City of Rockingham
Planning and Engineering Services Committee
Meeting Minutes
Monday 15 June 2015

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## 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.

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

### 2.1 Councillors

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr Richard Smith (Deputy Mayor)</td>
<td>Chairperson</td>
</tr>
<tr>
<td>Cr Chris Elliott</td>
<td></td>
</tr>
<tr>
<td>Cr Ron Pease JP</td>
<td></td>
</tr>
<tr>
<td>Cr Justin Smith</td>
<td>(Deputy for Cr Allan Hill)</td>
</tr>
<tr>
<td>Cr Matthew Whitfield</td>
<td>(Deputy for Cr Deb Hamblin)</td>
</tr>
</tbody>
</table>

### 2.2 Executive

<table>
<thead>
<tr>
<th>Executive</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Andrew Hammond</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Mr Bob Jeans</td>
<td>Director Planning and Development Services</td>
</tr>
<tr>
<td>Mr John Woodhouse</td>
<td>Director Legal Services and General Counsel</td>
</tr>
<tr>
<td>Mr Chris Thompson</td>
<td>Director Engineering and Parks Services</td>
</tr>
<tr>
<td>Mr Peter Ricci</td>
<td>Project Manager Keralup</td>
</tr>
<tr>
<td>Mr Brett Ashby</td>
<td>Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Mr Richard Rodgers</td>
<td>Manager Building Services (until 4.20pm)</td>
</tr>
<tr>
<td>Mr Mike Ross</td>
<td>Manager Statutory Planning</td>
</tr>
<tr>
<td>Mr Rod Fielding</td>
<td>Manager Health Services</td>
</tr>
<tr>
<td>Mr Andrew Davidson</td>
<td>A/Manager Procurement and Projects</td>
</tr>
<tr>
<td>Mr Kelton Hincks</td>
<td>Manager Asset Services</td>
</tr>
<tr>
<td>Mr Stuart McCarthy</td>
<td>Manager Engineering Operations</td>
</tr>
<tr>
<td>Mr Adam Johnston</td>
<td>Manager Parks Operations</td>
</tr>
<tr>
<td>Mr Allan Moles</td>
<td>Manager Integrated Waste Services</td>
</tr>
<tr>
<td>Ms Melinda Wellburn</td>
<td>PA to Director Planning and Development Services</td>
</tr>
</tbody>
</table>

### 2.3 Members of the Gallery:

| Members of the Gallery: | 2 |

### 2.4 Apologies:

| Apologies: | Nil |

### 2.5 Approved Leave of Absence:

| Approved Leave of Absence: | Nil |
4. **Public Question Time**  

4.01pm The Chairperson invited members of the Public Gallery to ask questions. There were none.

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

Moved Cr Elliott, seconded Cr Pease:  
That Committee **CONFIRM** the Minutes of the Planning and Engineering Services Committee Meeting held on 18 May 2015, as a true and accurate record.  
Committee Voting – 5/0

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

Nil

7. **Announcement by the Presiding Person without Discussion**  

4.02pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.

8. **Declarations of Members and Officers Interests**  

4.02pm The Chairperson asked if there were any interests to declare. There were none.

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

Nil

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

Nil

11. **Bulletin Items**

**Planning and Development Services Information Bulletin – June 2015**

**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 Ocean Water and Storm Water 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 After Hours Noise and Smoke Nuisance Complaint Service  
   4.7 Complaint - Information  
   4.8 Noise Complaints - Detailed Information
4.9 Building Plan Assessments  
4.10 Septic Tank Applications  
4.11 Demolitions  
4.12 Swimming Pool and Drinking Water Samples  
4.13 Rabbit Processing  
4.14 Hairdressing and Skin Penetration Premises  
4.15 New Family Day Care Approvals  
4.17 Emergency Services  
4.18 Restricted Burning Period  
4.19 Compliance  
4.20 Social Media  
4.21 Bush Fire Hazard Reduction Program  
4.22 Accredited Volunteer Training  
4.23 Urban Fire Management Research Project  
4.24 Memorandum of Understanding DFES and City of Rockingham  
4.25 Baldivis Primary Fire Response Planning  
4.26 Community Education  
4.27 Singleton Volunteer Bush Fire Brigade Annual General Meeting  
4.28 Ranger Services  
4.29 Prosecutions

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 Continued Service System – Where a Certificate of Design Compliance & Building Permit are Produced Individually  
   4.4 Demolition Permit  
   4.5 Permanent Sign Licence  
   4.6 Community Sign Approval  
   4.7 Temporary Sign Licence  
   4.8 Street Verandah Approval  
   4.9 Occupancy Permits  
   4.10 Strata Titles  
   4.11 Unauthorised Building Works (Section 51 of the Building Act)  
   4.12 Monthly Caravan Park Site Approvals  
   4.13 R Code Variations

Strategic Planning and Environment  
1. Strategic Planning and Environment Team Overview  
   1. Human Resource Update  
3. Project Status Reports  
   3.1 Local Planning Strategy (LUP/1352)  
   3.2 Water Campaign (EVM/56-02)  
   3.3 Karnup District Structure Plan (LUP/1546)  
4. Information Items  
   4.1 Western Australia Tomorrow (2015)
Planning and Engineering Services Committee Minutes
Monday 15 June 2015

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 JULY 2015

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

Planning and Development Directorate
1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08)
   3.2 Northern Smart Village Sector – Masterplan, Development Policy Plan and Scheme Amendment
   3.3 Campus Sector – Masterplan, Development Policy Plan and Scheme Amendment
   3.4 Eastern Sector – Masterplan, Development Policy Plan and Scheme Amendment
   3.5 Southern Gateway Sector – Masterplanning, Development Policy Plan and TPS (LUP/1846 & LUP/1847)
   3.6 Rockingham Station Sector – Masterplanning and Development Policy Plan (LUP/1848)
   3.7 Mangles Bay Marina
   3.8 Rockingham Beach Foreshore Master Plan
4. Information Items
   4.1 Proposed Amendment No.1278/57 to the Metropolitan Region Scheme – Rockingham Strategic Metropolitan Centre (Minor Amendment)

Advisory Committee Minutes

Cr Ron Pease commended Mr Bob Jeans, Director Planning and Development Services, for his work on the Residential Medium Density Codes.

Committee Recommendation

Moved Cr Elliot, seconded Cr Whitfield:

That Councillors acknowledge having read the Planning Services Information Bulletin – June 2015 and the content be accepted.

Committee Voting – 5/0
### Engineering and Parks Services Information Bulletin – June 2015

#### Engineering Services

1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   - 4.1 Delegated Authority for Temporary Thoroughfare Closure
   - 4.2 Delegated Authority for the payment of Crossover Subsidies
   - 4.3 Delegated Authority to approve the release of bonds for subdivisional works
   - 4.4 Delegated Authority to approve of Engineering Drawings - Subdivisions
   - 4.5 Delegated Authority for approval of Directional Signage
   - 4.6 Delegated Authority for Notices given under s3.25 (1)(a) LG Act 1995
   - 4.7 Engineering Services Design Projects 2014/2015
   - 4.8 Handover of Subdivisional Road
   - 4.9 Structure Plan Referrals
   - 4.10 Traffic Report Referrals
   - 4.11 Urban Water Management Referrals
   - 4.12 Subdivision Approval Referrals
   - 4.13 Subdivision Clearance Requests
   - 4.14 Development Application Referrals
   - 4.15 Authorised Traffic Management Plans for Works on City Controlled Roads
   - 4.16 Safety Bay Road – Principle Shared Path

#### Engineering Operations

1. Engineering Operations Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   - 4.1 Road Construction Program Roads to Recovery 2014/2015
   - 4.2 Road Construction Program Main Roads Direct Grant 2014/2015
   - 4.3 Road Construction Program Municipal Works 2014/2015
   - 4.4 Road Renewal Program Municipal Works 2014/2015
   - 4.5 Drainage Program Municipal Works 2014/2015
   - 4.6 Footpath Construction Program Municipal Works 2014/2015
   - 4.7 Road Maintenance Program 2014/2015
   - 4.8 Litter Team and Sweeping 2014/2015
   - 4.9 LitterBusters 2014/2015
   - 4.10 Passenger Vehicle Fleet Program 2014/2015
   - 4.11 Light Commercial Vehicles Program 2014/2015
   - 4.12 Heavy Plant Program 2014/2015

#### Parks Development

1. Parks Development Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Golden Bay Shared Use Oval
   - 3.2 Reef Place Reserve Development
   - 3.3 Vegetation Prioritisation Review
   - 3.4 Tamworth Hill Swamp, Revegetation
   - 3.5 City Parks - Central Irrigation Management System
   - 3.6 Safety Bay Foreshore Infrastructure - Lumia Apartments Public Open Space Cash in Lieu upgrades
3.7 Richmond Avenue Drainage Reserve Upgrade

