) a recommendation by the local government on whether the proposed structure plan should be approved by the WAPC, including a recommendation on any proposed modifications.

<table>
<thead>
<tr>
<th>g. Risk (High/Extreme)</th>
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<tbody>
<tr>
<td>Nil</td>
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**Comments**

The proposed structure plan has been assessed by City Officers and the following additional comments are provided.

### Protection of Remnant Vegetation

**Assessment:**
The Environmental Assessment Report (EAR) identified a number of *Corymbia calophylla* (Marri) in good health located centrally within the Structure Plan area. In this regard, vegetation communities comprised of Marri are fairly uncommon and as such, are considered locally significant.

In view of the above facts, the City sought the applicant's view on whether POS C could be relocated to incorporate some of the identified Marri trees.

**Applicant's Response:**

*Development of Lot 306 is heavily dependent upon substantial earthworks in order to accommodate appropriate road grades of 8-10% or less. These earthworks will result in re-contouring of the majority of the site, with retention of any natural vegetation not being possible/feasible.*

*Relocating POS C from its current position to the position proposed by Council would have no benefit as the trees identified would not be able to be retained due to the required earthworks.*

*The current location of POS C best serves the proposed lots within Lot 306, being centrally located to all dwellings whilst providing amenity.*

**Comment:**
The contour plan of the site shows a significant level difference across the site. In this regard, from west to east, the site drops a high point of 38m over to Parmelia pipeline easement/buffer to a low point of 4.5m. The distance between the high point and low point being only 250m.
Given that no earthworks are permitted within the Parmelia pipeline easement, it is acknowledged that significant earthworks will be required across the balance of the site to make the land suitable for residential development.

In this regard, it is agreed that it is not feasible to retain the Marri in this instance.

In view of the earthworks required across the site, Parmelia pipeline easement/buffer provides the best opportunity to retain remnant vegetation and the southern section of this open space corridor has been widened to provide for the retention of some remnant vegetation.

### Drainage Basin

**Assessment:**

The applicant proposes to retain the stormwater from the structure plan area within a drainage basin located on the Rural zoned land (balance of Lot 306) outside the Structure Plan area.

Drainage basins are usually located within public open space (POS) reserves or dedicated Drainage Reserves. When located in POS, they have the potential to affect the usability of the POS.

Locating the drainage on the adjoining Rural land is supported in principle, as it would result in none of the POS within the structure plan area being encumbered by drainage, however, the tenure of the drainage area needs to be agreed upon for ongoing maintenance responsibility, access etc.

In this regard, it is considered that such an arrangement should only be supported if the proposed drainage basin was created as a Drainage Reserve and vested in the Crown as a condition of subdivision approval.
Applicant’s Response:
Given long-term planning for the Rural portion of the lot is yet to be finalised, and there may be future proposals put forward for rezoning of this land, we request the drainage arrangement for this land be secured as an easement, rather than vesting the land so that planning for the Rural portion is not prejudiced.

Comment:
The drainage basin is considered to be essential infrastructure serving the proposed structure plan area and as such, the City requires that it be created as a Drainage Reserve and vested in the Crown as a condition of subdivision approval.

Local Water Management Strategy
Assessment:
The assessment of the LWMS has identified the following matters that require attention:-
- The flood depth of 0.61m for a 1 yr ARI event is not supported. The conceptual basin design will require modification to reduce the flood depth to the City’s maximum allowable flood depth of 0.5m.
- It is recommended that a snapshot of the site specific bores and the Department of Water bore be performed prior to the Urban Water Management Plan to further refine the adopted Maximum Groundwater Level (MGL) for detailed design purposes. The drainage basin design should take into consideration the interaction with shallow separation to MGL as this may affect infiltration performance which in turn impacts on the design (flood depths, period of inundation etc).

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

**Recommendation:**

*That Local Water Management Strategy be amended by reducing the flood depth to the City’s maximum allowable flood depth of 0.5m.*

*Furthermore, the applicant be advised that prior to the Urban Water Management Plan being prepared, a snapshot of the site specific bores and the Department of Water bore be performed to further refine the adopted Maximum Groundwater Level for detailed design purposes.*

**Bush Fire Management Plan**

**Assessment:**

The Bush Fire Management Plan proposes to extend the Bush Fire Protection Zone (BPZ) beyond the structure plan boundary onto adjoining Rural land to the south (balance of Lot 306). This not acceptable as the land to the south does not form part of the structure plan area and it is considered unreasonable to burden another (future) landowner with the development requirements of this land.

**Applicant’s Response:**

*Land to the south (i.e. future balance rural lot) is part of the development lot and has the same management ownership as the LSP area and will form part of the ultimate subdivision of Lot 306. Therefore, ongoing management of the BPZ can be enforced through a planning approval mechanism in line with FMP requirements.*

*If the current landowner/developer wishes for any future landowner/s to maintain a formal BPZ then they can do so as part of the subdivision of Lot 306. The BPZ is wholly contained within Lot 306.*

*If this approach is unsupported, then contingency options may include:*  
1. Updating the FMP to state that the BPZ is to be accommodated within a 2m building setback into proposed lots, 15m road reserve and 3m firebreak in the balance rural lot.
2. Updating the FMP to state that the BPZ is to be accommodated within a 15m road reserve and 5m easement for fire management purposes.

**Comment:**

Inclusion of a BPZ within a road reserve and building setback area is acceptable (subject to the encroachment into the building setback not compromising the development potential of the affected lot/s).

It is not acceptable, however, for the BPZ to go beyond the structure plan boundary onto adjoining Rural land, unless the BPZ is over a road reserve on that land.

The City's assessment of the Bush Fire Management Plan identified some minor modifications, points of clarification and corrections required to be made to the document, the details of which will be forwarded to the WAPC for its consideration.
Recommendation:

That the Bush Fire Management Plan be amended to delete reference to the BPZ going beyond the structure plan boundary onto adjoining Rural land, unless the BPZ is over a road reserve on that land.

Traffic and Transport

Assessment:

Table 5 shows the northern subdivisional road as an Access Street C having a 6.0m wide pavement. The City requires the road pavement width for Access Street C roads to be 7.2m as per LN requirements.

Applicant’s Response:

The revised modelling and analysis undertaken for the proposed concept plan indicates that the projected traffic volumes on the northern boundary road are about 500vpd to 800vpd which can be accommodated by an “Access D” standard road rather than “Access C” Road. Therefore the proposed 6m wide pavement is sufficient and is in line with LN requirements for “Access D” Roads. Table 5 and the proposed road hierarchy plan will be updated accordingly in the revised TA report to show “Access D” road for the northern boundary road.

Comment:

Based on the applicant's response, it will be necessary for the Traffic Assessment Report to be amended to reflect the revised traffic volumes and road categorisation for the northern road.

Recommendation:

That the Traffic Assessment Report to be amended to reflect the revised traffic volumes and road categorisation for the northern road.

Conclusion

Following the consideration of the submissions received and the City's assessment of the Structure Plan proposal, it is recommended that the Council advise the WAPC that the Structure Plan be approved subject to the LWMS, Bush Fire Management Plan and Traffic Assessment Report being amended to address the matters raised in this Report.

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

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ENDORSES** the following recommendations to the Western Australian Planning Commission, with respect to the proposed Structure Plan prepared over Portion of Lot 306 McDonald Road, Baldivis:

1. The proposed Structure Plan be approved subject to the following modifications:
   (i) The Local Water Management Strategy being amended to address the matters raised in this Report;
   (ii) The Bush Fire Management Plan being amended to address the matters raised in this Report.
   (iii) The Traffic Assessment Report being amended to reflect the revised traffic volumes and road categorisation for the northern road.

2. The advice and recommendations as outlined the City’s Report be considered by the Western Australian Planning Commission in its determination.
Committee Recommendation

Moved Cr Sammels, seconded Cr Hamblin:

That Council *ENDORSES* the following recommendations to the Western Australian Planning Commission, with respect to the proposed Structure Plan prepared over Portion of Lot 306 McDonald Road, Baldivis:

1. The proposed Structure Plan be approved subject to the following modifications:
   (i) The Local Water Management Strategy being amended to address the matters raised in this Report;
   (ii) The Bush Fire Management Plan being amended to address the matters raised in this Report.
   (iii) The Traffic Assessment Report being amended to reflect the revised traffic volumes and road categorisation for the northern road.

2. The advice and recommendations as outlined the City’s Report be considered by the Western Australian Planning Commission in its determination.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Purpose of Report

To consider a proposed Structure Plan over a portion of Lots 316 and 1340 Stakehill Road, Karnup (known as the Karnup Phase One Structure Plan), following the completion of public advertising.
**Background**

**Zoning**

The subject land (portion of Lot 316 - Crown Reserve 37090) and portion of Lot 1340 - Crown Reserve 38575) is currently zoned ‘Urban Deferred’ under the Metropolitan Region Scheme (MRS) and ‘Development’ zone under the City of Rockingham’s Town Planning Scheme No. 2 (TPS2).

Prior to the gazetted of TPS2 in November 2004, the City was directed by the then Minister for Planning and Infrastructure to zone all land in the District which was zoned ‘Urban Deferred’ under the MRS to ‘Development’ zone under TPS2. As a result of this action, the City is required to consider a Structure Plan over land that has not completed higher order district and regional planning.

**Current and Previous Land Uses**

**Munitions Depot**

The site surrounding the Munitions Depot was historically used as a pine plantation. Due to infestation by the European House Borer; the pines within the Proposal area were cleared prematurely.

The State’s ‘Baldivis Explosives Reserve Facility’ is currently situated on lot 1340, however, the State Government has identified an alternative site for this Facility within the Myalup State Forest. The decommissioning and relocation of the Baldivis Explosives Reserve Facility is planned for 2017.
Extractive Industry - Sand Mining Operation

The land is currently used as a sand quarry, and the Structure Plan area corresponds with the sand quarry stages one and two which is due for completion in 2015 and 2022 respectively. It is anticipated that the sand mining operation will occur over the wider landholding until 2045.

Sand mining activities are currently undertaken within the Karnup landholding by Holcim, secured by mining tenements M70/1046 and M70/1241. Holcim currently operates under the Agreement relating to land at Karnup covered by mining lease applications M70/1046 and M70/1241 (31 October 2006) (Mining Agreement) between LandCorp and Holcim.

Mining is currently undertaken in accordance with stages identified in the Mining Agreement, operating generally in a southward moving extraction front. As each sand extraction stage is completed, that area of the tenement will be surrendered and a land transfer will occur from the Crown to LandCorp. Construction for the corresponding land development stage will then subsequently commence, including the provision of a nominated temporary buffer to separate future urban land uses from ongoing sand mining operations.

A Construction Environmental Management Plan (CEMP) is required to be implemented to manage the interface between the mining operations and the future residential development area.

Lifting of Urban Deferment

The Applicant has lodged an application for the lifting of the Urban Deferment of the subject land. In May 2015, the City advised the Western Australian Planning Commission (WAPC) that it did not support the proposed lifting of Urban Deferment as planning is not sufficiently advanced to depict an acceptable overall design to guide future development.

In correspondence dated 7 January 2016, the City provided addendum advice to the WAPC advising the City's support for lifting of Urban Deferment over the Structure Plan area with the exception of the land shown on the Structure Plan map as 'Urban Development' to accommodate a future District Centre, subject to further planning investigation.

The City did not support the lifting of Urban Deferment in this location because higher order planning is not sufficiently advanced to determine the appropriateness of a District Centre in the location shown. This is consistent with advice provided to Landcorp dated 21 January 2014 advising that the City is not a position to support any lifting of Urban Deferment request for an area greater than one neighbourhood, as planning is not sufficiently advanced at a Regional and District level to consider lifting of Urban Deferment over the balance of the site.

Details

Description of the Proposal (As Advertised)

The proposed Structure Plan includes the following elements (refer to Figures 5 and 6):

- Residential densities ranging from R25 to R80 proposed to facilitate development of approximately 1000-1200 dwellings;
- A Primary School site;
- A Local Centre accommodating 1500m² retail floor space;
- Five areas of Public Open Space (POS) totalling 8ha;
- An extension to Baldivis Road at the intersection of Stakehill Road and an extension and upgrade to Harvey Road; and
- Two new north/south neighbourhood connector roads being provided at the intersections of Ukich Place/Stakehill Road and Firbank Lane/Stakehill Road and a new east/west neighbourhood connector road between Baldivis Road and Harvey Road.
2. Advertised Structure Plan Map
3. Advertised Development Concept Plan
Implications to Consider

a. Consultation with the Community

Advertising Methodology

The proposed Structure Plan was advertised for a period of 28 days, commencing on 19 November 2015 and concluding on 18 December 2015. Public advertising was carried out in the following manner:

- 89 nearby land owners located generally within 500 metres of Lot 316 Stakehill Road, portion of which is subject to the Structure Plan (as shown on properties within the red border on Figure 4), servicing agencies and the Baldivis Residents Association were notified of the proposal in writing and invited to comment;

- The Applicant erected three (3) signs on site on Stakehill Road at the intersection of Baldivis Road, Firbank Lane and Harvey Road;

- A notice was placed in the Sound Telegraph within the first 15 days of the advertising period, appearing in the newspaper on the 23 November 2015; and

- Copies of the proposed Structure Plan and relevant documents were made available for inspection at the City's Administrative Offices and placed on the City's website.

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

4. Location of Advertising
**Public Submissions:** Following the close of the advertising period, the City had received twelve (12) submissions from or on behalf of nearby landowners.