4. Information Items
4.1 Groundwater Monitoring
4.2 ANZAC Centenary
4.3 Kulija Road Environmental Offsets
4.4 Climate Change Mitigation
4.5 Lake Richmond Heritage Listing
4.6 Dixon Road Conservation Reserve AAG Funding
4.7 Urban Water Management Referrals
4.8 Structure Plan Approval Referrals
4.9 Subdivision Approval Referrals
4.10 Development Application Referrals
4.11 Delegated Subdivision Public Open Space Practical Completion
4.12 Delegated Subdivision Public Open Space Handovers
4.13 Delegated Public Open Space Approvals
4.14 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 Replace Footpath, Lookout Pad and Fencing to Lookout at Singleton Beach Foreshore
   3.3 Limestone Access Footpath Upgrades – Warnbro Foreshore - Cote D’Azur Gardens, Dieppe Lane and Bayeux Avenue.
   3.4 Replace Foreshore Conservation Fencing - Rockingham
   3.5 Replace Foreshore Conservation Fencing - Shoalwater
   3.6 Replace Foreshore Conservation Fencing – Safety Bay
   3.7 Install and Upgrade Conservation Fencing – Alf Powell Reserve (Greening Plan)
   3.8 Secret Harbour Boulevard to Secret Harbour Foreshore – Limestone Emergency Vehicle Access Road
   3.9 Kennedy Bay – Firebreak / Limestone Emergency Vehicle Access Road (Ocean Point Close – Long Beach Rise)
   3.10 Singleton Foreshore Disability Access Footpath
   3.11 Alf Powell Reserve – Install Formal Limestone Access Paths (Greening Plan)
   3.12 Baldivis Nature Reserve – Install Formal Limestone Access Paths (Greening Plan)
   3.13 Play Equipment Replacements
   3.14 Practice Cricket Net Upgrades – Shoalwater and Achiever Ovals
   3.15 Warnbro Foreshore – Lower Turf to Foreshore Footpath along Warnbro Beach Road

4. Information Items
4.1 Parks Maintenance Program 2014/2015

Asset Management

1. Asset Management Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Drainage data collection
4. Information Items
   4.1 Asset Management Improvement Strategy
   4.2 Asset Systems Management
4.3 Solar Power

Building Maintenance

1. Building Maintenance Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Anniversary Park - Upgrade of Poles, Luminaires and Switch Gear
   3.2 Sepia Court Childcare - Replace Asbestos Fence
   3.3 Aqua Jetty – Replacement of Perimeter Fencing
   3.4 Operations Centre Refurbishment
   3.5 Replace Dugout Structures – Hourglass Reserve
   3.6 Warning Signage and Fire Panel Upgrade – City of Rockingham Depot and Operations Centre
   3.7 Replacement of Timber Flooring – Watts Road Girl Guides Building

4. Information Items
   4.1 Building Maintenance
   4.2 Graffiti Removal
   4.3 Lighting Inspections

Capital Projects

1. Capital Projects Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Coastal Management Consultants (Sand Drift/Erosion Problems)
   3.2 Coastal Infrastructure Facilities Consultant (Jetties/Boat Ramp Planning)
   3.3 Lighting Consultants (Technical Planning/Design, Underground Power Program)
   3.4 Major Project Property Development Planning (Design Modifications/Tender Planning/Structural Testing)
   3.5 Lighting Consultants

4. Information Items
   4.1 Shoalwater North Underground Power Project
   4.2 2014/2015 Public Area Lighting and Arterial Lighting
   4.3 Bent Street Boat Ramp Rock Armour Protection and Boat Ramp Maintenance
   4.4 Secret Harbour Surf Life Saving Club - Renovation
   4.5 Val Street Jetty Demolition and Reconstruction – Inner Section of Jetty 0-80m
   4.6 Mike Barnett Sporting Complex Roof Replacement
   4.7 City Centre Infrastructure Works Car Park Design and Construction
   4.8 Lark Hill Sub Metering
   4.9 Aqua Jetty Roof Replacement
   4.10 Aqua Jetty Condensation Issue
   4.11 Baldivis Reserve Toilet Replacement
   4.12 Lions Park Upgrade
   4.13 Coastal Adaptation and Protection Grant
   4.14 Rockingham Day Care Fire Panel Replacement
   4.15 Lotteries House Replacement of Elevator
   4.16 Administration Building Replacement of Elevator
   4.17 Aqua Jetty Swimming Club Office
   4.18 Eighty Road Reserve Club Facility
   4.19 Laurie Stanford Reserve Development
   4.20 Rhonda Scarrott Reserve Development
   4.21 Light Pole and Luminaire Period Tender
   4.22 Safety Bay Tennis Club – Reroofing & General Renovations
4.23 Lifelinks – South Coast Women’s Health Building - Roof Modifications
4.24 Baldivis Recreation Centre - Reroofing

Waste Services
1. Waste Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Kerbside collection
   4.2 Bulk verge collection
   4.3 Waste Diversion Percentage
   4.4 Appreciation

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 off Kulija Road
   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 Elliott, seconded Cr J Smith:
That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – June 2015 and the content be accepted.

Committee Voting – 5/0

4.20pm - Mr Richard Rodgers, Manager Building Services departed the Planning and Engineering Services Committee meeting
12. Agenda Items

Planning and Development Services

Planning and Development Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-035/15 Parking Controls and Loading Zones on Settlers Avenue and Atwick Terrace, Baldivis</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LWE/18</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Rod Fielding, Manager Health Services</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>15 June 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
</tr>
<tr>
<td>Site:</td>
<td>Settlers Avenue and Atwick Terrace, Baldivis - Stockland Shopping Centre</td>
</tr>
<tr>
<td>Lot Area:</td>
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<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Aerial map of Settlers Avenue and Atwick Terrace indicating proposed Parking Control</td>
</tr>
</tbody>
</table>

Purpose of Report

For Council to approve the recommended parking controls for Settlers Avenue and Atwick Terrace.

Background

The Baldivis Shopping Centre has proved to be a popular and busy outlet for local residents and retailers. The combination of an expanding shopping centre and rapid residential growth has seen an impact on all available parking spaces along Settlers Avenue and Atwick Terrace. In order to provide safe and manageable parking options, it is timely to introduce additional restricted parking controls along Settlers Avenue and Atwick Terrace.
Details

There are currently 24 allocated parking bays along Settlers Avenue, mainly designed to provide parking for short-term stays in the town centre to access takeaway food outlets and other stores such as the pharmacy, coffee shop and barber. There are 10 allocated parking bays and 3 allocated motorcycle parking bays on Atwick Terrace.

Over recent months, Ranger Services has been monitoring this area, and has conducted a survey with shop owners about parking and gauging feedback, due to increasing complaints of lack of parking control in the public bays.

The Manager Health Services has also spoken to the Manager Library Services and it has been conveyed that currently the parking at the Mary Davies Library and Community Centre does not need amendment.

It is proposed to introduce half hour restricted parking to the current parking bays that are available for general customer use along Settlers Avenue and Atwick Terrace. Primarily, this incentive is to indicate a short-term parking area for customers to access the retail outlets quickly and efficiently and provide a system that offers equality and reduces congestion or traffic hazards.

Yellow line marking will also be stencilled on the road surface to indicate 'No Stopping'.

Once parking controls and appropriate signage is introduced to Settlers Avenue and Atwick Terrace, all Rangers will have the authorisation and ability to enforce the parking restrictions.

Implications to Consider

a. Consultation with the Community
   Engaged in discussions and site meetings with shop owners, and gained support for parking initiatives and restrictions to assist in safety, access and customer satisfaction.

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 B:** Strong Community
   **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
   Nil

e. Financial
   The cost of supply of installing signs is approximately $3,000, currently in the 2015/16 budget. Installation will be carried out by Asset Maintenance. The average revenue estimated by the City per year (based on one infringement per week) would be $3,000.

f. Legal and Statutory
   Parking and Parking Facilities Local Law 2004 – Section 1.10 Powers of the local government apply together with 2.1 (1) (2) Determination of metered zones, as follows:

   “1.10 The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law.

   2.1 (1) The local government may by resolution constitute, determine and vary and also indicate by signs, metered spaces and metered zones;
(2) In respect of metered spaces and metered zones the local government may by resolution determine, and may indicate by signs:

(a) permitted times and conditions of parking depending on and varying with the locality;

(b) classes of vehicles which are permitted to park;

(c) the amount payable for parking; and

(d) the manner of parking."

g. Risk

Risk Implications of Implementing Officer Recommendation

Nil

Risk Implications of Not Implementing Officer Recommendation

Nil

Comments

Signposts are presently in place along the Northern end of Settlers Avenue which restricts parking to 30 minutes. To ensure the most safe and manageable parking access and options it is considered appropriate to apply parking controls along both sides of Settlers Avenue up to the intersection with Safety Bay Road, and Atwick Terrace between Settlers Avenue and Nairn Drive.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVE the installation of 30 minute restricted parking along Settlers Avenue and Atwick Terrace and the installation of 'No Stopping' lines on the road surface, as shown on the following aerial photo:
Committee Recommendation

Moved Cr Whitfield, seconded Cr J Smith:
That Council **APPROVE** the installation of 30 minute restricted parking along Settlers Avenue and Atwick Terrace and the installation of 'No Stopping' lines on the road surface, as shown on the following aerial photo:
The Committee’s Reason for Varying the Officer’s Recommendation

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Planning and Development Services