A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment to this Report). The content of the issues raised in these submissions are summarised and addressed as follows:

<table>
<thead>
<tr>
<th>Traffic</th>
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<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) Stakehill Road will need to be upgraded to accommodate anticipated traffic.</td>
</tr>
<tr>
<td><strong>Proponent's Response:</strong></td>
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<tr>
<td><em>The Transport Assessment Report provides details on indicative standard and timing of Stakehill Road upgrade works. Stakehill Road will be designed in accordance with the relevant standards and guidelines with consideration to existing developments along the northern side of Stakehill Road. CoR will have input into the design process.</em></td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>Stakehill Road will be required to be upgraded to urban standards, and is proposed to be upgraded to a regional road in the future.</td>
</tr>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(ii) Concern with respect to safety at the intersection of Ukich Place and Stakehill Road.</td>
</tr>
<tr>
<td><strong>Proponent's Response:</strong></td>
</tr>
<tr>
<td><em>Stakehill Road will be designed in accordance with the relevant standards and guidelines with consideration to existing developments along the northern side of Stakehill Road. CoR will have input into the design process.</em></td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
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<tr>
<td>The application of relevant standards and guidelines to detailed design of the intersection and road upgrade will ensure it meets relevant safety requirements.</td>
</tr>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(iii) Proposed left in/left out between Ukich Place and Firbank Lane may impact access and traffic flow in proximity to Lot 128 Stakehill Road which is an operating orchard and winery; consideration should be given to ensure appropriate access and egress.</td>
</tr>
<tr>
<td><strong>Proponent’s Response:</strong></td>
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<tr>
<td><em>Noted. The design of new LSP intersections along Stakehill Road will take into account existing accesses to properties on the northern side. However, with Stakehill Road becoming a future “Blue Road” with Integrator Arterial standard direct access to private properties will be restricted and in some cases removed in line with relevant WAPC policies.</em></td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>Access and egress to existing properties on Stakehill Road will be considered during detailed design at subdivision stage.</td>
</tr>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(iv) Upgrades to Stakehill Road will need to consider heavy vehicle access and egress to commercial operations along the road. Heavy vehicles should be able to enter and exit properties from either direction.</td>
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<td><strong>Submission:</strong></td>
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| (v) Clarification is requested as to where road widening for the upgrade of Stakehill Road will occur; request that all road widening occur on the southern side of Stakehill Road. | Proponent's Response:  
*Noted.* |

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<th><strong>City's Comment:</strong></th>
<th><strong>Proponent's Response:</strong></th>
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</table>
| Access to Stakehill Road from existing properties, including commercial operations requiring heavy vehicle access, will be considered when detailed design for upgrading of the road is undertaken. Given the road has been proposed by the WAPC as a regional road (Integrator Arterial), it is not possible to guarantee that vehicles will be able to enter and exit properties from both directions. | The Stakehill Road reserve widening will have to be achieved along the southern (LSP) side of the road.  
We propose a modification to the report (Part 3.4.2 Regional Road Network) – replacing last sentence *(It is anticipated that in the future, the portion of Stakehill Road abutting the northern boundary of the Structure Plan will be reserved as an 'Other Regional Road)* with the following *(Stakehill Road has been identified as an Integrator Arterial (Blue Road) in the Perth and Peel@3.5million report. The existing Stakehill Road will therefore ultimately require widening and upgrading to accommodate its future role and function. LandCorp will seek contributions for Stakehill Road in accordance with State Planning Policy 3.6 – Development Contributions for Infrastructure.)* |

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<th><strong>City's Comment:</strong></th>
<th><strong>Proponent's Response:</strong></th>
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| It is noted that the Structure Plan proposes the widening of Stakehill Road to occur on the southern side of the road.  
With respect to contributions to upgrading of the road, there is no obligation on the City to include the widening and upgrading of regional roads into a Development Contribution Plan, and the inclusion of a comment to that effect is not supported. It is expected that widening and upgrading of Stakehill Road will be addressed through conditions of subdivision approval. | No upgrades to Firbank Lane are proposed. This road is not expected to attract any additional traffic as a result of the proposed LSP. |

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<th><strong>City's Comment:</strong></th>
<th><strong>Proponent's Response:</strong></th>
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<tr>
<td>Given Firbank Lane is a 'No Through Road', it is unlikely that the proposed development will contribute to additional traffic onto it. Should traffic issues arise on this road, the City can consider remedial treatments if required.</td>
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<tr>
<th><strong>Submission:</strong></th>
<th><strong>City's Comment:</strong></th>
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<tr>
<td>(vi) Firbank Lane should be modified to encourage its use for local traffic only.</td>
<td>The subject intersection is not located within or adjacent to the Structure Plan area, and no requirements can be applied to the Structure Plan for its upgrade.</td>
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<tr>
<th><strong>Submission:</strong></th>
<th><strong>City's Comment:</strong></th>
</tr>
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<tr>
<td>(vii) Concern regarding safety of the intersection of Baldivis Road and Chucher Road.</td>
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**CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 14 MARCH 2016**

**PRESIDING MEMBER**
It is acknowledged that traffic volumes along Baldivis Road will increase as development occurs in Baldivis and Karnup, and will ultimately require upgrades to the road and intersections. The City will monitor the performance of the road network and program upgrades as appropriate.

### Amenity

**Submission:**

(i) Motor bike riders accessing subject site currently impacting amenity of rural lots.

**City’s Comment:**

The submission is noted. Not relevant to Planning assessment.

### Land Use Impacts

**Submission:**

(i) The site is located within the Poultry Farm and Market Garden buffer areas and should not be permitted subdivision approvals that could constrain and impact the current operation of these rural business.

(ii) The Structure Plan Report does not adequately address the vegetative and spray drift buffer requirements required to be achieved for a market garden operation located on Lot 128 Stakehill Road; The Primary School, POS and residential land uses located inside the minimum buffer area are impacted by the existing horticultural operation; a 300 -500m buffer be provided in accordance with the Department of Health Guidelines for Separation of Agricultural and Residential Land Use, Establishment of Buffer Areas and EPA Guidance Statement No.3 to a vineyard and orchard.

**Proponent’s Response:**

- In accordance with EPA Guidance Statement No. 3, Guidelines for Separation of Agricultural and Residential Land Uses, Establishment of Buffer Areas and Planning Bulletin No. 63, future residential development is required to maintain adequate setbacks to agricultural and horticultural land uses, therefore not compromising operational market gardens or poultry farms. Given the current separation between market gardens and orchards and the Phase 1 LSP area including roads and vegetation along property boundaries, additional buffer measures such as vegetated buffers and fences are not considered to be required. Furthermore, prospective purchasers will be notified of the presence of market gardens and orchards, and memorials on titles will be investigated for residences within 300 m of market gardens and orchards.

- A buffer of over 40 m is currently maintained between the proposed Phase 1 LSP area and market garden and orchard activities on Stakehill Road. This buffer will be extended further with the expansion of Stakehill Road. In addition, the presence of street trees within the development area will further assist in mitigating any potential spray drift. Strategen also notes the responsibilities of market garden and orchard operators to undertake spraying in accordance with relevant codes of practice that limit the ability to spray during windy periods, further reducing any potential of spray drift impacts. The requirements of Planning Bulletin No. 63, including requirements to control spray drift and provide adequate buffers are therefore considered to be met.

- In addition to DoH and EPA guidelines, Planning Bulletin No. 63 has been utilised often in the planning process for residential development within areas in close proximity to market gardens, horticultural activities and orchards. A buffer of over 40 m is currently maintained between orchards and market gardens to the north of Stakehill Road. This buffer will be further increased as part of the expansion of Stakehill Road. At the time of subdivision, the requirement for additional mitigation measures will be investigated, however the anticipated impacts are expected to be minimised to an adequate standard as a result of the increased buffer distance.
Based on projects of a similar nature to the Phase 1 LSP, including a review of available literature, adverse impacts to residents are not anticipated and any potential impacts are expected to be mitigated appropriately as detailed above.

- Noise investigations undertaken to date demonstrate residents to the north of Stakehill Road, occur in areas where the noise target is met, therefore no additional noise controls, such as a noise wall, are required.

City's Comment:
This matter is considered in detail against relevant policy and guidelines in the Policy section of this Report.

Submission:
(iii) The introduction of urban development within 1.5km of the market garden and vineyard operation located on Lot 128 Stakehill Road is contented to introduce the potential for QFly to infest the market garden operation. Chemical used to prevent an outbreak are likely to impact the Structure Plan area.

City's Comment:
A review of relevant planning legislation, policies and guidelines identified no requirements with respect to the provision of buffers to avoid biosecurity issues, such as the introduction of QFly.

In the absence of any legislative or policy requirements, there is no basis in which to impose a buffer for biosecurity purposes.

Submission:
(iv) Construction of a wall to protect land owners north of Stakehill Road from noise generated from Stakehill Road.

Proponent's Response:
Noise investigations undertaken to date demonstrate residents to the north of Stakehill Road, occur in areas where the noise target is met, therefore no additional noise controls, such as a noise wall, are required.

City's Comment:
A Transportation Noise Assessment has been prepared for Stakehill Road and provided as part of the Structure Plan report. The assessment shows that existing dwellings located to the north of Stakehill Road may be impacted by road noise in the future. Further consideration of the need for attenuation will be given at detailed design stage, prior to commencement of upgrade works for the road.

Submission:
(v) Construction of sensitive residential development within the odour buffer area for the Poultry Farm will cause complaints

Proponent's Response:
LandCorp has a commercial agreement with the owner of the Preston Poultry Farm regarding decommissioning of the site prior to any residential development occurring within the prescribed buffer zone. A buffer from the poultry farm of 1000m has been shown on the structure plan which applies to residential development prior to decommissioning of the site.

City's Comment:
An existing poultry farm is located at 262 Stakehill Road, to the north-west of the subject area, and has the potential to impact upon the proposed development.
An Odour Impact and Dispersion Modelling Study has been undertaken which concluded that a 1,000m odour buffer is appropriate to ensure that future residents are protected from potential malodour impacts. This will prevent the development of sensitive uses within the 1,000m buffer area, whilst the poultry farm is in operation.

### Structure Plan Design

**Submission:**

(i) The Structure Plan identifies a District Centre in a location not consistent with the Sub-Regional Planning Framework.

(ii) The location of the District Centre is not located central to the future Karnup catchment as a result of the land North of Stakehill Road not being shown as Urban Expansion.

(iii) Concern that the Karnup District Centre would be confirmed in its proposed location shown in the Karnup Phase One Structure Plan in the absence of adopted higher order Structure Plans. This is inconsistent with orderly and proper planning principles.

**Proponent's Response:**

*The land within which the DC is sited has been retained within the Development zone and will be subject to a future structure plan. Notwithstanding that the DC is inconsistent with the Sub-Regional Planning Framework, it has been agreed with the City of Rockingham that there is merit to its proposed location within the Phase 1 LSP and subject to its retention in the Development zone, can be retained in this location.*

**City's Comment:**

It is acknowledged that the location of the District Centre has yet to be resolved, and its indicative location is inconsistent with that shown on the draft South Metropolitan and Peel Sub-Regional Framework.

The Structure Plan does not propose to confirm the location of the District Centre, but includes an area that will potentially accommodate part of a District Centre in the future, by including within a 'Development' zone on the Structure Plan. The intent of the 'Development' zone was to enable a District Centre to be included through a modification to the Structure Plan in the future, if the City determined that it was an appropriate location. In this regard, the City is yet to consider the merits of a District Centre in this location, as the preparation of a District Structure Plan for the area has been deferred pending completion of sub-regional planning by the WAPC.

The City's Officers were previously agreeable to the inclusion of a 'Development' zone in accordance with the above, which would not have allowed for development to commence until such time as the Structure Plan was amended. With the recent introduction of standardised Scheme provisions through the Planning and Development (Local Planning Scheme) Regulations 2015, however, the status of Structure Plans has changed, and decision makers (including the WAPC, the City, the State Administrative Tribunal and Joint Development Assessment Panels) are no longer bound by the zoning and content of a Structure Plan; rather they are now only required to have 'due regard' to their content. As such, the inclusion of an area as 'Development' on a Structure Plan would have the effect of allowing a decision maker to approve subdivision or development for that area in the absence of planning guidance through the inclusion of a specific landuse allocation.

On this basis, it is considered inappropriate to retain a 'Development' zoning within the Structure Plan, and it is recommended that the subject area be removed from the Structure Plan.

**Recommendation 2:**

*That the area identified as 'Development' zone on the Structure Plan be removed from the Structure Plan area.*
### Structure Plan Report

#### Submission:

(i) The documentation does not reference and address the recently released Plan for Perth and Peel at 3.5 Million and the South Metropolitan and Peel Sub-Regional Planning Framework and needs to be revised in light of the most recent advertised documentation.

#### Proponent’s Response:

The Sub-Regional Planning Framework document was released post lodgement of the Phase 1 LSP. An additional section can be included in the Part 2, Section 1.3 of the LSP to reference this document and its relationship to the Phase 1 LSP.

#### City’s Comment:

It is appropriate that the Structure Plan Report be updated to address the abovementioned draft documents.

### Planning Context

#### Submission:

(i) A request for the City to advocate the WAPC to include Lots 787, 820, 823, 824, 849 Stakehill Road into Urban Expansion as part of the Sub Regional Planning Framework process.

#### City’s Comment:

The request to advocate for urban expansion outside of the Structure Plan area is not relevant to consideration of the proposed Structure Plan.

The City has noted that its position on proposals contained within the Sub-Regional Framework will be further considered upon review of the draft Perth and Peel Green Growth Plan for 3.5 million which has recently been released for public comment.

Note: The draft Perth and Peel Green Growth Plan for 3.5 million is new title given to the Strategic Assessment of the Perth and Peel Regions.

#### Submission:

(i) There are many unresolved district planning outcomes that need to be address to inform the Structure Plan such as the hierarchy of activity centres and disposition of higher order land uses which have yet to be addressed.

#### Proponent’s Response:

The progression, and extent, of the Phase 1 Karnup LSP is consistent with advice received from the City of Rockingham (correspondence dated 21 January 2014) and the Department of Planning (correspondence dated 20 January 2014). The District Centre (north-west location in SP) has been retained in the Development zone (as shown on the advertised LSP and agreed with CoR) pending further planning investigation and will be the subject of further consideration as part of a future structure plan.

#### City’s Comment:

Subject to deletion of the area depicted as 'Development' zone on the Structure Plan, as discussed earlier in this Report, it is considered appropriate for the WAPC to consider approving the Structure Plan for the first stage of development in Karnup, given it is limited to a single 'Neighbourhood' catchment. In this regard, the location of a Neighbourhood Centre and Primary School are specifically to serve the subject area, and do not substantially impact on planning for the wider locality.
General

Submission:
(i) Two submissions supported the proposal without specific comment.

City’s Comment:
The submissions are noted.

b. Consultation with Government Agencies
As mentioned above, relevant government agencies and servicing authorities were notified of the proposal in writing and invited to comment, pursuant to Clause 4.2.6.5(b)(ii) of TPS2. In this regard, the City invited comments from the following agencies:
- Alinta Gas
- Dampier to Bunbury Gas Pipeline Operator
- Department of Aboriginal Affairs
- Department of Education
- Department of Environmental Regulation
- Department of Fire and Emergency Services
- Department of Health
- Department of Mines and Petroleum
- Department of Parks and Wildlife
- Department of Transport
- Department of Water
- Main Roads WA
- Public Transport Authority
- Telstra
- Water Corporation
- Western Power

Following the close of the advertising period, the City had received thirteen (13) submissions from State Agencies. A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment to this Report). The issues raised in these submissions are summarised and addressed as follows:

1. Department of Aboriginal Affairs

Submission:
There are no Aboriginal heritage places known to DAA within the area of the proposed development.
A Registered Aboriginal site (DAA 3582 – Serpentine River) is located to the east of the site.
The DAA has released Guidelines to assist developers with planning and considering Aboriginal heritage during proposed works.

City’s Comment:
The advice of the DAA is noted.
2. ATCO Gas Australia

**Submission:**
No objection. No ATCO Gas infrastructure is located in the immediate area.

**City's Comment:**
The submission is noted.

3. Telstra

**Submission:**
Outlined developers responsibility with respect to the delivery of telecommunications infrastructure.

**City's Comment:**
The submission is noted.

4. Department of Education

**Submission:**
No objection to the proposal.
Notes that the proposed primary school is 3.5ha in size and shared with public open space. As planning progresses, the Department would like to discuss timing and shared agreements relating to the public open space.