### Strategic Planning and Environment Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-036/15 Proposed Structure Plan - Lots 129 and 302 Zig Zag Road, Baldivis (Adoption)</th>
</tr>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/1844-05</td>
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<tr>
<td>Risk Register No:</td>
<td></td>
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<tr>
<td>Applicant:</td>
<td>Taylor &amp; Burrell Unit Trust (Taylor Burrell Barnett) on behalf of Peet Limited</td>
</tr>
<tr>
<td>Owner:</td>
<td>Peet Limited</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Tristan Fernandes, Senior Strategic Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Jeff Bradbury, Coordinator Strategic Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
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<tr>
<td>Date of Committee Meeting:</td>
<td>15 June 2015</td>
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<td>Previously before Council:</td>
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<td>Disclosure of Interest:</td>
<td>Legislative</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<tr>
<td>Site:</td>
<td>Lots 129 and 302 Zig Zag Road, Baldivis</td>
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<tr>
<td>Lot Area:</td>
<td>29ha</td>
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<tr>
<td>LA Zoning:</td>
<td>'Development', 'Special Rural'</td>
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<tr>
<td>MRS Zoning:</td>
<td>'Urban', 'Urban Deferred'</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Schedule of Submissions</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. East Baldivis District Structure Plan</td>
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<td>3. Endorsed East Baldivis District Open Space and School Precinct</td>
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<td>4. Advertised Structure Plan Map</td>
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<td>5. Advertised Development Concept Plan</td>
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<td>6. Location of Advertising</td>
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<td>7. Proposed Additional R40 Lots</td>
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### Purpose of Report

To consider a proposed Local Structure Plan (LSP) over Lots 129 and 302 Zig Zag Road, Baldivis following the completion of public advertising.
East Baldivis District Structure Plan

In October 2008, the City was approached by a group of planning consultants representing the majority of landowners in the 'East Baldivis' locality (referring to themselves as the East Baldivis Stakeholder Team or 'BEST' group) to prepare a District Structure Plan over the land to generally guide development of the urban cell, including the subject land. The City agreed to facilitate the preparation of the DSP with the 'BEST' group.

In February 2014, the Council endorsed the East Baldivis District Structure Plan (EBDSP) for the purpose of guiding and informing the City's consideration of Local Structure Plans and regional planning initiatives and proposals (see Figure 2).
1. Further investigation of the Resource Enhancement Wetland 6 buffer to be undertaken as part of the preparation of local Structure Plans.
2. Further investigation of the Noise Abatement along Mundijong Road to be undertaken as part of the preparation of local Structure Plans.
3. Further investigation of the Concept to Service pipelines buffer to be undertaken as part of the preparation of local Structure Plans.
4. The intersections of Baldivis Road and Mundijong Road (Mundijong Road and the Kwinana Freeway) and the alignment of Baldivis Road north of Mundijong Road are subject to a regional transport planning investigation and are subject to possible changes.
5. The Local Area Plan shall be prepared as part of the preparation of local Structure Plans.

2. East Baldivis District Structure Plan
District Open Space / School Precinct

As part of the preparation of the District Structure Plan, the City requested that the 4ha District Open Space be provided in proximity to the existing Baldivis Reserve in order to centralise and consolidate the active sporting reserve space. The City also requested the location of the central High School be resolved and confirmed as part of the DSP, with a preference that the District Open Space and High School be co-located to make more efficient use of available land.

Following consideration of the City's assessment of the submissions from the public, the applicants, State agencies and internally, the Council endorsed the 'modified Perron option' for the District Open Space and High School submitted by Taylor Burrell Barnett and Chappell Lambert Everett during the advertising period (see Figure 3).
The proposed Structure Plan has been prepared in accordance with the East Baldivis District Structure Plan.

**Metropolitan Region Scheme zoning**

On the 13 May 2014, the Western Australian Planning Commission (‘WAPC’) advised that the Hon Minister for Planning had approved the rezoning of the majority of subject land from ‘Urban Deferred’ to ‘Urban’ under the Metropolitan Region Scheme.

Land identified within the East Baldivis District Structure Plan for the proposed High School site was maintained as ‘Urban Deferred’ and will be subsequently reserved for public purposes when the Department of Education acquires the land.

**Amendment No.145 to Town Planning Scheme No.2**

Following the WAPC’s decision to rezone numerous lots within the East Baldivis District Structure Plan area to ‘Urban’, the Council sought to amend Town Planning Scheme No.2 (TPS2) to be consistent with the MRS. Amendment No.145 was progressed to rezone the East Baldivis District Structure Plan area to ‘Development’ zone, consistent with the future intended use of the land for urban purposes.

Amendment No.145 was considered by the Council at its ordinary Meeting held on the 18 August 2014 in light of submissions received during the advertising period, when it resolved to adopt the Amendment for Final Approval subject to modifications.

On the 23 March 2015, the WAPC advised that Amendment No.145 had been approved subject to the Amendment being modified to exclude the land which had yet to be zoned ‘Urban’ in the MRS (the land affected by the High School site and regional road widening).

The City subsequently implemented the decision of the Minister for Planning and Amendment No.145 was gazetted on 31 March 2015.

### Details

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

The proposed Structure Plan includes the following elements:

- Residential densities ranging from ‘R25’ - ‘R40’ (average lots areas from 220m² - 350m²) to facilitate development of approximately 420 dwellings;

- A 2.79ha portion of a High School site;

- A 4ha District Open Space site and two (2) areas of Public Open Space totalling 1.0469ha; and

- Access to Baldivis Road at Fifty Road.

The advertised plans are shown in Figures 4 and 5.
4. Advertised Structure Plan Map
5. Advertised Development Concept Plan
Implications to Consider

a. Consultation with the Community

Advertising Methodology

The proposed Structure Plan was advertised for a period of 29 days, commencing on 3 April 2015 and concluding on 1 May 2015. Public advertising was carried out in the following manner:

- Nearby land owners (243 referrals as shown on properties with a yellow border on Figure 6), 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 Baldivis Road at the intersection of Fifty Road advertising the Proposed Structure Plan;
- A notice was placed in the Weekend Courier for two weeks over the course of the advertising period, appearing in the newspaper on 3 and 10 April 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 Clause 6.3.3 of TPS2.
Public Submissions: Following the close of the advertising period, the City had received two submissions from nearby landowners.

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

<table>
<thead>
<tr>
<th>Amenity</th>
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<tbody>
<tr>
<td><strong>Submission:</strong> Noise impact from the Kwinana Freeway impacts residents from The Chase Estate and will likely impact residents within this Structure Plan area.</td>
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<tr>
<td><strong>Applicant's Response:</strong> This matter is addressed in Section 2.6.3 of the Part 2 Explanatory Report. In summary, it is acknowledged that a detailed acoustic assessment will need to be undertaken as a condition of subdivision approval for the creation of residential lots in the south east corner only, that are located within the vicinity of the Kwinana Freeway (defined within SPP 5.4 as up to a maximum distance of 300m from the noise source). This work will enable the accurate determination of the extent of the specific lots requiring mitigation strategies, and will detail the treatments required to ensure development complies with the 'Noise Target' outlined in SPP 5.4. Dwellings designed and constructed in accordance with SPP 5.4 will then provide acoustic mitigation for the reminder of the structure plan area.</td>
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<tr>
<td><strong>City's Comment:</strong> The City has assessed the noise impacts in accordance with State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning and the Environmental Protection (Noise) Regulations (1999). The City determined that the mitigation measures proposed by the Applicant will appropriately address noise policy requirements.</td>
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<tr>
<th>Environment</th>
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<td><strong>Submission:</strong> Development will destroy the country / rural nature of Baldivis with the removal of remnant vegetation and native animals.</td>
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<tr>
<td><strong>Applicant's Response:</strong> This is a zoning consideration. The LSP demonstrates an appropriate form of development (having specific regard for local site conditions) that accords with the land's Urban zoning under the MRS, and Development Zoning under the City's TPS. Notwithstanding the above, it is important to note that the Structure Plan area has been historically cleared for agricultural purposes and supports very limited natural attributes/characteristics given its highly disturbed/modified state.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong> The subject landholding is zoned for urban purposes and as such the Proposed Structure Plan provides for land uses consistent with the zone classification of the land. The balance of the 'East Baldivis' corridor generally bounded by Millar Road, the Kwinana Freeway, Safety Bay Road and Baldivis Road is zoned 'Urban' under the Metropolitan Region Scheme and is intended for urban development. As such, the existing semi-rural character of in this location will progressively change as a consequence of the urban zoning.</td>
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<tr>
<th>Environment</th>
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<td><strong>Submission:</strong> Resumption of land of urban purposes impacts local biodiversity and destroys existing farmland.</td>
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**CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 JULY 2015**

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**PRESIDING MEMBER**
### Environment

**Applicant’s Response:**
Again, this matter has already been considered through the MRS and TPS rezoning processes. The land has long been identified for urban purposes within a variety of strategic and statutory planning documents, which is again reflected in the WAPC’s recent release of the South Metropolitan Peel Sub Regional Framework. Again it is important to acknowledge that the Structure Plan area has been historically cleared, has no real biodiversity value (in its current state) and has not been used for agricultural purposes for quite some time.

**City’s Comment:**
The subject landholding is zoned for urban purposes and as such the Proposed Structure Plan provides for land uses consistent with the zone classification of the land.
The City assessed the Environmental Assessment Report and determined the Applicant has complied with all its obligations for the retention of vegetation in the Structure Plan area. It is also noted the City sought comments from the Department of Parks and Wildlife and Department of Environmental Regulation who offered no objection to the proposal.

**Submission:**
Query whether this proposal has been assessed by the Federal Government Department of Environment for compliance with the *Environment Protection and Biodiversity Conservation Act 1999*.