**City's Comment:**
The submission is noted.

5. Department of Mines and Petroleum

**Submission:**
Supports the proposal provided development does not proceed until sand mining has progressed sufficiently to maintain a separation distance of 100m and the Baldivis Explosives Reserve facility has been completed.

**City's Comment:**
The submission is noted. The timing and staging of development is controlled through the subdivision approval process.

6. Department of Lands

**Submission:**
No objection to proposal as it is not expected to materially interfere with the exercise of rights in relation to the Dampier to Bunbury Pipeline.

**City's Comment:**
The submission is noted.

7. Main Roads WA

**Submission:**
The proposed Structure Plan is acceptable to Main Roads.

**City's Comment:**
The submission is noted.
8. Department of Planning (Transport & Movement Division)

**Submission:**

The Department does not support the proposed development as submitted, however, it is prepared to review this position subject to:

1. Inclusion of planned public transport infrastructure and services specifically delivered for the P1SP area. This should include planned bus routes throughout the area, connection to rail services, provision of rail station/s (if possible) and liaison with the PTA, DoT and Main Roads.

2. Adoption of a 25% internal trip catchment with 75% of trips using the external network for the 2031 modelling scenario.

3. Review of the 42m road reservation for the ultimate form of Stakehill Road and consideration of the 50-52m reservation in accordance with the Integrator A type road as outlined in LN should the road functions require it. Further justification is required should the reservation remain at 42m as proposed.

4. Inclusion of an Integrator A type road for the Baldivis Road extension with a road reservation width between 40-50m subject to further investigation.

5. Inclusion of two access streets abutting the current location of the proposed primary school.

6. Consideration and implementation of relevant measures as required under SPP5.4.

**Proponent’s Response:**

1. A public transport plan with a potential bus route for the P1SP area has been prepared and incorporated in the updated TA report. The public transport plan for the P1SP was also considered in context of Draft South Metropolitan Sub-Regional Planning Framework - Towards Perth and Peel @ 3.5 Million document including PTA’s own planning for the subject locality.

2. Disagree. Justification for the adopted 40/60 internal/external trips ratio for the 2031 is included and discussed in the updated TA report. Refer section 6.2 of the updated TA report).

   There is a significantly higher potential for local employment in the KMP stage compared to P1Sp stage through future employment opportunities at schools, hospital complex and several retail/commercial nodes which are anticipated to be patronised mainly by local KMP residents. As such, the level of internal traffic has increased from that of 15% for P1SP stage to 40% in KMP stage.

   The transport model allows for a certain degree of external-to-internal trips as well which would account for employees arriving to the KMP employment nodes from outside of the subject area. This approach is in line with the Draft South Metropolitan Sub-Regional Planning Framework - Towards Perth and Peel @ 3.5 Million document which identifies a district-level activity centre for the subject locality.

3. Disagree. The road reserve for Stakehill Road was developed with CoR considering its future planning and function. The detailed justification for the proposed 42m road reserve is included in the update TA report (refer section 4.1 of the updated TA report).

   Sufficient land for required road reserve widening will be made available along the southern side of Stakehill Road; however, LandCorp has the expectation that the landowners to the north of Stakehill Road will provide adequate compensation to LandCorp in lieu of widening of the reservation to the north of Stakehill Road and the land that these landowners would otherwise have to give up.

4. The modelling indicate that Baldivis Road extension may carry traffic volumes in order of 25,000vpd in the future. Accordingly, a road reservation of 42m (Integrator B) is expected to be sufficient to accommodate a cross-section suitable to cater for this level of traffic.
Sufficient land for required road reserve widening will be made available along the eastern side of Baldivis Road extension.

5. The proposed P1SP is flexible enough to relocate the proposed primary school; however, it is our belief that the proposed location presents the optimum solution. This issue will be resolved through direct liaison with DoP.


City's Comment:

1. It is noted that the Traffic Assessment Report outlined in the Structure Plan Report outlines potential bus routes within the Structure Plan area. It is considered that the Structure Plan provides sufficient flexibility for provision of local bus services by the Public Transport Authority.

2-4. The City has not been provided with traffic modelling that informed the Sub-Regional Framework; in the absence of such it is difficult for the City to respond to these points of the Department's submission.

   The City does note that the Structure Plan should be modified to account for an 'Integrator Arterial' profile road for the extension of Baldivis Road, consistent with the draft South Metropolitan and Peel Sub-Regional Framework.

5. It is agreed that the Structure Plan provides sufficient flexibility to address desirable road interfaces surrounding the proposed Primary School.

   The submission is noted.

**Recommendation:**

*That the profile for the extension of Baldivis Road profile to be changed to an 'Integrator Arterial' road in lieu of a 'Neighbourhood Connector' road.*

9. Water Corporation

Submission:

No objection to Structure Plan. Information provided on the Water Corporation’s infrastructure planning and investment program which may impact upon timing and/or feasibility of the project.

City's Comment:

The submission is noted.

10. Department of Water

Submission:

The Department considers that the Karnup Phase 1 Local Water Management Strategy is acceptable.

City's Comment:

The submission is noted.

11. Department of Parks and Wildlife

Submission:

The Department has no comments on the proposed Structure Plan.

City's Comment:

The submission is noted.
12. **DBNGP (WA) Nominees Pty Ltd**

**Submission:**

No comment on the proposal as it does not materially affect the ongoing operational efficiency and safety of the DBNGP infrastructure.

**City’s Comment:**

The submission is noted.

13. **Department of Health**

**Submission:**

(i) The development is required to connect to scheme water and reticulated sewerage.

(ii) The Department has published a document called ‘Evidence supporting the creation of environments that encourage healthy active living’ which may assist with planning elements related to the Structure Plan.

(iii) A buffer will be required from the adjacent avocado orchard (Tuart Ridge) to reduce any health impacts from chemical spray drift and to assist in providing adequate separation from conflicting land uses. The Department does not support the use of Planning Bulletin No.63, as the application of such does not provide sufficient assurance that the agricultural use of the surrounding properties can continue.

(iv) Insufficient information has been provided to support the proposed 100m buffer to sand mining activities, which is less than the EPA recommendation of 300m-2,000m (depending on the size and type of operation).

(v) Investigation is required to establish the extent of impacts to soils and groundwater sources prior to initiating Phase Two of the project.

**Proponent’s Response:**

**Separation of Agricultural and Residential Land Uses:**

The Tuart Ridge avocado orchard is located adjacent to Stakehill Road, approximately 45 m from the northern boundary of the development area.

As recommended by the DoH, a review of the ‘Guidelines for Separation of Agricultural and Residential Land Uses’ was undertaken in assessing impacts associated with the orchard. Key recommendations of the guidance includes:

- applications for a site being developed for residential purposes are to include buffer areas that are planned and funded by the proponent of that development, unless otherwise determined by mutual agreement with existing land owners (including land owned by State and local authorities)
- buffer areas may be temporary and can be reserved for public open spaces or further residential development once conflicting agricultural land use has ceased
- persons intending to live in or adjacent to an agricultural land use area need to be fully informed of the agricultural practices and their potential impact on health or amenity before they settle into the area
- where a vegetative buffer is planned, the vegetative buffer needs to be planted and established before building approval is granted. A legal agreement must be established that specifies the legal and ongoing obligations on the developers, local government and landowners
- any alternative design is based on a thorough analysis of the specific site conditions by an expert and should be approved by the Environmental Protection Authority or the Department of Health.

In accordance with the above guidelines, LandCorp have committed to investigate any further management measures that may be required, including an investigation of memorials on titles for residents within 300 m of the market gardens.
EPA Guidance Statement No. 3 recommends a 500 m buffer is maintained between sensitive land uses and orchards. The buffer distance is recommended to be maintained in the absence of site specific investigations.

Planning Bulletin No. 63 was used as the basis for the buffer assessment, further to advice provided by the Department of Planning. Strategen also notes the use of this Planning Bulletin widely in Western Australia, which has been demonstrated to provide an acceptable environmental outcome. The Karnup Phase LSP is consistent with the requirements of Planning Bulletin No. 63 whereby prospective purchasers will be notified of the presence of market gardens and orchards, and memorials on titles will be investigated for residences within 300 m of market gardens and orchards.

Given the current separation between market gardens and orchards and the Phase 1 LSP area including roads and vegetation along property boundaries, additional buffer measures such as vegetated buffers and fences are not considered to be required.

Establishment of an appropriate industrial buffer associated with the operational sand mine:

The proposed buffer specifications have been discussed in the Environmental Assessment Report, whereby a 100 m buffer will be developed to a 1:2 batter and will be vegetated to further reduce potential dust and noise emissions. In addition, a temporary earth berm will also be installed adjacent to the buffer within the sand extraction area, resulting in an overall increase in the buffer distance to up to 150 m in some areas. The proposed buffer represents the minimum distance from the edge of the mining area to the residential development area.

The 100 m buffer was initially developed between Holcim and LandCorp as part of a Long Term Mining Agreement between both parties, in consultation with the Department of Mines and Petroleum. The adequacy of the buffer was recently reviewed as part of a review of investigations undertaken to date for Holcim’s operations and subsequent advice provided by air quality specialists. The review found that with the application of dust and noise management measures and construction of the buffer and earth berm, the proposed buffer is adequate to mitigate potential noise and dust emissions from sand mining activities on adjacent residents.

Holcim currently maintains a buffer of 250 m from the edge of the mine to the closest sensitive receptors north of Stakehill Road which is less than the generic buffer distances provided in EPA Guidance Statement No. 3. This buffer distance has been developed on the basis of noise and dust investigations that demonstrate the 250 m buffer is acceptable for Holcim operations, including screening and washing activities.

In order to provide a more detailed assessment, specific to the current operations (i.e. including screening and washing) of potential noise and dust emissions, LandCorp are commissioning further modelling investigations which will be available over the coming weeks. The proposed modelling will include an assessment of each residential development and mining stage to determine impacts within each stage and appropriate mitigation measures to be implemented. Results of these modelling investigations will be provided to the DoH and will also inform any additional requirements for the buffer, i.e. grading and vegetation requirements.

A buffer distance of 100 m is also maintained between the future school site and the sand extraction area. It is likely however, that with anticipated timeframes / staging for the quarrying activities, that a buffer greater than 100 m will be provided at the time the school is opened.

Investigations of potential soil and water contamination associated with the munitions storage facility (Baldivis Explosives Reserve):

As discussed in the Phase 1 LSP EAR, following the completion of mining, Holcim is required to assess the site consistent with the requirements of the Contaminated Sites Act 2003 and remediate the site to an agreed standard, as per the Holcim-LandCorp Mining Agreement.

In the event that the site assessment undertaken by Holcim identified contamination, an independent auditor would be appointed to oversee the assessment and remediation process on behalf of the Department of Environment Regulation (DER). These reports would be provided in support of the subdivision application.
In the circumstance where the PSI undertaken by Holcim did not identify potential contamination, LandCorp would engage an independent contaminated sites auditor prior to handover from Holcim to review and confirm the appropriateness of the PSI. This report would be provided in support of the subdivision application. The land use planning system provides the opportunity for the DER, through referral of the subdivision, to assess the contaminated site assessment and remediation process and condition the subdivision to require additional assessment and a Mandatory Auditor Report if deemed to be required.

City's Comment:

Separation of Agricultural and Residential Land Uses:
This matter is considered in detail against relevant policy and guidelines in the Policy section of this report.

Establishment of an appropriate industrial buffer associated with the operational sand mine:
The Environmental Assessment Report submitted with the proposal notes that investigations into noise and dust impacts have been undertaken which support the proposed setback of 100m.

Investigations of potential soil and water contamination associated with the munitions storage facility (Baldivis Explosives Reserve):
The requirement to undertake site contamination assessments prior to commencement of development is noted.

c. Strategic

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

**Aspiration D:** Sustainable Environment

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

d. Policy

State Planning Policies

### Directions 2031

**Comment:**

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

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

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

*The Structure Plan report states that the density target of 15 dwellings per gross urban zoned hectare will be achieved.*
Draft South Metropolitan and Peel Sub-Regional Planning Framework (2015)

Comment:

The draft South Metropolitan and Peel Sub-Regional Planning Framework, released for public comment by the WAPC in 2015, identifies the subject land as 'Urban'. Key design considerations identified by the draft Framework are:

- District Centre located in the south-western portion of the subject site (outside of the Phase One Structure Plan area);
- Specialised Centre to the south-east of the subject site;
- Extension of Baldivis Road south of Stakehill Road, through the subject site; and
- Construction of Nairn Drive along the current reservation.

The Structure Plan is largely consistent with the intent of the draft Framework, with the exception of the location of the District Centre. As noted earlier in this report, the District Centre has been identified in an alternative location, however, it is recommended that it be deleted pending District Structure Planning.
Liveable Neighbourhoods

Comment:

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

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

Element 1 - Community Design
Element 2 - Movement Network
Element 3 - Lot Layout
Element 4 - Public Parkland
Element 5 - Urban Water Management
Element 6 - Utilities
Element 7 - Activity Centres and Employment
Element 8 - Schools

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

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

Element 1 - Community Design

The Structure Plan integrates appropriately with its surroundings and is prepared consistent with the land use configuration provided for within the District Structure Plan. All lots are within a walkable catchment to public open space from within the Structure Plan area.

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

Element 2 - Movement Network

The Structure Plan design considers its context and provides a permeable and efficient movement network.

Road Upgrade contributions will be required from the developer at subdivision stage for the upgrade of Stakehill Road and Harvey Road.

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

Element 3 - Lot Layout

An indicative lot layout was provided in accordance with clause 4.2.5 (d) (v) of Town Planning Scheme No.2 prior to the introduction of the Planning and Development (Local Planning Schemes) Regulations (2015). The indicative lot layout demonstrates that the Structure Plan layout can effectively accommodate the siting and construction of dwellings on generally rectangular shaped lots.

Part 2 of the Structure Plan Report outlines a range of lot sizes that are intended to be implemented. This will, however, require further consideration at subdivision stage to ensure a varied range of lot sizes to accommodate housing diversity throughout the Structure Plan area.
Element 4 - Public Parkland

The allocation of Public Open Space satisfies the requirements of Liveable Neighbourhoods and is generally supported.

The City’s assessment of the Structure Plan has identified minor modifications, points of clarification and corrections required to be made to the document relating to Public Open Space, the details of which will be forwarded to the WAPC for its consideration.

Element 5 - Urban Water Management

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

Element 6 - Utilities

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

Element 7 - Activity Centres and Employment

A Neighbourhood Centre is proposed adjacent to Firbank Lane to service the Structure Plan area.

Element 8 - Schools

Access to schools meets the requirements of Liveable Neighbourhoods in that:

- All streets abutting the school a through streets;
- The school is proposed to be surrounded on three sides by a public road;
- The school does not abut residential land uses.
- The school is located outside the walkable catchment of a neighbourhood centre.

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

Comment:

This Policy seeks to minimise the adverse impact of transport noise, without 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.