**Applicant’s Response:**
To clarify, the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) requires that an Applicant refer any action it proposes to undertake that is or is likely to have a significant impact on listed matters of National Environmental Significance. It is the requirement of the Applicant (i.e. the person or entity proposing to take the action) to determine whether there are EPBC Act referral obligations associated with its proposed action, and this is guided by a number of policy documents which frame what is likely to be deemed a significant impact.

If a proposed action is referred to the federal government pursuant to the EPBC Act, and the Federal Minister determines that the proposed action is likely to have a significant impact on any listed Matter of National Environmental Significance, it declares the action a ‘controlled action’ and it is only then that assessment of the proposed action is undertaken before any decision is made to approve it.

Given this context, the landowner (guided by its environmental consultant) has undertaken a review of the proposed action against the policy framework and determined that referral is not required. This determination has been made through consideration of the specific and existing environmental conditions within the Structure Plan area. Notwithstanding this, it is important to note that a Structure Plan itself is not an action (hence does not need to be referred), but rather any physical works or activities that may arise associated with development works in the future.

**City’s Comment:**
The City does not have the statutory authority to mandate the Applicant to meet any obligations under the *Environment Protection and Biodiversity Conservation Act 1999*. Notwithstanding this point, the City has reminded the Applicant of its obligations under this legislation.

### Infrastructure

**Submission:**
There is inadequate water mains pressure in the area to service the development.

**Applicant’s Response:**
The Water Corporation has commenced major distribution water main works to provide new mains to serve the whole of the East Baldivis area. Section 7 of Appendix I comments further about the mains and water supply. The Project Engineer has confirmed that there is no issue with a lack of pressure with which we have to contend.
## Infrastructure (Cont...)

**City's Comment:**
The Water Corporation has confirmed there is sufficient water main pressure to service the development.

### Structure Plan Design

**Submission:**
Concern regarding the provision of lots with an average area between 220m² - 350m². The size of lots are considered too small.

**Applicant's Response:**
The proposal includes a range of residential lot product that reflects the latest market research relating to the locality, with the vast majority of sub-350m² lots being identified in locations of high amenity (either directly opposite, or within short direct walking access to open space).

Section 3.3.3 of the Local Structure Plan Explanatory Report identifies the Local Structure Plan Concept Plan’s performance against State Government’s strategic planning objectives. It is worth noting that the result is 16 dwellings per gross urban hectare, or 28 dwellings per residential site hectare, which are only marginally above the 15 & 26 dwelling/ha targets set out in the recently released Perth and Peel @ 3.5M and associated South Metropolitan and Peel Sub-Regional Framework. This is considered appropriate to offset the likely under-provision on land that does not benefit from a similar level of amenity to this estate (immediate proximity to the Active Playing Fields, Heritage Tramway, High School and short distance to Neighbourhood Centre).

**City's Comment:**
The Proposed Structure Plan is required to meet the density targets set out in the State Government's Directions 2031 and Beyond Strategic Planning Policy for Perth and Peel and the Liveable Neighbourhoods operational policy. Directions 2031 and Beyond promotes a housing density target for all new urban areas of 15 dwelling units per gross hectare of Urban zoned land, to promote urban consolidation and encourage a more efficient use of infrastructure. The Proposed Structure Plan meets this target, achieving 15.4 dwellings per gross urban zoned hectare.

Liveable Neighbourhoods recommends, as a guide, the following minimum residential densities be considered. Residential density proposed greater than the minimum range outlined in Liveable Neighbourhoods is considered to exceed the minimum requirement.

(i) A minimum of 12 to 20 dwellings per site hectare for standard lot layouts separated from high frequent public transport and activity centres;

(ii) A minimum of 20 to 30 dwellings per site hectare for areas within 400m of a Neighbourhood Centre and 250m of a main bus route; and

(iii) A minimum of 20 to 30 dwellings per site hectare for areas within 800m of a Train Station.

The proposed Structure Plan achieves the minimum density required by Liveable Neighbourhoods and Directions 2031. In this regard, the density proposed is considered appropriate.

Liveable Neighbourhoods encourages the lot layout to provide a mix of housing types, lot sizes and densities with higher density housing supported in areas of high amenity, such as adjacent to parks. The provision of varying residential densities and lot types throughout the Structure Plan area is encouraged within Liveable Neighbourhoods and is considered appropriate.

**Submission:**
Concern that the development will not provide sufficient parking and the size of blocks does not accommodate for storage of trailers / boats and caravans without impacting the street amenity.
Structure Plan Design (Cont…)

**Applicant's Response:**
A number of larger and/or wider frontage lots have been provided to accommodate those who wish to accommodate boat/caravan parking on-site. It would be an inefficient use of readily serviceable urban land to size all lots based on this potential.

**City's Comment:**
Liveable Neighbourhoods encourages a mixture of lot sizes distributed through neighbourhoods to provide housing choice. In this regard, the proposed Structure Plan provides the opportunity for lots appropriately sized to suit people's lifestyle choices. The City will be assessing detailed engineering drawings at subdivision stage to ensure that on-street car parking bays can be provided wherever appropriate.

Traffic

**Submission:**
There will a detrimental impact to access and egress to the Chase Estate with increased traffic generated by this development and the future school site. Baldivis Road requires an upgrade to provide a roundabout or signals to control assist with congestion at the Chase Estate.

**Applicant's Response:**
This comment appears to relate primarily to the intersection of Baldivis Road and Monument Drive (about 270m north of the new Fifty Road entrance into the development) and is not a matter that can be readily be addressed in the development of Lot 129. Notwithstanding the above, the LSP includes upgrading Baldivis Road to a divided carriageway, and ultimately, the closure of Zig Zag Road (demoting this intersection to a priority controlled 'T'). Turning movements will be further assisted by the creation of traffic shadows, as a result of the insertion of a roundabout at the entry to the estate (at the intersection of Fifty and Baldivis Roads). Furthermore the Project Traffic consultant has confirmed that external impacts are in keeping with district level transport planning.

**City's Comment:**
It is noted that the increase in traffic on Baldivis Road, generated from other external developments, has impacted the level of service to the intersection of Baldivis Road and Monument Boulevard. The City has assessed the traffic volumes on Monument Boulevard and determined no upgrade is required at this point in time.

**Submission:**
Concern that Zig Zag Road will be closed prior to the development of the extension of Fifty Road which will prohibit access to existing residential properties on Zig Zag Road.

**Applicant's Response:**
Whilst the future closure of Zig Zag Road (through the middle of the High School site) is recognised in the LSP, the development of Lot 129 is not contingent upon this occurring. Instead it is expected that the closure will occur sometime in the future, as and when land assembly is required to facilitate construction of the future high school. This will only be possible once alternative road access is provided to existing lots/landowners to the east.

**City's Comment:**
The City will not support any application seeking the closure of a portion of Zig Zag Road (which is to be incorporated into the future High School site), in the absence of an alternative access being provided to affected properties.

**Submission:**
Concern that the development will generate additional traffic that will impact the intersection of Baldivis Road and Kulija Road.
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<th>Traffic (Cont…)</th>
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| **Applicant’s Response:**  
Traffic volumes from this development are accounted for in the work done through the District Structure Plan. |
| **City’s Comment:**  
The accumulated impact of the development of new estates in Baldivis will generate additional traffic at the intersection of Baldivis Road and Kulija Road. This is a result of the overall road network being incomplete, and a need for significant road infrastructure upgrades in the future to accommodate long term projected traffic volumes.  
Traffic will operate within capacity in the short term, however, the City will monitor traffic volumes and will look to complete road upgrades where required. |
| **Submission:**  
The intersection treatment to provide a roundabout on Baldivis Road at the intersection of Fifty Road is not considered appropriate or safe. |
| **Applicant’s Response:**  
There are no technical grounds to suggest this statement is true. The roundabout fits in with Baldivis Road planning and is in our Traffic Consultant’s considered view a suitable treatment. |
| **City’s Comment:**  
The City will assess the detailed design of the intersection treatment at subdivision stage.  
The Baldivis Road Needs Study has identified the need for a roundabout in this location since 2005. Efficient intersection control will be required at the new 4 way intersection with Baldivis Road / Fifty Road as it is strategic access link to Nairn Drive. |
| **Submission:**  
Concern was raised regarding access to the Principal Shared Path abutting the Kwinana Freeway. What is proposed to ensure suitable access to the path from the western side of Baldivis Road? |
| **Applicant’s Response:**  
Figure 12 of the LSP indicates an expansive integrated path network, inclusive of strong east-west connections (that if continued through adjoining land to the east) will facilitate appropriate connections to the PSP located within the Freeway reservation. The nearest connection points to the PSP are anticipated to be at the eastern end of Zig Zag Road, and via the internal road network within Baldivis Parks Estate (immediately south of the future Freeway Service Centre). |
| **City’s Comment:**  
The pedestrian movement network outlined within the Structure Plan Report provides for a shared path network that will ensure residents within ‘The Chase’ estate can access the existing link to the Principal Shared Path at the end of Zig Zag Road. |
| **Submission from Applicant:**  
Following the advertising period the Applicant requested a change to the advertised Structure Plan as follows: |
| **Submission from Applicant:**  
The Applicant sought an increase in the density of lots identified in Figure 7 below from R30 to R40. |
Submission from Applicant (Cont…)

7. Proposed Additional R40 Lots

The coding was sought to maximise the efficiency of the layout and accommodate flexibility to incorporate within these areas the following typologies:

- 12.5m \times 20m = 250m^2 squat lot housing with a double garage opposite the Active Playing Fields (as opposed to 12.5 \times 21m = 262.5m^2 as would be necessary under the existing R30 coding); and
- 8.5m \times 30m = 255m^2 front loaded housing with tandem parking on the eastern side of the central reserve (as opposed to 8.7m \times 30m = 261m^2 as would be necessary under the existing R30 coding and would require alterations to existing available housing product).

The subject lots are directly opposite public open space, these sites appear to meet the typical locational criteria of the City as it relates to higher density development.

City's Comment:

Whilst the location in proximity to proposed POS generally supports an argument for the development of higher densities, it also warrants the development of a high quality street environment which encourages walking and cycling. To this end, the City does not support the development of higher density front-loaded lots in this location, which have the effect of increasing vehicle crossovers to the street, as well as reducing potential for on-street parking and the provision of street trees.
Submission from Applicant (Cont…)

| The City would be prepared to support an increase in density in this location that incorporates rear laneways and/or grouped and multiple dwelling development in order to facilitate an improved streetscape outcome, along with diversity of housing product, and would be pleased to discuss alternative options in this regard. |

Recommendation: Advise the Applicant that City is not prepared to support the proposal to increase the density of lots opposite Public Open Space from R30 to R40 unless it can be demonstrated that the configuration of such will provide for an improved streetscape outcome (reduced dominance of garages/crossover conflict, provision for street trees and on-street parking) and diversity of housing product.

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
- 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 eleven (11) submissions from State Agencies. A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment No.1 to this Report). The content of the issues raised in these submissions are summarised and addressed as follows:

1. Department of Fire and Emergency Services

Submission:

Please be advised that the Department of Fire and Emergency Services (DFES) would expect compliance with the DFES and the WAPC Planning for Bush Fire Protection Guidelines Edition 2 - May 2010 (These Guidelines replace DC 3.7 Fire Planning and Planning for Bush Fire Protection, which were released by the WAPC and DFES in December 2001) and clause 6 of State Planning Policy 3.4 Natural Hazards and Disasters (SPP 3.4).

City’s Comment:

The City’s assessment of the Bushfire Management Plan is provided within the Local Planning Policies Section of this Report.
## 2. Department of Health

### Submission:

**(i) Water and Wastewater Disposal**<br>All developments are required to connect to scheme water and reticulated sewerage as required by the Government Sewerage Policy- Perth Metropolitan Region.

**City's Comment:**<br>The submission is noted.

**_(ii) Toxicology Programs and Services_**<br>There may be a concern about existing and potential agricultural activities on surrounding land and the possible resultant spray drift from chemical applications. The Applicant should adhere to the necessary buffer separation distances between agricultural and sensitive land uses and ensure that there is no development or community activity within the buffer area. The DOH has released Guidelines for Separation of Agricultural and Residential Land Uses and it should be taken into consideration. A copy is attached or it may be accessed from the Public Health website:<br>[http://www.public.health.wa.gov.au/cproot/4913/2/Guidelines%20for%20Agricultural%20and%20Residential%20Buffer.pdf](http://www.public.health.wa.gov.au/cproot/4913/2/Guidelines%20for%20Agricultural%20and%20Residential%20Buffer.pdf)

**City's Comment:**<br>There are no existing and potential agricultural activities on land in proximity to the Structure Plan area. As such, there is no further consideration required for the potential impact of spray drift to the Structure Plan area.

**(iii) Increased Density - Public Health Impacts**<br>The City of Rockingham should also use this opportunity to minimize potential negative impacts of the mixed density development such as noise, odour, light and other lifestyle activities. Public health impacts draw attention to those issues and they should be appropriately and adequately addressed at this stage.

To minimise adverse impacts on the residential component, the City of Rockingham could consider incorporation of additional sound proofing, insulation, double glazing on windows, or design aspects related to location of air conditioning units and other appropriate building/construction measures.

**City's Comment:**<br>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.

**(iv) Chronic Disease Prevention**<br>As outlined within key state planning policies such as Directions 2031 and Liveable Neighbourhoods, development should be designed around an activity centre network, an integrated movement network (supporting activity centres) and a green network.

Some of the key design principles that maximise walking, cycling and active transport that can be considered as the development planning progresses include:

- **Designing the structure plan around the local and regional transport needs, ensuring all alternative modes of transport (walking, cycling, public transport) are given priority;**
- **A mix of destinations (e.g. shops, schools, public open space, employment and community facilities) within a 400m walkable catchment of most residential properties;**
- **A movement network that incorporates connected and accessible pedestrian, cycle and public transport networks, particularly connecting with activity centres and other key destinations and land uses;**
2. Department of Health (Cont…)

- An attractive and pleasant built form (landscaping, urban design, building design) that encourages and supports walking, cycling and public transport; and
- Public open space that provides a mix of formal (sport) and informal (walking, active play, recreation) activity for all age groups.

As planning for the more detailed development progresses, the design guidelines below may be useful.
- Active Living (http://www.heartfoundation.org.au/active-living/Pages/welcome.aspx)

City’s Comment:
The Structure Plan achieves the design criteria requirements of Liveable Neighbourhoods with respect to the siting of land uses such as open space. In this regard, the proposed Structure Plan is considered appropriate.

Specific School Siting Considerations

(i) Health Impacts:
Assess health impacts of proposed sites (through a health impact assessment or another methodical analysis of health impacts), including the location’s supportiveness and safety for physical activity; air pollution and asthma levels; past or present contamination of site or nearby areas; and nearby sources of pollution or contaminants, such as highways, industrial facilities, or spray drift from pesticide/herbicide applications and potential conflicting land use such as for fast food locations.

(ii) Safe Routes to School:
Support a ‘Safe Routes to School’ program to maximize opportunities for walking and biking to school. Integrate with public transport.

(iii) Safe Infrastructure for Walking, Cycling and Public Transport in School Vicinity:
Improve the safety and convenience of travel by foot, bike, and public transportation near schools and on school property by facilitating safe infrastructure.

For example, ensure that areas surrounding schools have well lighted footpaths, bicycle lanes, or appropriate infrastructure necessary to allow students to safely travel to school through different modes of transportation. Ensure that site design safely accommodates students arriving and departing by all modes of transportation, including walking, bicycling, public transportation, school bus, and private vehicles: prioritize safe access for children who are bicycling or walking (including those walking after drop-offs from cars or buses). Consider facility and transportation equity for students and families with disabilities.

City’s Comment:
The submission is noted for future implementation at subdivision stage. The Structure Plan provides an appropriate framework to encourage multiple modes of transport.

3. Public Transport Authority (PTA)

Submission:
- The PTA does plans to operate a bus service along Paparoni Road. This refers to the eastern Neighbourhood Connector road in this Local Structure Plan, and as such this road should be of the required standards to safely allow for the operation of a bus service in both directions. Guidelines on best practice street design for bus movements are available on the PTA website here: 
- Temporary bus termini will be required to provide the new bus service as the development is progressively built. It is strongly advised the developer(s) and the City of Rockingham liaise with and support the PTA during the subdivision planning, staging and construction process to allow for the provision of this new internal service and to minimise amenity issues.
3. Public Transport Authority (Cont…)

City's Comment:
The bus routes designated on the Structure Plan are provided on neighbourhood connector roads with sufficient road reserve width to accommodate the Public Transport Authority's requirements for bus routes.
The City recommends that a condition be placed on an application for Subdivision Approval for the upgrade of Paparone Road. As part of this upgrade, it is recommended a preferred location for a bus layover bay be chosen and constructed accordingly.

4. Water Corporation

(i) Drainage
A section of the Corporation's Peel Rural Sub-Drain "H" traverses the subject land from north to south. This drain provides a rural level of service to upstream and downstream rural customers. Under the conditions of the Rural Drainage Operating Licence this drain may flood adjacent rural land for up to 72 hours.
The East Baldivis land is now zoned "Urban" and the district and local structure planning for this area has substantially commenced. Peel Sub- Drain "H", which traverses the subject land, together with the minor Peel Sub Drain "F" further to the south, no longer have a rural drainage function. As these drains become modified through subdivision site works, the Corporation will discontinue its management and maintenance of these sub drains. Sub Drains "H" and "F" are at the head of the drainage system and will serve an entirely urban catchment. It is appropriate and necessary that the drains be incorporated into the future local urban drainage system operated by the City.
The Corporation requests the City to formally agree in writing on a process and timeframe to take over Sub-Drain "H" and "F". The Corporation will then take steps to remove these sections of the Peel rural drainage network from its Drainage Operating Licence area and will delete these sections of the drains from its asset register.
The culverts under the Kwinana Freeway at the outlets of Sub-Drain "H" and "F" are the control points for runoff from the East Baldivis land. These culverts will remain as is under the control of Main Roads WA. The remaining sections of Sub Drains "H" and "F" on the eastern side of the freeway up to their confluence with the Peel Main Drain will remain as rural sub drains under the control and maintenance of the Water Corporation.
Runoff from the East Baldivis urban land must be contained on site to pre-development levels and the urban drainage system must accord with the East Baldivis DWMP. The finished development site levels must be determined by the City's engineers in consultation with the Department of Water having regard to the 100 year ARI flood levels recommended in the Serpentine River Floodplain Management Study.

City's Comment:
The City has advised the Water Corporation that the rural sub-drains 'H' and 'F' will be progressively incorporated into the City's comprehensive drainage network as subdivision commences. Once incorporated, the City will preside over the ongoing maintenance of the drainage network.