As noted earlier in this report, a Transportation Noise Assessment has been prepared for Stakehill Road and provided as part of the Structure Plan report. The assessment shows that existing dwellings located to the north of Stakehill Road may be impacted by road noise in the future. Further consideration of the need for attenuation will be given at detailed design stage, prior to commencement of upgrade works for the road.

Consideration will also be required for noise generated from the proposed extension to Baldivis Road. In this regard, it is recommended the Acoustic Report be modified to account for Baldivis Road.

Further, new dwellings within the Structure Plan, as identified in the report, will require the implementation of quiet house design standards, and the placement of notifications on titles.

Recommendation:

Modify the Acoustic Report to include noise generated from the proposed extension to Baldivis Road.
Separation Distances Between Agricultural and Sensitive Land Uses

Comment:
The various policies and guidelines relevant to the separation of agriculture and urban development are summarised below:

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

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

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

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

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

Planning Bulletin 63 - Policy for Dealing with Potential Conflicts Between Residential Subdivision and Market Gardens in East Wanneroo

The WAPC's Planning Bulletin 63 - Policy for Dealing with Potential Conflicts Between Residential Subdivision and Market Gardens in East Wanneroo was prepared to provide guidance on planning for development in proximity to existing market gardens and other horticultural activities. Notwithstanding the specific reference to East Wanneroo, the Planning Bulletin has been applied to planning proposals throughout the metropolitan area.

The objectives of the Planning Bulletin are to:

1) minimise the effects of residential development on market gardens which are practiced in accordance with the relevant legislation, codes of practice and associated industry-specific guidelines;
2) minimise the potential for complaints about market gardens from residential areas;
3) provide residents with acceptable standards of amenity in residential areas that are located in proximity to market gardens.

The Planning Bulletin states that "for residential subdivision in the vicinity of market gardens on land zoned Rural in the MRS, the WAPC will accept:

• a separation distance of 300m which can be reduced to a protected and maintained vegetated buffer strip of a minimum width of 20m, together with adequate additional land for access for maintenance and firebreaks, and specially designed fencing of the type specified below (Note: the design of the vegetated buffer should be based on the Queensland guidelines (p28) and contain a mix of local Western Australian evergreen species with different growth habits and should include species with long, thin and rough foliage); and
• prospective purchasers within 300m of the boundary of the market garden to be advised of the existence of the market garden on the contract of sale; and
• memorials to be included on titles of all residential lots within 300m of the boundary of the market garden advising of the location and impacts of the market garden on amenity; or
alternative measures which it can be demonstrated meet the objectives of the policy to the satisfaction of the WAPC."

In explaining the basis for the WAPC’s policy position, the Planning Bulletin notes that the Queensland Department of Natural Resources has introduced comprehensive guidelines dealing with the interface between agricultural and residential land uses (Planning Guidelines: Separating Agricultural and Residential Land Uses), which have been endorsed by the Commonwealth Primary Industries Standing Committee.

It further explains that the policy measures were based upon impact assessments undertaken in East Wanneroo.

It is noted that no standards are provided on the vegetation buffer required, aside from a minimum width of 20m.

Planning Guidelines: Separating Agricultural and Residential Land Uses

The Queensland Department of Natural Resources’ Planning Guidelines: Separating Agricultural and Residential Land Uses, referenced in the WAPC’s Planning Bulletin, provide recommendations on the separation of agricultural and residential land uses.

The Guidelines different recommendations for different impacts and, relevant to the avocado orchard, generally recommends the following:

Agricultural Chemical Spray Drift: A minimum 300m separation distance, which may be reduced subject to provision of a suitable vegetated buffer.

Odour: A minimum 500m separation distance or a separation distance informed by a report, prepared by a qualified consultant, which demonstrates that odours affecting sensitive receptors will be within acceptable levels.

Noise (where night-time agricultural activities are undertaken): A minimum 1,000m separation distance, or a separation distance informed by a report, prepared by a qualified consultant, which verifies that noise levels at sensitive receptors will be within acceptable levels.

Guidelines for Separation of Agricultural and Residential Land Uses - Establishment of Buffer Areas

The Department of Health’s Guidelines for Separation of Agricultural and Residential Land Uses - Establishment of Buffer Areas provides recommendations on the minimum separation distance required between agricultural land use and residential land use based on current scientific knowledge and industry practice. It notes that the following minimum requirements will be considered suitable by the DoH:

1. A separation distance of 300m to control spray drift, dust, smoke and ash.
2. Alternatively a 40 m separation distance can be used where a vegetative buffer has been adequately designed, implemented and maintained in accordance with these guidelines.
3. Vegetative buffers will not be operational until trees reach the minimum effective height to control spray drift. Residential areas should not be developed within 300m until this time.

The Guidelines state that, to be effective barriers to spray drift, the vegetated buffers need to meet the following criteria:

- Be located as close as practicable to the point of release of the spray.
- A minimum total width of 40m made up of 10m cleared fire break area either side of a 20 m wide planted area.
- Contain random plantings of a variety of tree and shrub species of differing growth habitats, at spacings of 4-5m.
- Include species with long, thin (needle-like) and rough (furry/hairy) foliage which facilitates the more efficient capture of spray droplets and which are fast growing and hardy;
- Foliage should be from the base to the crown; mixed plantings of trees may be required to ensure there are no gaps in the lower canopy.
- Provide a permeable barrier which allows air to pass through the buffer. A porosity of 0.5 is acceptable (that is, approximately 50% of the screen should be air space).
- Have a mature tree height twice the height of the spray release height.
Submissions

As noted earlier in the report, the owner/operator of the avocado orchard at Lot 128 Stakehill Road, and the Department of Health, have objected to the proposed Structure Plan on the basis that it has not provided an adequate buffer to the existing avocado orchard and vineyard/winery.

The concerns raised by the owner/operator include potential impacts on the development associated with spray drift and noise.

The Department of Health advises that it does not support Planning Bulletin 63 - Policy for Dealing with Potential Conflicts Between Residential Subdivision and Market Gardens in East Wanneroo for the purpose of determining an appropriate buffer to the orchard, and contends that it is not applicable to such uses.

Investigation by Health Services

In light of the concerns raised in submissions, the City's Health Services was asked for advice and has undertaken and inspection of Lot 128 Stakehill Road. The inspection noted the following:

The Avocado trees grow up to a height of 20m, however, they are typically kept to an optimum height of 12m.

The trees require ongoing spraying with a range of different chemicals including Sulphur, Phosphoric Acid, Fungicides, Herbicides, Roundup, Triclopyr and Fusilade.

Most chemicals are applied through foliar spraying to enable the chemicals to reach all leaves on the trees. For this to occur, the chemicals must be vertically air blasted, so the chemicals go through the canopy and then land on the top of the leaves. The dispersion area during this is 10m x 10m per tree, and has to go higher than the 12m canopy.

The trees are sprayed continuously for two months, twice a year. There is an additional two months of intermittent spraying.

In addition to the avocado tree spraying, the vines also need to be sprayed. These are sprayed with the same equipment, but they are not as high as the avocado trees. The vines need to be sprayed for two months each year.

The total spraying time at this location is eight months of the year.

The deliveries need to be loaded for market sale and must be done under cool conditions.

To meet the market operating times, deliveries must leave the property by 4am.

Pruning starts as early as 4am, and some chemical spraying can occur at that time as well. This is to both get through the required work and also to ensure that chemicals are applied under the best conditions possible. These early starts will cause a noise issue should residents be permitted in close proximity.

The City's Health Services identified a number of concerns with the chemical spraying, despite the chemicals being applied in accordance with Material Safety Data Sheets. The concerns include:

- Odour impacts
- Irritation (eyes, skin)
- Chemical sensitivity
- Breathing difficulties
- Noise
- Toxicity

Potential spray drift onto new residential areas or the proposed school

Run off accumulation on adjacent roofs – particularly with Colourbond

Following a site visit at Lot 128 Stakehill Road, the City's Health Services agrees with the Department of Health recommendation that Planning Bulletin No 63 is inadequate for determining the buffer between this property and the proposed development. The Department of Health's 'Guidelines for Separation of Agricultural and Residential Land Uses' is a more appropriate tool to assist in determining an adequate buffer, given the height of the trees at this property and the intensity of the farming operations.
The City's Health Services is of the opinion that this property should be classed as an orchard under the Department of Health Guide. This would require a 500m buffer. Any proposed reduction to this buffer can only be considered with sufficient scientific evidence (including a Public Health Risk Assessment) being provided to the satisfaction of the Manager of Health Services. Any submission would be reviewed in consultation with the Department of Health.

If the developer alters the proposed Structure Plan to include the recommended orchard buffer of 500m, then it is expected there is enough distance to the residential development that noise will be able to be managed. If the developer intends to apply for a reduced buffer setback to this property, then an Acoustic Consultants’ Report will also need to be provided to ensure that the noise produced as part of the current farming operations can still comply with the Environmental Protection (Noise) Regulations if there is new residential development encroaching within the recommended buffer.

**Conclusion**

The abovementioned policies and guidelines are intended to provide guidance to decision makers, and require consideration of specific circumstances on a case by case basis. The requirements may be varied by decision makers, through either reduced or increased separation distances, where appropriate.

Based on the information obtained by the City's Health Services, the following concerns are raised with respect to the proposal:

- Without appropriate separation distances or effective attenuation measures, the operation of the avocado orchard is likely to impact on the health of persons within the development through odour impacts, irritation (eyes, skin), chemical sensitivity, breathing difficulties, noise, and toxicity.
- The reduction in separation distances outlined in Planning Bulletin No.63 are reliant upon vegetation buffers ameliorating the impact of chemical spray drift and odours.
- The Department of Health's Guidelines require vegetation buffers to be twice the height of the spray release height.
- Given the height of avocado trees, a vegetative buffer would need to be in the order of 25-30m in height, and established prior to development occurring.

The operation of the avocado orchard has the potential to significantly impact on residential development as a result of night-time noise emissions.

It is therefore considered that the recommendations of Planning Bulletin No.63 should not be applied in this instance, and that the proponent should be required to provide scientific evidence to demonstrate an appropriate setback to the avocado orchard, or modify the Structure Plan to provide a 500m buffer to the orchard.

**Recommendation:**

*That the proponent provide scientific evidence (including a Public Health Risk Assessment and Acoustic Consultants Report), to the satisfaction of the Department of Health, the City of Rockingham and the Western Australian Planning Commission, to demonstrate an appropriate setback to the avocado orchard and vineyard/winery at Lot 128 Stakehill Road, or alternatively, the Structure Plan be modified to provide a 500m buffer to the orchard.*

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

**Comment:**

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

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**CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 14 MARCH 2016**

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

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

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


The State Map is based on the Department of Fire and Emergency Services/Office of Bushfire Risk Management's Mapping Standard for Bush Fire Prone Areas. It essentially includes any bush fire prone vegetation with a 100m buffer around the vegetation. It is a binary system, i.e. it is either bush fire prone or not. The mapping does not indicate any level of hazard; it is simply a tool to trigger further assessment.

The State Map will be reviewed initially within six months and annually thereafter.

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

This structure plan application was submitted prior to SPP3.7 and the Guidelines coming into effect and as such, the structure plan and associated Bush Fire Management Plan were prepared and assessed under the now superseded Guidelines.

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

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

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

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

- Poor streetscape outcomes with garage dominated streets;
- Fewer street trees and limited street parking on narrow lots;
- Predominately single storey dwellings with high site coverage built form;
- Minimal uncovered private open space; and
- Current and future loss of trees in greenfield housing estates.

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

The Applicant has requested that the Residential-Medium Density (RMD) provisions be incorporated within the Structure Plan Report. It is recommended that the 'RMD' provisions be required to be removed, because this provision is now inconsistent with the requirements of the WAPC’s Structure Plan Framework.

In order to implement the provisions of the Planning Bulletin No.112 now the Planning Regulations have taken effect, the City is seeking to introduce a new Local Planning Policy to guide its application in new Structure Plan areas.
Recommendation:
The Structure Plan Part One Report be modified to remove the Residential-Medium Density provisions outlined by WAPC Planning Bulletin No.112.

Planning Policy 3.4.1 - Public Open Space

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

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

The location and distribution of POS on the proposed Structure Plan generally satisfies the objectives of the Planning Policy. As noted earlier in this Report, the City's assessment of the Structure Plan has identified minor modifications, points of clarification and corrections required to be made to the document relating to Public Open Space, the details of which will be forwarded to the WAPC for its consideration.

e. Financial
Nil

f. Legal and Statutory
Planning and Development (Local Planning Schemes) Regulations (2015)

In accordance Clause 19(1) of the Planning and Development (Local Planning Schemes) Regulations (2015), Schedule 2 - Deemed Provisions for Local Planning Schemes(Planning Regulations), the local government:

(a) must consider all submissions made to the local government within the period specified in a notice advertising the structure plan; and
(b) may consider submissions made to the local government after that time; and
(c) may request further information from a person who prepared the structure plan; and
(d) may advertise any modifications proposed to the structure plan to address issues raised in submissions.

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

(1) The local government must prepare a report on the proposed structure plan and provide it to the WAPC no later than 60 days after the day that is the latest of:
   (a) the last day for making submissions specified in a notice given or published under clause 18(2); or
   (b) the last day for making submissions after a proposed modification of the structure plan is advertised under clause 19(2); or
   (c) a day agreed by the Commission.

(2) The report on the proposed structure plan must include the following:
   (a) a list of the submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the structure plan advertised under clause 19(2);
   (b) any comments by the local government in respect of those submissions;
   (c) a schedule of any proposed modifications to address issues raised in the submissions;
   (d) the local government's assessment of the proposal based on appropriate planning principles;
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CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 14 MARCH 2016

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

g. Risk (High/Extreme)
Nil

Comments
The proposed structure plan has been assessed by City Officers and the following additional comments are provided:

Structure Plan Framework

Assessment:
The WAPC has released the Structure Plan Framework on a trial basis to outline the manner and form for the preparation of Structure Plans. The proposal is generally compliant with the Structure Plan Framework, however, the following matters are required to be addressed:

- Residential density allocated on the Structure Plan to be modified to provide more specific ranges, as outlined in section 10 (see detailed comment below).
- Notifications to be reformatted.
- Requirement for Local Development Plans to be extended to lots with rear-loaded vehicle access.
- Removal of R-Code variations.
- Removal of notes on Structure Plan.

With respect to residential density, the Structure Plan Framework states that if a density range is to be designated, a single range is generally not to be applied to entire estates/tracts of land. It further outlines the use of the following residential density ranges:

<table>
<thead>
<tr>
<th>Low density</th>
<th>Medium density</th>
<th>High density</th>
</tr>
</thead>
<tbody>
<tr>
<td>R2 – R5</td>
<td>R25 – R40</td>
<td>R30 – R100</td>
</tr>
<tr>
<td>R5 – R10</td>
<td>R40 – R60</td>
<td>R160</td>
</tr>
<tr>
<td>R10 – R20</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The proposal outlines a residential density range of R25-R60 across the entire Structure Plan area, with location criteria set out in Part One of the Structure Plan Report as follows:

a) A base density coding of R25 shall be provided for all the residential lots within the Structure Plan.
b) Densities of R30-R40 may be provided within 200m of open space, centres and distributor roads.
c) A density code of R60 may be provided abutting open space, centres and distributor roads.