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

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

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

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

The acoustic assessment undertaken for the broader East Baldivis District Structure Plan area (Herring Storer Acoustics 2009) indicates that, without any form of noise amelioration, future noise emissions from the Kwinana Freeway would not exceed the ‘Noise Limit’ criteria (as outlined in State Planning Policy No.5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning) anywhere within the site. As such, there are no required noise treatments (such as noise walls) proposed to be implemented within the Structure Plan area.

An assessment of the noise level did identify that future residential lots are likely to be exposed to noise levels above the specified ‘Noise Target’ specified by the State Planning Policy. The Applicant is proposing to mitigate these impacts through treatments accommodated in housing construction.

A detailed acoustic assessment will be required as a condition of Subdivision Approval for the creation of residential lots within 300m of the Kwinana Freeway. A Detailed Area Plan and notification on title will also be implemented on lots determined to be impacted by noise generated from the Kwinana Freeway.


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

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

The subject site is located within 100m of vegetation that is considered to be bushfire prone vegetation by the PfBFP Guidelines. As such, an assessment of the bushfire risk is required to be provided in accordance with the PfBFP Guidelines.

The Applicant has provided a Bush Fire Management Plan to address the impact of nearby bushfire hazards to the Structure Plan area.

Dwellings located within 100m of vegetation that is considered to be bushfire prone vegetation by the PfBFP Guidelines will be required to be constructed to Bushfire Attack Level standard (BAL) in accordance with Australian Standard AS3959 (as amended). The construction standard is mandated at subdivision stage through the requirement to prepare a Detailed Area Plan. A condition will also be required at subdivision stage for the preparation and implementation of a Bushfire Management Plan to mitigate the risk of bushfire.

Part One of the Structure Plan Report includes a provision mandating AS3959 construction standards and lists the situations where Detailed Area Plans (DAP’s) are required to be prepared at subdivision stage, and refers to the requirement for a DAP for lots within the identified Bush Fire Hazard Separation Zone.

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

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 Council adopt the Structure Plan subject to a modification to include the new provisions.

**Recommendation:** The Structure Plan be modified to incorporate the Residential-Medium Density provisions outlined by WAPC Planning Bulletin No.112

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**e. Financial**
Nil

**f. Legal and Statutory**

In accordance with Clause 4.2.6.7 of TPS2, the Council is required to consider all submissions received within 60 days following the advertising period for a Proposed Structure Plan and resolve to either:

(i) Adopt the Proposed Structure Plan with or without modifications; or

(ii) Refuse to adopt the Proposed Structure Plan and give reasons for this to the Applicant

Determination of a Proposed Structure Plan ultimately rests with the WAPC, notwithstanding the Council's resolution. Pursuant to Clause 4.2.6.9, the Council within 21 days of making its determination under Clause 4.2.6.7, is required to forward to the Commission:

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

(ii) The Council's recommendation to the Commission to approve, modify or refuse to approve the Proposed Structure Plan; and

(iii) Any information the Council considers may be relevant to the Commission's consideration of the Proposed Structure Plan.

**g. Risk**

**Risk Implications of Implementing Officer Recommendation**
Nil

**Risk Implications of Not Implementing Officer Recommendation**
Nil

**Comments**

**Part One Structure Plan Report**

The City has reached agreement with the Department of Planning regarding the content of the Part One Structure Plan Report, as it applies to the City of Rockingham. In this regard, the City has prepared a generic Part One Structure Plan Report to be used for all proposed Structure Plan proposals. Accordingly, it is recommended the Structure Plan Part One Report be amended as follows:
- Remove the Note on the Structure Plan Map which states "Note: Access Street Layout is Indicative only";
- Amend provision 6.3 to state the following:
  "This Structure Plan is supported by a Bushfire Management Plan (BMP) in Appendix D. Any land falling within 100 metres of a bushfire hazard identified in the BMP is designated as a Bushfire Prone Area for the purpose of the Building Code of Australia."
- At the request of the Applicant, amend Part One of the Structure Plan Report to incorporate the Residential-Medium Density provisions outlined by Planning Bulletin No.112.

Part 2 Explanatory Section

Following the completion of the City's assessment of the Structure Plan during the advertising period it is recommended Part Two of the Structure Plan Report be modified as follows:
- Amend Figure 2 to account for the current gazetted zoning in the TPS2 Scheme Maps; and
- Amend Section 1.3.1 - City of Rockingham Town Planning Scheme No.2 to account for the correct Schedule No.9 Scheme provisions.

Conclusion

Following the consideration of the submissions received and the City's assessment of the Structure Plan proposal, it is recommended that the Proposed Structure Plan be adopted subject to the following:

1. That the Part One of the Structure Plan Report be modified as follows:
   (i) Remove Note on Structure Plan Map which states "Note: Access Street Layout is Indicative only"; and
   (ii) Amend provision 6.3 to state the following:
       "This Structure Plan is supported by a Bushfire Management Plan (BMP) in Appendix D. Any land falling within 100 metres of a bushfire hazard identified in the BMP is designated as a Bushfire Prone Area for the purpose of the Building Code of Australia."
   (iii) Incorporate the Residential-Medium Density provisions outlined by Planning Bulletin No.112 in accordance with the City's Structure Plan Part 1 pro-forma.

2. That the Part Two of the Structure Plan Report be modified as follows:
   (i) Amend Figure 2 to account for the current gazetted zoning in the TPS2 Scheme Maps; and
   (ii) Amend Section 1.3.1 - City of Rockingham Town Planning Scheme No.2 to account for the correct Schedule No.9 Scheme provisions.

Furthermore, it is considered that the following general matters will need to be addressed at subdivision stage:

(i) That the subdivider prepares and implements the following Reports:
   - A Bush Fire Management Plan to mitigate the risk of bush fire;
   - An Acoustic Consultant Report;
   - An Urban Water Management Plan; and
   - A Geotechnical Assessment Report.

(ii) Arrangements being made with the City for the upgrade of Baldivis and Paparone Roads where these roads are adjacent to or connecting with the development, including a contribution towards local area traffic management and a potential bus layover bay.

(iii) Detailed Area Plan(s) being prepared and approved for the following:
   - Lots with rear-loaded vehicle access;
   - Lots deemed to be affected by noise from the Kwinana Freeway;
- Lots with direct boundary frontage (primary or secondary) to an area of Public Open Space; and/or
- Lots deemed to be affected by a recognised Bush Fire Hazard, in the Bushfire Management Plan.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council:

1. **ADOPT** the Proposed Structure Plan over Lots 129 and 306 Zig Zag Road, Baldivis subject to the following:
   
   (i) That Part One of the Structure Plan Report be modified as follows:
   
   (a) Remove the Note on the Structure Plan Map which states "Note: Access Street Layout is Indicative only".
   
   (b) Amend provision 6.3 to state the following:

   "This Structure Plan is supported by a Bushfire Management Plan (BMP) in Appendix D. Any land falling within 100 metres of a bushfire hazard identified in the BMP is designated as a Bushfire Prone Area for the purpose of the Building Code of Australia."

   (c) Incorporate the Residential-Medium Density provisions outlined by Western Australian Planning Commission (WAPC) Planning Bulletin No.112.

   (ii) That Part Two of the Structure Plan Report be modified as follows:

   (a) Amend Figure 2 within Part 2 of the Structure Plan Report to account for the current gazetted zoning in the Town Planning Scheme No.2 Scheme Maps.

   (b) Amend Section 1.3.1 - City of Rockingham Town Planning Scheme No.2 within Part 2 of the Structure Plan Report to account for the correct Schedule No.9 scheme provisions.

2. **ADVISE** the Applicant that the City is not prepared to support the proposal to increase the density of lots opposite Public Open Space from R30 to R40 unless it can be demonstrated that the configuration of such will provide for an improved streetscape outcome (reduced dominance of garages/crossover conflict, provision for street trees and on-street parking) and diversity of housing product.

**Committee Recommendation**

Moved Cr Pease, seconded Cr Elliott:

That Council:

1. **ADOPT** the Proposed Structure Plan over Lots 129 and 306 Zig Zag Road, Baldivis subject to the following:

   (i) That Part One of the Structure Plan Report be modified as follows:

   (a) Remove the Note on the Structure Plan Map which states "Note: Access Street Layout is Indicative only".

   (b) Amend provision 6.3 to state the following:

   "This Structure Plan is supported by a Bushfire Management Plan (BMP) in Appendix D. Any land falling within 100 metres of a bushfire hazard identified in the BMP is designated as a Bushfire Prone Area for the purpose of the Building Code of Australia."
(c) Incorporate the Residential-Medium Density provisions outlined by Western Australian Planning Commission (WAPC) Planning Bulletin No.112.

(ii) That Part Two of the Structure Plan Report be modified as follows:

(a) Amend Figure 2 within Part 2 of the Structure Plan Report to account for the current gazetted zoning in the Town Planning Scheme No.2 Scheme Maps.

(b) Amend Section 1.3.1 - City of Rockingham Town Planning Scheme No.2 within Part 2 of the Structure Plan Report to account for the correct Schedule No.9 scheme provisions.

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Committee Voting – 5/0

<table>
<thead>
<tr>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
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<tbody>
<tr>
<td>Not Applicable</td>
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<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer’s Recommendation</th>
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</thead>
<tbody>
<tr>
<td>Not Applicable</td>
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</tbody>
</table>
### Purpose of Report

To consider a proposed Structure Plan over Lots 746 – 750 and Lot 545 Baldivis Road, Baldivis, following the completion of public advertising.
1. Location Plan

Background

East Baldivis District Structure Plan

In October 2008, the City was approached by a group of planning consultants representing the majority of landowners in the 'East Baldivis' locality (referring to themselves as the East Baldivis Stakeholder Team or 'BEST' group) to prepare a District Structure Plan over the land to generally guide development of the urban cell, including the subject land. The City agreed to facilitate the preparation of the District Structure Plan with the 'BEST' group.

In February 2014, the Council endorsed the East Baldivis District Structure Plan (EBDSP) for the purpose of guiding and informing the City's consideration of Local Structure Plans and regional planning initiatives and proposals (see Figure 2).
2. East Baldivis District Structure Plan

The District Structure Plan provides for a portion of the southern Primary School site and neighbourhood connector road linkages within the Structure Plan area and external to Tamworth Boulevard and Baldivis Road. In this regard, the proposed Structure Plan has been prepared in accordance with the East Baldivis District Structure Plan.
Metropolitan Region Scheme zoning

On the 13 May 2014, the Western Australian Planning Commission (‘WAPC’) advised that the Hon Minister for Planning had approved the rezoning of the majority of subject land from ‘Urban Deferred’ to ‘Urban’ under the Metropolitan Region Scheme.

Land identified within the East Baldivis District Structure Plan for the proposed High School site was maintained as ‘Urban Deferred’ and will be subsequently reserved for public purposes when the Department of Education acquires the land.

Amendment No.145 to Town Planning Scheme No.2

Following the WAPC’s decision to rezone numerous lots within the East Baldivis District Structure Plan area to ‘Urban’, the Council sought to amend Town Planning Scheme No.2 (TPS2) to be consistent with the MRS. Amendment No.145 was progressed to rezone the East Baldivis District Structure Plan area to ‘Development’ zone, consistent with the future intended use of the land for urban purposes.

Amendment No.145 was considered by the Council at its ordinary Meeting held on the 18 August 2014 in light of submissions received during the advertising period, when it resolved to adopt the Amendment for Final Approval subject to modifications.

On the 23 March 2015, the WAPC advised that Amendment No.145 had been approved subject to the Amendment being modified to exclude the land which had yet to be zoned ‘Urban’ in the MRS (the land affected by the High School site and regional road widening).

The City subsequently implemented the decision of the Minister for Planning and Amendment No.145 was gazetted on 31 March 2015.

Details

Description of the Proposal (As Advertised)

The proposed Structure Plan includes the following elements:

- Residential densities ranging from ‘R25’ - ‘R40’ (average lots areas from 220m² - 350m²) to facilitate development of approximately 510 - 540 dwellings;
- A 2.0ha portion of a Primary School site;
- Five areas of Public Open Space (POS) totalling 4.1ha; and
- Access to Baldivis Road at Pemberton Boulevard.
3. Advertised Structure Plan Map

4. Advertised Development Concept Plan
Implications to Consider

a. Consultation with the Community

Advertising Methodology

The proposed Structure Plan was advertised for a period of 29 days, commencing on 3 April 2015 and concluding on 1 May 2015. Public advertising was carried out in the following manner:

- 899 nearby land owners (as shown on properties with a brown border on Figure 5), 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 at the intersection of Pemberton Boulevard and Baldivis Road advertising the Proposed Structure Plan;
- A notice was placed in the Sound Telegraph for two weeks over the course of the advertising period, appearing in the newspaper on 1 and 8 April 2015. The Applicant also placed an additional advertisement in the Sound Telegraph on the 5 May 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 Clause 6.3.3 of TPS2.

5. Location of Advertising

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

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

**Submission:**
Adverse impact on property values.

**Applicant's Response:**
It is unclear as to how or why this structure plan will have an adverse impact on property values based on the information provided, or which property values will be impacted upon. Notwithstanding, there is no evidence to suggest that new urban development in the form proposed by this structure plan will have any adverse impact on property values in the wider area.

Mirvac is a highly regarded land developer with a proven track record of delivering exceptional quality housing projects including Meadow Springs, Osprey Waters, Bridgewater, Jane Brook and many others. The quality and attention to detail that Mirvac brings to its projects ensures that the amenity, and therefore the value of surrounding land is not adversely impacted upon.

It should also be noted that impacts (or perceived impacts) on property values are highly subjective, and are not normally relevant planning considerations for structure plans. Particularly when there is no clear demonstration of how values are impacted.

**City's Comment:**
The potential impact to property values is not a valid planning consideration in the City's assessment of a Proposed Structure Plan.

## Traffic

**Submission:**
The current condition of Baldivis Road is a concern (potholes and general disrepair). It is queried if it will be upgraded as part of the proposal.

**Applicant's Response:**
It is anticipated that the portion of Baldivis Road fronting the structure plan area will be required to be upgraded as a standard condition of subdivision.

**City's Comment:**
The upgrading of Baldivis Road will be recommended as a condition of Subdivision Approval.

**Submission:**
Due to the increase in traffic, Baldivis Road will require an upgrade to a dual carriageway.

**Applicant's Response:**
It is anticipated that the portion of Baldivis Road fronting the structure plan area will be required to be upgraded as a standard condition of subdivision.

**City's Comment:**
Baldivis Road will be upgraded in a similar manner to that completed abutting Baldivis Central, being a single carriageway road with boulevard median treatment.

**Submission:**
It is queried if footpaths will be supplied to Baldivis Road

**Applicant's Response:**
The precise standard of upgrading for Baldivis Road, including location and alignment of footpaths will be confirmed with the City of Rockingham at subdivision stage.
Traffic (Cont…)

City's Comment:
The provision of footpaths is a requirement of Liveable Neighbourhoods and as such it will be necessary to include footpaths as part of the upgrade of Baldivis Road.

Submission:
Concern that the intersection of Baldivis Road and Kulija Road is not appropriate or safe. It is requested that a roundabout is provided here.

Applicant's Response:
The operation and safety of the Kulija Road / Baldivis Road intersection is a regional transport consideration and is outside of the parameters of this structure plan to address. Notwithstanding, it is understood that the existing intersection is an interim arrangement and that Baldivis Road and Kulija Road will ultimately be grade-separated.

City's Comment:
The accumulated impact of the development of new estates in Baldivis will generate additional traffic at the intersection of Baldivis Road and Kulija Road. This is a result of the current major road network being incomplete, and a need for significant road infrastructure upgrades to accommodate long term projected traffic volumes.

Traffic will operate within capacity in the short term, however, the City will monitor traffic volumes and will look to complete road upgrades where required.

It should be noted that a roundabout cannot be accommodated at the intersection of Kulija Road and Baldivis Road because a design cannot be engineered to appropriately accommodate for heavy vehicles.

Submission:
Concern that the development will result in a huge increase of heavy traffic especially during the construction phase.

Applicant's Response:
Construction traffic will be required to comply with a Traffic Management Plan which is typically submitted and approved by the City as part of a Construction Management Plan at subdivision stage. The Traffic Management Plan will address the safe movement of construction traffic to and from the site.

City's Comment:
As stated by the Applicant, construction traffic will be required to comply with a Traffic Management Plan which will be required be submitted to and approved by the City as part of a Construction Management Plan at subdivision stage.

Submission:
Concern that proposed new roundabouts will not alleviate potential traffic flow problems.

Applicant’s Response:
Section 6.5 of the Transport Assessment at Appendix 7 includes a comprehensive analysis of the performance of intersections on Baldivis Road, including computer modelling (SIDRA) of the performance of these intersections during peak periods. The analysis concludes that the proposed roundabout at Pemberton Blvd will operate at Level of Service A or B (very good) during both am and pm peak.

City’s Comment:
The City has assessed the Traffic Report accompanying the Structure Plan and has determined the proposed roundabouts and road network will provide an acceptable level of service.
**Traffic (Cont…)**

**City's Comment: Cont…**

It is acknowledged the accumulated impact of the development of new estates in Baldivis will generate additional traffic. This is a result of the overall road network being incomplete, and a need for significant road infrastructure upgrades in the future to accommodate long term projected traffic volumes.

Traffic will operate within capacity in the short term, however, the City will monitor traffic volumes and will look to complete road upgrades where required.

**Structure Plan Design**

<table>
<thead>
<tr>
<th>Submission:</th>
<th>The current population density is sufficient; (The density should reflect the existing suburban character – higher densities are seen as inappropriate).</th>
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</table>

**Applicant's Response:**

Proposed housing densities within the structure plan are entirely consistent with the established character in surrounding urban areas. The majority of the structure plan area is coded R25, which is considered by the City to be the most appropriate coding for this type of urban setting. Small pockets of higher density (R40) are located adjacent to areas of higher amenity and public transport links, consistent with the principles of Liveable Neighbourhoods.

**City's Comment:**

The City is satisfied that the proposed densities are reflective of, and consistent with, the zoning of the land. The proposed Structure Plan meets required density targets set out in the State Government's Directions 2031 and Beyond Planning Strategic Planning Policy for Perth and Peel and Liveable Neighbourhoods operational policy.

In this regard, the proposed densities across the Structure Plan are considered appropriate as they respond to the context of the locality and meet Liveable Neighbourhoods requirements.