The provision of a single density range of R25-60 is not supported, and the Structure Plan should be modified to provide more specific guidance on the allocation of density, in accordance with the Structure Plan Framework. This should accord with the following principles:

- Medium density within 400m of the Neighbourhood Centre;
- Medium or high density within 800m of the future Nairn Drive (identified by the State Government as a future Transit Priority Route);
- Medium density adjacent to Public Open Space;
- Low density or base R25 density outside of the above.

Recommendation:
That the Structure Plan and Report be amended to comply with the requirements of the Structure Plan Framework, as set out above.

Conclusion
Following the consideration of the submissions received and the City's assessment of the Structure Plan proposal, it is recommended that the Council advise the WAPC that the Structure Plan be approved subject to:
• an appropriate separation being demonstrated to the avocado orchard at Lot 128 Stakehill Road;
• the area identified as 'Urban' Development zone being removed from the Structure Plan area;
• the Structure Plan and Report being amended to comply with the Structure Plan Framework; and
• the LWMS and Bush Fire Management Plan being amended to address the matters raised in this Report.

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

**Voting Requirements**

**Simple Majority**

**Officer Recommendation**

That Council **ENDORSES** the following recommendations to the Western Australian Planning Commission, with respect to the proposed Structure Plan (Karnup Phase One) prepared over Lots 316 and 1340 Stakehill Road, Karnup:

1. The proposed Structure Plan be approved subject to the following:
   (i) That the proponent provide scientific evidence (including a Public Health Risk Assessment and Acoustic Consultants Report), to the satisfaction of the Department of Health, the City of Rockingham and the Western Australian Planning Commission, to demonstrate an appropriate setback to the avocado orchard and vineyard/winery at Lot 128 Stakehill Road, or alternatively, the Structure Plan be modified to provide a 500m buffer to the Orchard;
   (ii) That the area identified as 'Urban Development' zone on the Structure Plan be removed from the Structure Plan area; and
   (iii) The profile for the extension of Baldivis Road profile to be changed to 'Integrator Arterial' road in lieu of a 'Neighbourhood Connector' road.
   (iv) The Acoustic Consultant Report being amended to address the matters raised in this Report.
   (v) The Structure Plan and Report being amended to comply with the requirements of the Structure Plan Framework, as set out in this Report.

2. The advice and recommendations as outlined in the City's Report be considered by the Western Australian Planning Commission in its determination.

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Summers:

That Council **ENDORSES** the following recommendations to the Western Australian Planning Commission, with respect to the proposed Structure Plan (Karnup Phase One) prepared over Lots 316 and 1340 Stakehill Road, Karnup:

1. The proposed Structure Plan be approved subject to the following:
   (i) That the proponent provide scientific evidence (including a Public Health Risk Assessment and Acoustic Consultants Report), to the satisfaction of the Department of Health, the City of Rockingham and the Western Australian Planning Commission, to demonstrate an appropriate setback to the avocado orchard and vineyard/winery at Lot 128 Stakehill Road, or alternatively, the Structure Plan be modified to provide a 500m buffer to the Orchard;
   (ii) That the area identified as 'Urban Development' zone on the Structure Plan be removed from the Structure Plan area; and

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1 Correction of typographical error.
(iii) The profile for the extension of Baldivis Road profile to be changed to 'Integrator Arterial' road in lieu of a 'Neighbourhood Connector' road.

(iv) The Acoustic Consultant Report being amended to address the matters raised in this Report.

(v) The Structure Plan and Report being amended to comply with the requirements of the Structure Plan Framework, as set out in this Report.

2. The advice and recommendations as outlined in the City’s Report be considered by the Western Australian Planning Commission in its determination.

Committee Voting – 3/2
(Crs Whitfield and Hamblin voted against)

The Committee’s Reason for Varying the Officer’s Recommendation
Not Applicable

Implications of the Changes to the Officer’s Recommendation
Not Applicable
## Planning and Development Services
### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-008/16 Proposed Road Closure - Portion of McDonald Road, Baldivis</th>
</tr>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/1988</td>
</tr>
<tr>
<td>Risk Register No:</td>
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</tr>
<tr>
<td>Applicant:</td>
<td>The Planning Group WA Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Crown</td>
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<tr>
<td>Author:</td>
<td>Miss Keara Freeley, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Greg Delahunty, Senior Planning Officer</td>
</tr>
<tr>
<td></td>
<td>Mr Dave 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>15 February 2016</td>
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<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>McDonald Road, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>91m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Development</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
</tr>
<tr>
<td>1. Location Plan</td>
<td></td>
</tr>
<tr>
<td>2. Aerial View</td>
<td></td>
</tr>
<tr>
<td>3. Closure Plan</td>
<td></td>
</tr>
<tr>
<td>4. Endorsed North Baldivis District Structure Plan</td>
<td></td>
</tr>
<tr>
<td>5. Proposed Local Structure Plan – Portion Lot 306 McDonald Road, Baldivis</td>
<td></td>
</tr>
<tr>
<td>6. Endorsed Local Structure Plan- The Chimes</td>
<td></td>
</tr>
</tbody>
</table>
Purpose of Report

To initiate proceedings to close a 91m² portion of McDonald Road, Baldivis to enable its amalgamation into adjoining land.
3. Closure Plan

**Background**

North Baldivis District Structure Plan

In September 2006, the Council endorsed the North Baldivis District Structure Plan (NBDSP). The District Structure Plan provides a guiding framework for the preparation of Local Structure Plan proposals in north Baldivis. The NBDSP identifies McDonald Road as a 18m wide local distributor road and bus route.
4. Endorsed North Baldivis District Structure Plan

Portion of Lot 306 McDonald Road Structure Plan (Adjoining Land to the North)

The City is currently considering a Local Structure Plan (LSP) over a portion of Lot 306 McDonald Road. The proposed Structure Plan was advertised in November 2015 and is to be considered by the Council, following advertising. Once the Council has provided its recommendation on the Structure Plan, it will then be determined by the Western Australian Planning Commission (WAPC).
5. Proposed Local Structure Plan – Portion of Lot 306 McDonalds Road

Chimes Estate

In March 2012 Council resolved to adopt the Chimes Structure Plan for land adjoining the subject portion of McDonald Road, directly to the east. The Chimes Estate has been completed with the McDonald Road being constructed where it adjoins Lot 306.
6. Endorsed Local Structure Plan – The Chimes Estate

Details

The applicant, on behalf of Defence Housing Australia (DHA), seeks Council's support to close a 91m² truncated portion of the McDonald Road road reservation. The eastern boundary of the subject site (Lot 16) and Lot 306 to the north currently do not align and therefore it is desirable to modify the road reservation.

Implications to Consider

a. Consultation with the Community

In order to comply with Section 58 of the Land Administration Act 1997 (the Act), a resolution of the Council is required to progress the closure of the portion of road reserve. Under the Act, the Council is required to advertise the proposed road closure by way of a publication in a newspaper for a period of 35 days.
b. Consultation with Government Agencies
   The following authorities will also be consulted during the advertising period:
   - Department of Planning
   - Western Power
   - Water Corporation
   - Telstra
   - Alinta

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

d. Policy
   Nil

e. Financial
   Nil

f. Legal and Statutory
   The responsibility for determining applications for the closure of road reserves rest with the Minister for Planning, on advice from the Department of Land Administration (State Land Services).

g. Risk (High/Extreme)
   Nil

**Comments**
Due to McDonald Road having a kink where Lot 306 and Lot 16 meet, there is a need to modify the road reserve to achieve an appropriate interface of lots and smooth transition of road reservation.
Given the minor extent of the proposed road closure, it is recommended that the Council initiate proceeding to close the identified portion of McDonald Road, Baldivis

**Voting Requirements**
Simple Majority

**Officer Recommendation**
That Council **SUPPORTS** the proposed closure of a portion of McDonald Road, Baldivis.

**Committee Recommendation**
Moved Cr Whitfield, seconded Cr Sammels:
That Council **SUPPORTS** the proposed closure of a portion of McDonald Road, Baldivis.
Committee Voting – 5/0

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

**Implications of the Changes to the Officer’s Recommendation**
Not Applicable
### Purpose of Report

To consider a Scheme Amendment to Town Planning Scheme No.2 (TPS2) to delete Scheme provisions that have been superseded by the deemed provisions in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).

### Background

In September 2013, the Minister for Planning launched Planning Makes it Happen: Phase Two. This included the Planning Reform Discussion Paper (Discussion Paper), which detailed 12 statutory planning reform initiatives, and six governance and administrative reform initiatives.

In December 2013, the Council considered the Discussion Paper and resolved to make a submission. One of the reform initiatives included improvements to local planning scheme review process. The City in its submission supported the review of the Model Scheme Text (MST) and it supported a set of standard provisions that included standard processes for development contribution plans, subject to legal drafting and consultation with the City on practicalities.
In August 2014, the Minister for Planning released the Planning Makes it Happen: Phase Two – Blueprint for Planning Reform document. The Blueprint included a number of initiatives, including the preparation of new Regulations to replace the current MST.

In November 2014, the draft Regulations Discussion Paper was released for public comment, with submissions invited from November 2014 to January 2015. The City lodged a detailed submission on the draft Regulations in support of the Department of Planning and the Western Australian Planning Commission’s (WAPC) initiative to review the Regulations and provide for improved standardisation of the planning framework. The City identified several areas where the Regulations could be improved.

On 25 August 2015, the Regulations were published in the Government Gazette which gave effect to Regulations 1 and 2. The rest of the Regulations came into effect on 19 October 2015.

The Regulations are set out as follows:
- Local Planning Scheme Regulations – sets out how local planning strategies and schemes are prepared and amended (e.g. City of Rockingham Town Planning Scheme No.2);
- Schedule 1 – Model provisions (for local planning schemes) – operates in the same way as the previous Model Scheme Text; and
- Schedule 2 – Deemed provisions came into effect upon gazettal of the Regulations on 19 October 2015.

The Regulations have the following implications for TPS2, as follows:
1. TPS2 provisions continue to apply where they have not been superseded by the deemed provisions of the Regulations; and
2. Deemed provisions in the Regulations will apply despite that they have not been incorporated into TPS2.

Details

On 19 October 2015, the deemed provisions of the Regulations became operational and supersede any of the corresponding provisions that currently apply under TPS2. This has occurred regardless of whether or not the deemed provisions are incorporated into TPS2. If any deemed provisions are inconsistent with another provision of TPS2 to which the deemed provision applies, the “deemed provision” prevails over the TPS2 provision.

A Scheme Amendment to TPS2 is proposed to delete the corresponding Scheme provisions that have been superseded by the deemed provisions of the Regulations, to avoid confusion.

Whilst not required by legislation, a Scheme Amendment in a practical sense will reduce the number of inconsistencies. The proposed Scheme Amendment changes are summarised below and include deleting various TPS2 Scheme Text clauses, as follows:
1. Deleting the TPS2 interpretations superseded by the terms in the deemed provisions of the Regulations;
2. Deleting the TPS2 Planning Policy provisions superseded by the Local Planning Policy deemed provisions;
3. Deleting the Heritage provisions superseded by the Heritage protection deemed provisions;
4. Deleting the Structure Plan provisions superseded by the Structure Plan deemed provisions;
5. Deleting the Detailed Area Plan provisions superseded by the Local Development Plan provisions;
6. Deleting the Use and Development of Land provisions superseded by the Requirement for development approval deemed provisions;
7. Deleting the Requirement for Planning Approval provisions superseded by the Applications for development approval;
8. Deleting the Application for Planning Approval information requirements superseded by the Application for development approval deemed provisions;
9. Deleting various provisions for Advertising of Applications superseded by the advertising applications deemed provisions;
10. Deleting Matters to be Considered by Council superseded by the Matters to be considered by the Local Government deemed provisions;

11. Deleting the Deemed Refusal, Amending or Revoking a Planning Approval superseded by the corresponding deemed provisions;

12. Deleting the Powers of the Council and Removal and Repair of Existing Advertisements and Delegation superseded by the Enforcement and Administration deemed provisions.

13. Deleting the TPS2 Delegation provisions superseded by the Delegations deemed provisions.

14. Changing the term Planning Approval to Development Approval for consistency with the Regulations.

15. Changing the term Residential Design Codes to R-Codes for consistency with the Regulations.

16. Deleting various TPS2 interpretations that are superseded by the Regulations.

**Implications to Consider**

a. Consultation with the Community
   - Not applicable

b. Consultation with Government Agencies
   - Consultation with the Environmental Protection Authority (EPA) will only occur if the Scheme Amendment is initiated by Council in accordance with the Regulations.

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

d. Policy
   - Nil

e. Financial
   - Nil

f. Legal and Statutory
   - The procedures for dealing with proposals to amend Town Planning Scheme No.2, as per the Planning and Development Act 2005, are set out in the Planning and Development (Local Planning Schemes) Regulations 2015. Regulation 35 provides that if the Council resolves to prepare or adopt an amendment to a local planning scheme it must be in a form approved by the WAPC.

   Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 requires a Council resolution to amend TPS2 to specify in the Council's opinion the amendment is a complex amendment, a standard amendment or a basic amendment and an explanation of the reasons for the Council forming that opinion.

   The proposed Scheme Amendment is a 'Basic Amendment' in accordance with Regulation 34(c) of the Planning and Development (Local Planning Schemes) Regulations 2015, as the amendment to the Scheme Text proposes to delete provisions that have been superseded by the deemed provisions in Schedule 2.

   The process for basic Scheme Amendments following Council resolution to prepare or adopt an amendment is still required to be referred to the EPA, but there is no requirement for the Scheme Amendment to be advertised for public comment. Following the EPA decision whether environmental review is required the City is required to forward the Scheme Amendment to the WAPC. The WAPC then consider the Scheme Amendment and make a recommendation to the Minister for Planning.
g. Risk (High/Extreme)

Nil

Comments

The City is currently applying the requirements of both TPS2 except for where the provisions have been superseded by the Regulations.

The Scheme Amendment seeks to ensure TPS2 is not in conflict with the Regulations, by deleting those TPS2 provisions that are superseded by the “deemed provisions” in Schedule 2 of the Regulations.

While the Regulations do not require TPS2 to be amended, the proposed Scheme Amendment will ensure that the existing TPS2 provisions are consistent with the “deemed provisions” of the Regulations.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ADOPTS** (initiate) Amendment No.160 to Town Planning Scheme No.2 to delete Scheme provisions that have been superseded by the deemed provisions in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, pursuant to Section 75 of the Planning and Development Act 2005.

2. **CONSIDERS** the proposed Scheme Amendment as a ‘Basic Amendment’ in accordance with Regulation 34(c) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Committee Recommendation

Moved Cr Sammels, seconded Cr Hamblin:

That Council:

1. **ADOPTS** (initiate) Amendment No.160 to Town Planning Scheme No.2 to delete Scheme provisions that have been superseded by the deemed provisions in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, pursuant to Section 75 of the Planning and Development Act 2005, as follows:

   (i) The Contents page is amended by:

   (a) Deleting 4.23 Detailed Area Plans

   (b) Renaming 6.1 from “Requirement for Planning Approval” to “Requirement for Development Approval”

   (c) Deleting 6.2 Application for Planning Approval

   (d) Deleting 6.5 Consultations with Other Authorities

   (e) Deleting 6.6 Matters to be Considered by the Council

   (f) Deleting 6.7 Determination of Applications

   (g) Deleting 6.8 Scope of Planning Approval

   (h) Deleting 6.9 Approval Subject to Later Approval of Details

   (i) Deleting 6.10 Deemed Refusal

   (j) Deleting 6.11 Amending or Revoking a Planning Approval

   (k) Deleting 6.12 Unauthorised Existing Developments

   (l) Deleting 6.13 Appeals

   (m) Deleting 8.2 Removal and Repair of Existing Advertisements

   (n) Deleting 8.8 Appeals
(o) Deleting 8.9 Planning Policies
(p) Deleting 8.10 Delegation

(ii) Clause 3.2.2 is amended by deleting the word “clause 6.3” and replacing with “clause 6.3.1”.

(iii) Sub clause 3.2.4(b) is amended by deleting the word “clause 6.3” and replacing with “clause 64 of the deemed provisions”.

(iv) Amend Table No.1 – Zoning Table by deleting the words in the Development zone column “Use class permissibility is to be determined with reference to the designations in the approved Structure Plan. Refer to Clause 4.2.9.2 and 4.2.9.3” and replace with “Refer to clause 27 of the deemed provisions”.

(v) Clause 4.1.2 heading is amended to read as follows:

“Residential Development: R-Codes”

(vi) Clause 4.1.2 is amended by deleting Clause 4.1.2(a).

(vii) Clauses 4.1.2(b), Clause 4.1.2(c) and (d), Clause 4.1.3(a) and (b) and Clause 4.1.3(d) are amended by deleting the words “Residential Design Codes” and “Codes” and replacing with “R-Codes”.

(viii) Clause 4.1.3 heading is amended to read as follows: “Special Application of R-Codes”

(ix) Clause 4.2.1 the subject of heading “Interpretation” is deleted.

(x) Clause 4.2.4 the subject of heading “Planning Requirements” is amended by:

(a) deleting clause 4.2.4(b);
(b) deleting clause 4.2.4(e) ; and
(c) deleting clause 4.2.4(f).

(xi) Clause 4.2.5 is amended by deleting Sub clauses 4.2.5(a), 4.2.5(d) including Sub clauses 4.2.5(d)(i) to 4.2.5(d)(xi).

(xii) Clause 4.2.6 including Sub clauses 4.2.6.1 to 4.2.6.16 inclusive are deleted.

(xiii) Clause 4.2.7 including Sub clauses 4.2.7.1, 4.2.7.2 and 4.2.7.3 are deleted.

(xiv) Clause 4.2.9 including Sub clauses 4.2.9.1, 4.2.9.2(a) and 4.2.9.2(b) are deleted.

(xv) Clause 4.2.10 including Subclause 4.2.10.1 and 4.2.10.2 are deleted.

(xvi) Sub clause 4.2.11.1 is amended by deleting the word “clause 4.2.6.15” and replacing with “Town Planning Scheme No.2”.

(xvii) Sub clause 4.2.11.2 is amended by deleting the word “clause 4.2.6.15” and replacing with “Town Planning Scheme No.2”.

(xviii) Clause 4.3.3 is amended by:

(a) deleting the word “Planning” in the heading “Special Considerations Applicable to Planning Applications” and replacing with the word “Development” to read “Special Considerations Applicable to Development Applications”;
(b) deleting the word “clause 6.6” and replacing with “clause 67 of the deemed provisions; and
(c) deleting the word “clause 8.9” in Sub clauses 4.3.3(d) to 4.3.3(h) inclusive and replacing with “clause 4(3) of the deemed provisions”.

(xix) Clause 4.3.4 is amended by deleting the word “clause 8.9” and replacing with “sub clause 4(3) of the deemed provisions” in Sub clauses 4.3.4(d) to 4.3.4(h) inclusive.

(xx) Clause 4.3A.2 is amended by deleting the words “Residential Design Codes” and replace with “R-Codes”.

(xxi) Clause 4.3B.2 heading is amended by deleting the words “Residential Design Codes” and replace with “R-Codes”.
(xxii) Clause 4.3B.2(a) and 4.2B.2(b) are amended by deleting the words “Residential Design Codes” and replacing with “R-Codes”.

(xxiii) Clause 4.3C.2 heading is amended by deleting the words “Residential Design Codes” and replacing with “R-Codes”.

(xxiv) Clause 4.3C.2(a) and 4.3C.2(b) are amended by deleting the words “Residential Design Codes” and replacing with “R-Codes”.

(xxv) Clause 4.3D.2 heading, 4.3D.2(a) and 4.3D.2(b) are amended by deleting the words “Residential Design Codes” and replacing with “R-Codes”.

(xxvi) Clause 4.5.5 heading is amended by deleting “Special Application of Residential Design Codes” and replacing with “Special Application of R-Codes”.

(xxvii) Clause 4.5.5 is amended by deleting the words “Residential Design Codes” and replacing with “R-Codes”.

(xxviii) Clause 4.5.7(b) is amended by deleting “Clause 8.9.9” and replacing with “clause 5 of the deemed provisions”.

(xxix) Clause 4.6.4(a) is amended by deleting the words “Residential Design Codes” and replacing with “R-Codes”.

(xxx) Clause 4.6.6(b) is amended by deleting the word “Clause 8.9.9” and replacing with “clause 4 and 5 of the deemed provisions”.

(xxxi) Clause 4.6A(i) is amended by deleting the word “clause 6.6” and replacing with “clause 67 of the deemed provisions”.

(xxxii) Clause 4.10.11 the subject of heading “Outline Development Plans” is amended by:

(a) deleting the words “Clause 6.3.3” in Sub clause 4.10.11.1(c) and replacing with “sub clause 64(3) of the deemed provisions;
(b) deleting the word “development” in Sub clause 4.10.11.1(d) and replacing with “development”;
(c) deleting the words “and Clause 6.2” in Sub clause 4.10.11.1(e) and replacing with “,clause 62 and clause 63 of the deemed provisions”; and
(d) deleting the words “Clause 8.9” in Sub clause 4.10.11.1(i) and replacing with “clauses 3, 4, 5 and 6 of the deemed provisions”.

(xxxiii) Clause 4.11.5(b) is amended by deleting the words “clause 8.9.9” and replacing with “clause 5 of the deemed provisions”.

(xxxiv) Clause 4.14.4(a)(i) is amended by deleting the words “Residential Design Codes” and replacing with “R-Codes”.

(xxxv) Sub clauses 4.15.2.1(a)(i), 4.15.2.1(b) (i) and 4.15.2.1(ii) are amended by deleting the words “Residential Design Codes” and replacing with “R-Codes”.

(xxxvi) Clause 4.15.5 is amended by deleting the words “Residential Design Codes” and replacing with “R-Codes”.

(xxxvii) Table No.2 is amended under the use class “Residential” by deleting the words “Residential Design Codes” and replacing with “R-Codes”.

(xxxviii) Table No.3 is amended under the use “Single house, grouped dwellings and multiple dwellings” and “Short Stay Accommodation” by deleting the words “Residential Design Codes” and replacing with “R-Codes”.

(xxxix) Table No.4 is amended under the use “Residential” by deleting the words “Residential Design Codes” and replacing with “R-Codes”.

(xl) (Clause 4.19.1 is amended by deleting the words “Residential Design Codes” and replacing with “R-Codes”.

(xli) Clause 4.19.2 is amended by deleting the words “Clause 6.3.3” and replacing with “clause 64 of the deemed provisions”.

(xlii) Clause 4.20.1 is amended by deleting the words “Residential Design Codes” and replacing with “R-Codes”.
(xliii) Clause 4.20.1A is amended by:
(a) deleting the words “Residential Design Codes” and replacing with “R-Codes,” and
(b) deleting the words “Clause 8.9” and replacing with “clause 4 of the deemed provisions”.
(xliv) Clause 4.20.2(a) is amended by deleting the words “Clause 6.3.3” and replacing with “clause 64 of the deemed provisions”.
(xlv) Clause 4.20.3(a) is amended by deleting the words “clause 6.6” and replacing with “clause 67 of the deemed provisions”.
(xlvi) Clause 4.22.2 is amended by deleting the words “clause 6.6” and replacing with “clause 67 of the deemed provisions”.
(xlvii) Clause 4.23 under the heading “Detailed Area Plans” including Sub clauses 4.23.1, 4.23.2, 4.23.3, 4.23.4 and 4.23.5 are deleted.
(xlviii) Clause 5.3.1(b) is amended by deleting the words “clause 6.2” and replace with “clause 62 and 63 of the deemed provisions”.
(xlix) Clause 5.4.2 is amended by deleting the heading “Heritage List” and replacing with the heading “Heritage Places within the IP14 area”.
(l) Clause 5.4.2 is amended by deleting clause 5.4.2(a) to 5.4.2(f) inclusive.
(ii) Clause 5.4.3 under the heading “Designation of Heritage Area” is amended by deleting the heading and clauses 5.4.3(a) to 5.4.3(h) inclusive.
(iii) Clause 5.4.4 and the heading “Heritage Agreements” are deleted.
(iv) Clause 5.4.5 and the heading “Heritage Assessment” are deleted.
(lv) Clause 5.4.6 under the heading “Variations to Scheme Provisions for a Heritage Place or Heritage Area” is amended to read:
“In granting any variation under clause 12 of the deemed provisions, the Council may require a formal agreement with an owner who is to benefit from the variation for any of the purposes prescribed for a Heritage Agreement by Section 29 of the Heritage of Western Australia Act 1990. The agreement may specify the owner’s obligations and contain memorials noted on relevant certificates of title.”
(lvi) Clause 5.4.7(d) is amended by deleting the words “Clause 6.1.1” and replacing with “clause 60 of the deemed provisions”.
(lvii) Clause 5.6.1 heading “Requirement for Planning Approval” being amended to read “Requirement for Development Approval”.
(lviii) Clause 5.6.1 is amended by deleting Sub clause 5.6.1.1.
(ix) Clause 6.1.2 (c) is amended by deleting the paragraph and adding the new paragraph:
“(c) the erection on a lot of two grouped dwellings where the proposed use is designated with the symbol “P” or “D” in the cross-reference to that zone in the Zoning Table and in the Development Zone, except where otherwise provided by the Scheme.”
(lix) Clause 6.1 is amended by deleting Sub clauses 6.1.2 (e), 6.1.2 (g), 6.1.2 (h) and 6.1.2(i).
(lx) Clause 6.2 is amended by deleting Sub clause 6.2.1, 6.2.2(a), 6.2.2(b), 6.2.2(c), 6.2.2(d) and 6.2.2(e) inclusive of the heading “Application for Planning Approval”.
(lxi) Clause 6.3.1 is amended by:
(a) deleting the word “clause 6.3.3” in Sub clause 6.3.1 and replacing with “clause 64 of the deemed provisions.”
(b) deleting the word “clause 6.3.3” in Sub clause 6.3.2 and replacing with “clause 64 of the deemed provisions”; and
(c) deleting Sub clause 6.3.3(a), 6.3.3(b), 6.3.3(c), 6.3.4, 6.3.5 and 6.3.6.
(lxii) Clause 6.5 and the heading “Consultation with Other Authorities” including Sub clauses 6.5.1 and 6.5.2 is amended by deleting the clauses.

(lxiii) Clause 6.6 and the heading “Matters to be Considered by Council” is amended by deleting the clause.

(lxiv) Clause 6.7 and the heading “Determination of Applications” including Sub clauses 6.7.1(a), 6.7.1(b), 6.7.2, 6.7.3(a), 6.7.3(b) and 6.7.4 is amended by deleting the clauses.

(lxv) Clause 6.8 and the heading “Scope of Planning Approval” is amended by deleting the clause.

(lxvi) Clause 6.9 and the heading “Approval Subject to Later Approval of Details” is amended by deleting the clause, including Sub clauses 6.9.1, 6.9.2 and 6.9.3.

(lxvii) Clause 6.10 and the heading “Deemed Refusal” is amended by deleting the clause, including Sub clauses 6.10.1, 6.10.2 and 6.10.3.

(lxviii) Clause 6.11 and the heading “Amending or Revoking a Planning Approval” is amended by deleting the clause.

(lxix) Clause 6.12 and the heading “Unauthorised Existing Developments” is amended by deleting the clause, including Sub clauses 6.12.1, 6.12.2, 6.12.3(a) and 6.12.3(b).

(lxx) Clause 6.13 and the heading “Appeals” is amended by deleting the clause.

(lxxi) Clause 7.2.2 is amended by deleting the word “clause 6.3” and replacing with “clause 64 of the deemed provisions”.

(lxxii) Clause 8.1.1 is amended by deleting Sub clause 8.1.1 (a), 8.1.1(b) and 8.1.1 (c) and replacing with clause 8.1.1 as follows:

“8.1.1 The Council in implementing the Scheme has the power to acquire any land or buildings within the Scheme area under the provisions of the Scheme or the Act.”

(lxxiii) Clause 8.1 is further amended by deleting Sub clause 8.1.2.

(lxxiv) Clause 8.2 and the heading “Removal and Repair of Existing Advertisements” is amended by deleting Sub clauses 8.2.1, 8.2.2, 8.2.3 and 8.2.4 inclusive.

(lxxv) Clause 8.8 and sub clauses 8.8.1 and 8.8.2(a) to (f) are deleted.

(lxxvi) Clause 8.9 and Sub clauses 8.9.1, 8.9.2, 8.9.3, 8.9.4, 8.9.5, 8.9.6, 8.9.7, 8.9.8, 8.9.9 and 8.9.10 are deleted.

(lxxvii) Clause 8.10 and Sub clauses 8.10.1, 8.10.2, 8.10.3 and 8.10.4 are deleted.

(lxxviii) Schedule No.1, General Interpretations is amended as follows:

(a) deleting the interpretation “Act”
(b) deleting the interpretation “Advertisement”
(c) deleting the interpretation “Amenity”
(d) amending the interpretations “Battle-axe Lot”, “Building”, “Frontage”, “Height” to delete the words “Residential Design Codes” and replace with the word “R-Codes”.
(e) deleting the interpretation “Building Codes”
(f) deleting the interpretation “Cultural Heritage Significance”
(g) add a new interpretation “Deemed Provisions: means the Schedule 2 – Deemed Provisions for local planning schemes in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015”.
(h) deleting the interpretation “Heritage List”
(i) deleting the interpretation “Owner”
(j) amend the interpretation “Policy” by deleting the words “means a planning policy made in accordance with clause 8.9” and replace with the words “means a local planning policy made in accordance with Part 2, Division 2 of the deemed provisions.”
(k) deleting the interpretation “Premises”
(l) deleting the interpretation “Reserve”
(m) deleting the interpretation “Residential Design Codes”
(n) deleting the interpretation “Scheme Area”
(o) deleting the interpretation “Substantially Commenced”
(p) deleting the interpretation “Zone”

(lxxix) Schedule No.1, Land Use Interpretations is amended in respect of “Ancillary Accommodation” and “Residential Building” to delete the words “Residential Design Codes” and replace with “R-Codes”.

(lxxx) Amend the words ‘planning approval’ with ‘development approval’ for the following clauses:

(a) Clause 1.6.3
(b) Clause 2.5
(c) Sub Clauses 2.6.1, 2.6.2 and 2.6.3
(d) Clause 2.7, 2.8
(e) Sub clause 2.11.1
(f) Sub clause 3.2.2
(g) Sub clause 3.2.4
(h) Sub clause 4.1.3 (d)
(i) Sub clause 4.3.3
(j) Sub clause 4.5.4 (a)
(k) Sub clause 4.6.2 (a)
(l) Sub clause 4.6.4
(m) Clause 4.6A (c), (d) and (e)
(n) Sub clause 4.7.2
(o) Sub clause 4.7.4
(p) Sub clause 4.8.2
(q) Sub clause 4.8.7 (a) and (b)
(r) Sub clause 4.9.2
(s) Sub clause 4.9.4.1 (c)
(t) Sub clause 4.10.2
(u) Sub clause 4.10.5 (b)
(v) Sub clause 4.10.6 (c)
(w) Sub clause 4.10.11 (d) and (i)
(x) Sub clause 4.11.2 (b)
(y) Sub clause 4.11.3 (b)
(z) Sub clause 4.11.4
(aa) Sub clause 4.12.3
(bb) Sub clause 4.13.2
(cc) Sub clause 4.13.3
(dd) Sub clause 4.14.2
(ee) Sub clause 4.14.4
(ff) Sub clause 4.15.4
(gg) Sub clause 4.15.7

(hh) Sub clause 4.16.1 (b)

(ii) Sub clause 4.16.2 (b)

(jj) Sub clauses 4.17.1 and 4.17.2

(kk) Sub clause 4.19.2

(ll) Sub clause 4.20.1, 4.20.1A and 4.20.2

(mm) Sub clause 5.3.1 (a) and (b)

(nn) Sub clause 5.3.3

(oo) Sub clause 5.3.4

(pp) Sub clause 5.4.7 heading, (a) and (c)

(qq) Sub clause 5.4.8

(rr) Clause 6.1, Sub clauses 6.1.2, 6.1.4

(ss) Clause 6.3, Sub clauses 6.3.1 and 6.3.2

(tt) Clause 6.4, Sub clauses 6.4.1 and 6.4.2

(uu) Clause 7.2, Sub clauses 7.2.1 and 7.2.2

(vv) Clause 7.3

(ww) Clause 7.5

(xx) Clause 8.5

(yy) Schedule No.2 Additional Use No.23, No.29, Special Conditions column

.zz) Schedule No.4 Special Rural Zones Provisions Relating to Specified Areas (Referring to Clause 4.12 and Plan No's 3 and 4) – Planning Unit 2 of the Rural Land Strategy, Provision No.6

(aaa) Schedule No.4 Special Rural Zones Provisions Relating to Specified Areas (Referring to Clause 4.12 and Plan No's 3 and 4) – Planning Unit 3 of the Rural Land Strategy, Provision No.6

(bbb) Schedule No.4 Special Rural Zones Provisions Relating to Specified Areas (Referring to Clause 4.12 and Plan No's 3 and 4) – Planning Unit 4 of the Rural Land Strategy, Provision No.6

(ccc) Schedule No.4 Special Rural Zones Provisions Relating to Specified Areas (Referring to Clause 4.12 and Plan No's 3 and 4) – Planning Unit 5 of the Rural Land Strategy, Provision 6.

(ddd) Schedule No.4 Special Rural Zones Provisions Relating to Specified Areas (Referring to Clause 4.12 and Plan No's 3 and 4) – Planning Unit 6 of the Rural Land Strategy, Provision 6.

(eee) Schedule No.4 Special Rural Zones Provisions Relating to Specified Areas (Referring to Clause 4.12 and Plan No's 3 and 4) – Planning Unit 7 of the Rural Land Strategy, Provision 6.

(fff) Schedule No.5 Special Residential Zones Portions of Planning Unit 3 of the Rural Land Strategy, Provision No.6.

(ggg) Schedule No.5 Special Residential Zones Portions of Planning Unit 4 of the Rural Land Strategy, Provision No.6.

(hhh) Schedule No.4 Special Residential Zones Warnbro Dunes, Provision No.5.

(lxxxi) Amend the words ‘Planning Policy’ and ‘Planning Policies’ and replace with the words ‘Local Planning Policy’ for the following clauses:

(a) Sub clause 4.10.11.1 (i)

(b) Sub clause 4.20.1A

(c) Sub clause 6.1.4
(d) Schedule No.1 General Interpretations, ‘Policy’ interpretation.
(e) Schedule No.10, DCA1, Provision No.9
(lxxxii) Amend Schedule No.10, Development Contribution Areas (DCA1), Provision 9, by deleting the words “clause 8.9 of the Scheme” and replace with the words “Part 2 Division 2 of the deemed provisions”.

2. **CONSIDERS** the proposed Scheme Amendment as a ‘Basic Amendment’ in accordance with Regulation 34(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
**Purpose of Report**

For Council to delegate authority to the Chief Executive Officer to award Tender T15/16-58 – Construction of landfill cell 16, new leachate ponds and associated works at the Millar Road Landfill Facility, Baldivis.

**Background**

T15/16-58 – Construction of landfill cell 16, new leachate ponds and associated works at the Millar Road Landfill Facility, Baldivis was advertised in the West Australian on Saturday, 2 January 2016. The Tender closed at 2.00pm, Wednesday, 20 January 2016 and was publicly opened immediately after the closing time.
Details

The scope of work for this contract comprises the earthworks, installation of synthetic liners and other associated works for the construction of a new landfill cell 16 and the capping of cell 8 including the construction of two leachate storage ponds.

The Millar Road Landfill Facility operates under a license issued by the Department of Environment Regulation (DER) and the City is required to obtain a Works Approval prior to undertaking any works on the prescribed premises.

The Works Approval process commenced in July 2014 with an initial scoping meeting with the DER and the Works Approval application was lodged in September 2015.

Tender submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
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<tbody>
<tr>
<td>WBHO Infrastructure Pty Ltd</td>
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<tr>
<td>Curnow Group (Hire) Pty Ltd</td>
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<tr>
<td>Ertech Pty Ltd</td>
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</tbody>
</table>

A panel comprising of the City’s Manager Integrated Waste Services, Landfill Coordinator and Mr Ian Watkins from IW Projects, consulting engineer, is undertaking the tender evaluations.

Implications to Consider

a. Consultation with the Community
   The DER’s Works Approval process includes a 21 day public notice period during which submissions can be made regarding the proposed project.

b. Consultation with Government Agencies
   The City is liaising with the DER which must provide a Works Approval for the project.

c. Strategic

   Community Plan

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

   **Aspiration C:** Quality Leadership
   **Strategic Objective:** Infrastructure – Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis.

   **Aspiration D:** Sustainable Environment
   **Strategic Objective:** Carbon Footprint and Waste Reduction - Carbon footprint reduction and waste minimisation programs focussed on community education and awareness, and the use of new technologies proven to be environmentally acceptable and financially sustainable.

d. Policy

   In accordance with the City’s Purchasing Policy, for purchases above $100,000, a public tender process is to be conducted in accordance with the provision of section 3.57 of the Local Government Act 1995; and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11A(1).

e. Financial

   An amount of $3,312,000 has been allocated in the 2015/2016 budget for these works and the tendered prices range from $2,568,000 to $2,944,000.
f. Legal and Statutory


‘Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than $150,000 unless sub regulation (2) states otherwise’.

In accordance with section 5.42, subsection (1) read in conjunction with section 5.43 of the Local Government Act 1995.

‘A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties’.

g. Risk (High/Extreme)

Nil

Comments

The tender process was commenced with the expectation that the Works Approval would be granted before the tender was to be awarded, however at the time of the agenda close, the Works Approval has not been received.

To facilitate the construction as soon as possible and to limit the impact of wet weather on the project, delegated authority is requested to allow the CEO to award the tender as soon as practicable following the granting of the Works Approval.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council DELEGATES authority to the Chief Executive Officer to award Tender T15/16-58 – Construction of landfill cell 16, new leachate ponds and associated works at the Millar Road Landfill Facility, Baldivis.

Committee Recommendation

Moved Cr Sammels, seconded Cr Hamblin:

That Council DELEGATES authority to the Chief Executive Officer to award Tender T15/16-58 – Construction of landfill cell 16, new leachate ponds and associated works at the Millar Road Landfill Facility, Baldivis.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
<table>
<thead>
<tr>
<th></th>
<th>Reports of Councillors</th>
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<tr>
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15. **Motions of which Previous Notice has been given**

### Planning and Development Services

#### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-010/16 Notice of Motion - Convey Council’s objection and concern over the SWJDAP’s approval of the Montessori School to the Director General of the Department of Planning</th>
</tr>
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<tbody>
<tr>
<td>File No:</td>
<td>DD020.2014.00000535</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
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<tr>
<td>Proponent/s:</td>
<td>Cr Kelly McManus</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning, Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 February 2016</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>February 2015 (PDS-014/15), October 2015 (PDS-064/15), December 2016 (PDS-085/15)</td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Advocacy</td>
</tr>
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<td>Nature of Council’s Role in this Matter:</td>
<td></td>
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<tr>
<td>Site:</td>
<td>Lot 11 (No.1809) and Lots 700 and 701 (No.1791) Mandurah Road, Karnup</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>15.1ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Lot 11 - Rural, Lots 700 and 701 - Special Rural</td>
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<td>MRS Zoning:</td>
<td>Rural</td>
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<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan, 2. Aerial Photo</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial Photo
Purpose of Report

To consider a Notice of Motion from Cr McManus to convey Council's objection and concern over the Metro South-West Joint Development Assessment Panel's reconsidered decision to grant Development Approval for the Montessori School at Lot 11 (No.1809) and Lots 700 and 701 (No.1791) Mandurah Road, Karnup to the Director General of the Department of Planning.

Background

The following outlines the history relating to the Development Approval for the Educational Establishment at Lot 11 (No.1809) and Lots 700 and 701 (No.1791) Mandurah Road, Karnup:

- December 2014 - the applicant lodged a Joint Development Assessment Panel (JDAP) application for a proposed Educational Establishment at Lot 11 (No.1809) and Lots 700 and 701 (No.1791) Mandurah Road, Karnup.
- March 2015 - the South-West Joint Development Assessment Panel (SWJDAP) resolved to refuse DAP Application for an Educational Establishment.
- April 2015 - the applicant lodged an appeal with the State Administrative Tribunal (SAT) in relation to the refusal of the JDAP application. A number of mediation sessions were held as part of the SAT proceedings which the City was invited to participate in.
- August 2015 - the SAT invited the SWJDAP to reconsider its decision on or before 9 October 2015. The applicant failed to provide sufficient information in accordance with the SAT Orders for the City to prepare its Responsible Authority Report for the consideration of the SWJDAP by this date.
- October 2015 - SAT invited the SWJDAP to reconsider its decision on or before 22 December 2015.
- 4 December 2015 - the JDAP Secretariat requested the City send its Responsible Authority Report (RAR) to the SWJDAP by the 11 December 2015 to enable the SWJDAP to consider the application on the 18 December 2015.
- 8 December 2015 - the City advised the JDAP Secretariat that "the City has examined the relevant legislation, and taken legal advice on same, and formed the view that the RAR is required (according the Regulations) to be presented to the Council for consideration, before being forwarded to the JDAP Secretariat. As such, the City will not forward the RAR until it has been considered by the Council."
- 9 December 2015 - the JDAP Secretariat advised that if the SWJDAP is not given a report on a JDAP application in accordance with the Regulations the SWJDAP may determine the JDAP application in the absence of the report. The SWJDAP can determine an RAR which has not been through Council.
- 11 December 2015 - the City sent a draft RAR to the JDAP Secretariat, recommending refusal of the application for the following reasons:

  1. The proposed development is inconsistent with Schedule 2 Clause 63(1)(a)(ii),(iv),(vi), (vii),(b) and (d) of the Planning and Development (Local Planning Schemes) Regulations 2015, as the applicant has failed to provide sufficient information in order to adequately assess the impacts of the development.
  2. An 'Educational Establishment' is not permitted on Lots 700 and 701 Mandurah Road by virtue of not meeting the prerequisites of Clause 7.3 of Town Planning Scheme No.2 for a change of non-conforming use, as the development would not be less detrimental to the amenity of the locality than the existing non-conforming use, and it would not be closer to the intended purpose of the zone than the existing non-conforming use.
  3. The proposed development is inconsistent with Clause 4.11.1 of Town Planning Scheme No.2, being the objectives of the Rural Zone, as the proposal does not foster semi-rural development which is sympathetic to the characteristics of the area in which it is located by virtue of the scale of the development and extensive earthworks and clearing required to facilitate the development.
4. The proposed development is inconsistent with Clause 4.12.1 of Town Planning Scheme No.2, being the objectives of the Special Rural Zone, as the loss of vegetation and modification to the natural topography of the land does not result in retention of the rural landscape and amenity, or conserve or enhance the natural environment.

5. Safe access cannot be provided to the development from Mandurah Road.

6. The proposed development is inconsistent with the objectives of Planning Unit No.4C of Planning Policy 3.1.1 - Rural Land Strategy, as the scale of the development is considered to adversely impact the landscape as a result of modifying the existing landscape through loss and modification of vegetation and earthworks required to facilitate the development.

7. The proposed development is inconsistent with Clause 1.6.2(b) of Town Planning Scheme No.2, being an objective of the Scheme, as it is not considered to secure the amenity of the Scheme Area and the inhabitants thereof as a result of the substantial vegetation removal and earthworks required to facilitate the development on the site.

8. The proposed development is inconsistent with Clause 1.6.2(e) of Town Planning Scheme No.2, being an objective of the Scheme, as it does not protect and enhance the environmental values and natural resources of the Scheme Area nor does it promote ecologically and environmentally sustainable land use and development through the extensive vegetation clearing earthworks and lack of available public transport.

9. The site is unsuitable for the proposed development given the impact of the scale of the development on the natural landscape, the extent of earthworks required to accommodate the development, the extent of vegetation removal required to facilitate the construction of buildings, access and carparking areas and the Building Protection Zone, and the unsafe access and egress to the site.

- 15 December 2015 - Council considered the RAR at its ordinary Meeting and supported the recommendation to refuse the application.
- 16 December 2015 - the City sent the Council endorsed RAR to the JDAP Secretariat.
- 18 December 2015, SWJDAP reconsidered its decision dated 10 March 2015 pursuant to section 31 of the State Administrative Tribunal Act 2004, and resolved to approve the JDAP.

The SWJDAP provides the following reason for approving the JDAP:
"Following amendments made to the plans and further information/planning provided on management/operations of the school through the SAT mediation process, the application is now considered to be an acceptable land use for the area and traffic measures required by Main Roads WA for Mandurah Road can be achieved. The Members voted to use discretion to approve the development application, given under the Metropolitan Region Scheme."

Details

In January 2016, Cr Kelly McManus submitted the following Notice of Motion for consideration:

"That Council direct the Chief Executive Officer to convey Council’s objection and concern over the Metro South-West Joint Development Assessment Panel’s reconsidered decision to grant Development Approval for the Montessori School at Lot 11 (No.1809) and Lots 700 and 701 (No.1791) Mandurah Road, Karnup to the Director General of the Department of Planning."

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 and Strategic Objective contained in the Community Plan 2015-2025:

Aspiration C: Quality Leadership - Community Engagement and Advocacy

Strategic Objective: An engaged and informed community that participates in local decision making and can reply upon the Council to advocate on its behalf when important issues challenge the best interests of the City and its residents.

d. Policy

Nil

e. Financial

Nil

f. Legal and Statutory

Nil

g. Risk (High/Extreme)

Nil

Comments

The City retains serious concerns regarding the decision of the SWJDAP to approve the Educational Establishment for the following reasons:

SWJDAP Approval

Contrary to the SWJDAP's reason for approval, the applicant has not demonstrated that traffic measures required by Main Roads WA can be achieved. The City does not believe the applicant provided additional information through the SAT mediation process to demonstrate that an Educational Establishment was an acceptable land use on this site.

Insufficient Information

Insufficient information was provided by the applicant to enable full and proper assessment of the impacts of the development relating to vehicular access, U-turn facilities, parking provision, and the extent of earthworks required.

Amenity

The proposed development has a greater impact on the amenity of the locality than the existing non-conforming use based on visual and environment impacts, hours of operation and increased peak hour and overall traffic volumes.

Non-Conforming Use

The City does not agree that the proposed development was less detrimental to the amenity of the locality in which the subject site is located as required by Clause 7.3 of TPS2 due to the overall/cumulative impacts of an Educational Establishment and did not consider the proposed development was closer to the intended purpose of the zone.

Rural Zone

The City did not consider the proposed development complied with the objectives and principles of the Rural zone, as it was not of a scale that minimised intrusion into the landscape and it adversely impacted the natural landscape attributes of the site.

Special Rural Zone

The City also considered that the proposed development failed to comply with the objectives of the Special Rural zone. The proposed development is inconsistent with the objectives of the City's Rural Land Strategy as it failed to protect and conserve landscape values and areas of environmental significance.
Vegetation
The applicant failed to adequately demonstrate the extent of earthworks required to facilitate the development. The City was therefore unable to accurately assess the impact of earthworks on vegetation retention or landscaping.

As the site is subject to a bushfire risk, the area surrounding the development needs to have vegetation provided in a minimal fuel condition to provide an adequate Building Protection Zone. Whilst the applicant has proposed revegetation of the site, the City remains concerned as to how the land will be stabilised given the low fuel conditions required and the extent of vegetation required to be removed to provide the Building Protection Zones and reduced fuel load across the site.

The development requires an excessive level of clearing. Even with the proposed landscaping, the rehabilitation proposed was not considered to sufficiently replace the lost vegetation.

The development was considered to result in adverse environmental impacts as a result of modifying the existing landscape through loss and modification of vegetation and earthworks required to facilitate the development.

Traffic and Access
The Educational Establishment will increase the volume of traffic to and from the site. Based on current conditions, the development would not provide for safe access to and from the site and would compromise the functioning of Mandurah Road as a result of the intensification of development and subsequent modifications required to the road to facilitate the development.

It was not adequately demonstrated to the City whether the site could achieve safe and functional access.

<table>
<thead>
<tr>
<th>Voting Requirements</th>
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<tr>
<td>Simply Majority</td>
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<tr>
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<tbody>
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<tr>
<td>Moved Cr Whitfield, seconded Cr Hamblin:</td>
</tr>
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| Committee Voting – 5/0 |

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<tr>
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<tbody>
<tr>
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<tr>
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Planning and Development Services  
Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>Notice of Motion – Investigate Opportunities to Streamline the City's Business Approval Processes to Facilitate the Establishment and Growth of Small Businesses in Rockingham</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP401-02</td>
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<tr>
<td>Risk Register No:</td>
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<tr>
<td>Applicant:</td>
<td>Cr Leigh Liley</td>
</tr>
<tr>
<td>Owner:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 February 2016</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
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<tr>
<td>Site:</td>
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<td>Lot Area:</td>
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<td>LA Zoning:</td>
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<td>MRS Zoning:</td>
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<td>Attachments:</td>
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<tr>
<td>Maps/Diagrams:</td>
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</table>

**Purpose of Report**

To consider a Notice of Motion from Cr Liley, that the Council direct the Chief Executive Officer to investigate and report back to Council on opportunities to streamline the City’s business approval processes to facilitate the establishment and growth of small businesses in Rockingham.

**Background**

Nil

**Details**

On 27 January 2016, Cr Liley submitted the following Notice of Motion for consideration at the ordinary Meeting of Council:
"That Council DIRECTS the Chief Executive Officer to investigate and report back to Council on opportunities to streamline the City of Rockingham’s business approval processes to facilitate the establishment and growth of small business in Rockingham."

<table>
<thead>
<tr>
<th>Implications to Consider</th>
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<tbody>
<tr>
<td>a. Consultation with the Community</td>
</tr>
<tr>
<td>b. Consultation with Government Agencies</td>
</tr>
<tr>
<td>c. Strategic Community Plan</td>
</tr>
<tr>
<td>d. Policy</td>
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<tr>
<td>e. Financial</td>
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<tr>
<td>f. Legal and Statutory</td>
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<tr>
<td>g. Risk (High/Extreme)</td>
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</tbody>
</table>

**Comments**

If the Notice of Motion proceeds, a report will be prepared which examines the matter against the legislative requirements, State Government planning reforms, statutory timeframes for decisions, State Planning Policy, City Local Planning Policy and the change in technology which will change the way the City interacts with applicants.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council DIRECTS the Chief Executive Officer to investigate and report back to Council on opportunities to streamline the City of Rockingham’s business approval processes to facilitate the establishment and growth of small business in Rockingham.

**Notice of Motion by Cr Liley**

That Council DIRECTS the Chief Executive Officer to investigate and report back to Council on opportunities to streamline the City of Rockingham’s business approval processes to facilitate the establishment and growth of small business in Rockingham.
Moved Cr Whitfield, seconded Cr Hamblin:

That Council DIRECTS the Chief Executive Officer to investigate and report back to Council on opportunities to streamline the City of Rockingham’s business approval processes to facilitate the establishment and growth of small business in Rockingham.”

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Planning and Development Services
Statutory Planning Services

Reference No & Subject: PDS-012/16 Notice of Motion – Draft Planning Policy - Flagpoles in Residential Areas

File No: LUP/1823

Risk Register No: 

Proponent/s: Mr Mike Ross, Manager Statutory Planning

Author:

Other Contributors:

Date of Committee Meeting: 15 February 2016

Previously before Council:

Disclosure of Interest:

Nature of Council’s Role in this Matter: Executive

Site:

Lot Area:

LA Zoning:

MRS Zoning:

Attachments:

Maps/Diagrams:

Purpose of Report

To consider a Notice of Motion from Mayor Sammels, that the Council directs the Chief Executive Officer to develop a draft town planning policy on the installation of flagpoles in residential areas used for domestic and non-commercial purposes.

Background

In December 2015, the City received a complaint regarding a flagpole erected at No.6 Icelandic Meander, Baldivis.

City Officers investigated the matter and wrote to the owners of the flagpole advising that it was considered to be “development” for which approval was required from the City. An application seeking Development Approval was required to be submitted within 28 days, or the flagpole was required to be removed from the property by 11 February 2016.

On 5 February 2016, the City visited the owners to explain that the City’s position on flagpoles is being reviewed and until that process is complete no further action will be taken on their flagpole. It was also advised that the City would be in contact once its position on flagpoles has been settled. Until then, the owners did not need to do anything in relation to their flagpole.
Details

Mayor Sammels submitted the following Motion for consideration at the 23 February 2016 Council Meeting:

“That Council DIRECTS the Chief Executive Officer to develop a draft town planning policy on the installation of flagpoles in residential areas used for domestic and non-commercial purposes.”

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

d. Policy
   Nil

e. Financial
   Nil

f. Legal and Statutory
   Nil

g. Risk (High/Extreme)
   Nil

Comments

If the Notice of Motion proceeds, a report and draft local planning policy will be prepared for Council’s consideration which examines whether or not City approval should be required for a flagpole, depending on the circumstances such as location, height and amenity impacts.

In some cases, Councils have local planning policies to provide guidance to be applied in consideration of flagpoles such as the zoning, location, height and amenity impacts. The City does not have a policy on flagpoles.

Voting Requirements

Simple Majority

Officer Recommendation

That Council DIRECTS the Chief Executive Officer to develop a draft local planning policy on the installation of flagpoles in residential areas used for domestic and non-commercial purposes and not to undertake any further action to require approvals until its position on flagpoles has been settled.
Notice of Motion from Mayor Sammels

That Council *DIRECTS* the Chief Executive Officer to develop a draft town planning policy on the installation of flagpoles in residential areas used for domestic and non-commercial purposes.

Committee Recommendation

Moved Cr Sammels, seconded Cr Whitfield:

That Council *DIRECTS* the Chief Executive Officer to develop a draft local planning policy on the installation of flagpoles in residential areas used for domestic and non-commercial purposes and not to undertake any further action to require approvals until its position on flagpoles has been settled.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Engineering and Parks Services

### Engineering Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>Notice of Motion – The Chief Executive Officer to provide a report to Council on options to upgrade the temporary pedestrian access along Surf Drive from Warnbro Sound Avenue, including the provision of street lighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>SUR1</td>
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<tr>
<td>Risk Register No:</td>
<td></td>
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<tr>
<td>Proponent/s:</td>
<td>Cr Justin Smith</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Ian Daniels, Manager Engineering Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 February 2016</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>26 August 2014 (EP-031/14)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Surf Drive Secret Harbour</td>
</tr>
<tr>
<td>Site:</td>
<td></td>
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<tr>
<td>Lot Area:</td>
<td></td>
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<tr>
<td>Attachments:</td>
<td></td>
</tr>
</tbody>
</table>
1. Locality Plan

2. Location of future footpaths

**Purpose of Report**

To consider a Notice of Motion from Cr Justin Smith to prepare a report to Council on options to upgrade the temporary pedestrian access along Surf Drive from Warnbro Sound Avenue, including the provision of street lighting.

**Background**

In August 2014 the following Notice of Motion was considered by Council:

“That Council **DIRECTS** the Chief Executive Officer to write to the Developers responsible and to request that they complete the footpath along Surf Drive between D’Arcole Turn and Warnbro Sound Avenue.”

Lost – 4/6
To allow a temporary pedestrian access along this portion of road the City subsequently installed a relatively inexpensive temporary path on the northern verge made from road pavement profilings that were being removed during local roadworks.

Cr Smith submitted the following motion for consideration at the February 2016 Council Meeting:

“That Council DIRECTS the Chief Executive Officer to prepare a report to Council on options to upgrade the temporary pedestrian access along Surf Drive from Warnbro Sound Avenue, including the provision of street lighting.”

Details

Surf Drive is a local distributor road that links Warnbro Sound Avenue with Mandurah Road over a length of 1.1km. It has a posted speed limit of 50km/h and is predominately residential to the north and south, with an Early Childhood Annex located centrally along its southern alignment.

The land adjacent to Surf Drive has been subject to urbanised residential development for the past 12 years. The sections of Surf Drive that do not have pathways linkages are still undeveloped and any future land development will be required to upgrade the adjacent portion of road which will include footpaths and streetlighting.

Currently, the City has not received applications to subdivide the undeveloped lots on the southern side adjacent to Surf Drive. A subdivision approval has been issued for the western most lot to the north, however no Engineering drawings have been received and therefore no subdivision works can commence. This approval will lapse in December 2016 if the works are not completed by that date. A 70m wide section of land, located between the already developed land to the east and the western area under subdivision approval, exists with no applications or approvals pending.

Implications to Consider

a. Consultation with the Community
   Nil
b. Consultation with Government Agencies
   Nil
c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Community Plan 2015-2025:

   **Aspiration B:** Strong Community

   **Strategic Objective:** Services and Facilities – Community facilities and services that accommodate contemporary community expectation and are justified, well used, cost effective and, where appropriate, multi-functional.

   **Strategic Objective:** Safety and Support – A community that feels safe and secure in home, work and leisure environments, and has access to a range of effective support services and partnerships when encountering challenging or difficult times.

   **Aspiration C:** Quality Leadership

   **Strategic Objective:** Infrastructure – Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis.

d. Policy
   Nil
e. Financial
   Nil
f. Legal and Statutory
   Nil
g. Risk (High/Extreme)
   Nil

Comments
Once the land is developed adjacent to this portion of Surf Drive the Developer will be required to install a pathway and streetlighting along this portion of road.
A report providing Council with the options to upgrade pedestrian access along this portion of road could resolve this issue until the adjacent land is developed.

Voting Requirements
Simple Majority

Officer Recommendation
That Council DIRECTS the Chief Executive Officer to prepare a report to Council on options to upgrade pedestrian access along Surf Drive from Warnbro Sound Avenue through to the existing path network, including the provision of street lighting.

Notice of Motion from Cr Smith
That Council DIRECTS the Chief Executive Officer to prepare a report to Council on options to upgrade the temporary pedestrian access along Surf Drive from Warnbro Sound Avenue, including the provision of street lighting.

Committee Recommendation
Moved Cr Whitfield, seconded Cr Hamblin:
That Council DIRECTS the Chief Executive Officer to prepare a report to Council on options to upgrade the temporary pedestrian access along Surf Drive from Warnbro Sound Avenue, including the provision of street lighting.

Committee Voting – 5/0

The Committee’s Reason for Varying the Officer’s Recommendation
Not Applicable

Implications of the Changes to the Officer’s Recommendation
Not Applicable
16. **Notices of Motion for Consideration at the Following Meeting**
   
   Nil

17. **Urgent Business Approved by the Person Presiding or by Decision of the Committee**
   
   Nil

18. **Matters Behind Closed Doors**
   
   Nil

19. **Date and Time of Next Meeting**
   
   The next Planning and Engineering Services Committee Meeting will be held on **Monday 14 March 2016** 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 and Engineering Services Committee meeting, and declared the meeting closed at **5.14pm**.