<table>
<thead>
<tr>
<th>Submission:</th>
<th>Proposed Access Roads are too narrow.</th>
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</table>

**Applicant's Response:**

Access Roads are entirely consistent with the standards in Liveable Neighbourhoods, and reserve widths are commensurate with the volumes of traffic forecast.

**City's Comment:**

The width of Access Streets proposed in the Structure Plan area are consistent with the standards contained within Liveable Neighbourhoods and as such, are considered to be appropriate.

<table>
<thead>
<tr>
<th>Submission:</th>
<th>Concern regarding the oversupply of small lots.</th>
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**Applicant's Response:**

The size of lots within the Structure Plan area are subject to a number of influential factors including:

- Proximity to amenity and infrastructure.
- Government density targets.
- Market demand and the need to provide a mix of sizes to cater for a broad section of the market.
### Structure Plan Design (Cont…)

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
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<tbody>
<tr>
<td>Cost of developing the land.</td>
<td></td>
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<tr>
<td>The Structure Plan includes a base R-Code of R25, which includes a minimum average lot size of 350m². Lot sizes will only be confirmed at subdivision stage however the minimum average lot size of 350sqm will prevent the over-supply of too many small lots.</td>
<td></td>
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</table>

**City’s Comment:**

The Proposed Structure Plan is required to meet the density targets set out in the State Government’s *Directions 2031 and Beyond* Planning Strategic Planning Policy for Perth and Peel and *Liveable Neighbourhoods* operational policy. *Directions 2031 and Beyond* promotes a housing density target for all new urban areas of 15 dwelling units per gross hectare of Urban zoned land, to promote urban consolidation and encourage a more efficient use of infrastructure. The Structure Plan meets this requirement by providing 15-16 dwellings per gross urban zoned hectare.

*Liveable Neighbourhoods* recommends, as a guide, the following minimum residential densities be considered. Residential density proposed greater than the minimum range outlined in *Liveable Neighbourhoods* is considered to exceed the minimum requirement.

1. A minimum of 12 to 20 dwellings per site hectare for standard lot layouts separated from high frequent public transport and activity centres;
2. A minimum of 20 to 30 dwellings per site hectare for areas within 400m of a Neighbourhood Centre and 250m of a main bus route; and
3. A minimum of 20 to 30 dwellings per site hectare for areas within 800m of a Train Station.

The proposed Structure Plan proposed 25 dwellings per site hectare. As such, it achieves the minimum density required by *Liveable Neighbourhoods*. In this regard, the density proposed is considered appropriate.

*Liveable Neighbourhoods* encourages the lot layout to provide a mix of housing types, lot sizes and densities with higher density housing supported in areas of high amenity, such as adjacent to parks. The proposed Structure Plan provides for some variation of lot size, but not housing type, with only single residential lots proposed. The City actively encourages developers to provide a mix of housing types, including grouped and multiple dwellings, in appropriate locations.

**Submission:**

Concern that housing design on small lots contributes to poor streetscape outcomes.

**Applicant’s Response:**

CLE has been working closely with the Department of Planning, City of Rockingham and industry (including representatives from Mirvac WA) to develop a suite of development standards for small lot housing that is intended to deliver more desirable streetscape outcomes. These built form standards have recently been formalised via Planning Bulletin 112, and will be implemented into the structure plan prior to final approval by WAPC.

It is also important to note that Mirvac is committed to delivering high quality streetscapes, and this is reflected in the ‘green street network’ identified in the landscape strategy at Appendix 6 of the structure plan, as well as Mirvac’s proven track record of delivering quality urban streetscapes across all Mirvac projects.

**City’s Comment:**

It is acknowledged that the industry at large has worked collaboratively to produce Planning Bulletin 112. It is envisaged that the development standards of Planning Bulletin No.112 - Medium-Density Single House Development Standards - Structure Plan Areas will contribute towards addressing issues occurring on smaller lots including:

- Poor streetscape outcomes with garage dominated streets;
- Fewer street trees and limited street parking on narrow lots;
- Minimal uncovered private open space; and
### Structure Plan Design

City's Comment: Cont…
- Current and future loss of trees in greenfield housing estates.

The Applicant has sought to implement the Planning Bulletin development standards through this Structure Plan.

### 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
- 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 twelve (12) submissions from State Agencies. A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment No.1 to this Report). The content of the issues raised in the submissions are summarised and addressed as follows:

### 1. Department of Fire and Emergency Services (DFES)

**Submission:**
Please be advised that the Department of Fire and Emergency Services (DFES) would expect compliance with the DFES and the WAPC Planning for Bush Fire Protection Guidelines Edition 2 - May 2010 (*These Guidelines replace DC 3.7 Fire Planning and Planning for Bush Fire Protection*, which were released by the WAPC and DFES in December 2001) and clause 6 of State Planning Policy 3.4 Natural Hazards and Disasters (*SPP 3.4*).

**City's Comment:**
The City's assessment of the Bushfire Management Plan is provided within the Local Planning Policies Section of this Report.

### 2. Department of Health (DoH)

**Submission:**
(i) Mosquito Borne Disease Control

The subject land is in a region that regularly experiences significant problems with nuisance and disease carrying mosquitoes. These mosquitoes can disperse several kilometres from breeding sites and are known carriers of Ross River (RRV) and Barmah Forest (BFV) viruses.
### 2. Department of Health (Cont…)

#### Recommendations:

- The Applicant should prepare a Mosquito Management Plan (MMP) for the subdivision that outlines triggers for management actions and effective strategies to minimise the risk of disease transmission and the impact of nuisance mosquitoes on future residents, to the satisfaction of the City of Rockingham; and.

- The Applicant must also ensure that onsite mosquito breeding is minimised through effective design and maintenance of water-holding infrastructure and constructed wetlands. The Chironomid midge and mosquito risk assessment guide for constructed water bodies (Midge Research Group, 2011) should be referred to during the early stages of planning to ensure that the potential for on-site mosquito breeding is minimised.


#### Applicant's Comment:

- Noted. It is assumed that the DOH will request a condition requiring a MMP at subdivision stage in the usual manner.

- The structure plan does not propose any water holding infrastructure within the exception of bio-retention areas. The bio-retention areas are designed to infiltrate in accordance with the City’s standards and requirements.

#### City’s Comment:

The submission is noted. This does not have any implications for the Structure Plan. The City will request a condition requiring a Mosquito Management Plan at subdivision stage.

#### Submission:

(iii) Increased Density - Public Health Impacts

The City of Rockingham should also use this opportunity to minimize potential negative impacts of the mixed density development such as noise, odour, light and other lifestyle activities. Public health impacts draw attention to those issues and they should be appropriately and adequately addressed at this stage.

To minimise adverse impacts on the residential component, the City of Rockingham could consider incorporation of additional sound proofing, insulation, double glazing on windows, or design aspects related to location of air conditioning units and other appropriate building/construction measures.

#### City’s Comment:

Dwelling applications will be considered against the requirements of the Building Code of Australia, the Residential Design Code and any other legislative requirements applicable to the subject land.

#### Submission:

(iv) Chronic Disease Prevention

As outlined within key state planning policies such as Directions 2031 and Liveable Neighbourhoods, development should be designed around an activity centre network, an integrated movement network (supporting activity centres) and a green network.

Some of the key design principles that maximise walking, cycling and active transport that can be considered as the development planning progresses include:

- Designing the structure plan around the local and regional transport needs, ensuring all alternative modes of transport (walking, cycling, public transport) are given priority;
- A mix of destinations (e.g. shops, schools, public open space, employment and community facilities) within a 400m walkable catchment of most residential properties;
- A movement network that incorporates connected and accessible pedestrian, cycle and public transport networks, particularly connecting with activity centres and other key destinations and land uses;
### 2. Department of Health (Cont…)

- An attractive and pleasant built form (landscaping, urban design, building design) that encourages and supports walking, cycling and public transport; and
- Public open space that provides a mix of formal (sport) and informal (walking, active play, recreation) activity for all age groups.

As planning for the more detailed development progresses, the design guidelines below may be useful.
- Active Living (http://www.heartfoundation.org.au/active-living/Pages/welcome.aspx)

**City's Comment:**

The Structure Plan achieves the design criteria requirements of *Liveable Neighbourhoods* with respect to the siting of land uses such as open space. In this regard, the proposed Structure Plan is considered appropriate.

### Submission:

**Specific School Siting Considerations**

(i) **Health Impacts:**
Assess health impacts of proposed sites (through a health impact assessment or another methodical analysis of health impacts), including the location's supportiveness and safety for physical activity; air pollution and asthma levels; past or present contamination of site or nearby areas; and nearby sources of pollution or contaminant, such as highways, industrial facilities, or spray drift from pesticide/herbicide applications and potential conflicting land use such as for fast food locations.

(ii) **Safe Routes to School:**
Support a 'Safe Routes to School' program to maximize opportunities for walking and biking to school. Integrate with public transport.

(iii) **Safe Infrastructure for Walking, Cycling and Public Transport in School Vicinity:**
Improve the safety and convenience of travel by foot, bike, and public transportation near schools and on school property by facilitating safe infrastructure.

For example, ensure that areas surrounding schools have well lighted footpaths, bicycle lanes, or appropriate infrastructure necessary to allow students to safely travel to school through different modes of transportation. Ensure that site design safely accommodates students arriving and departing by all modes of transportation, including walking, bicycling, public transportation, school bus, and private vehicles: prioritize safe access for children who are bicycling or walking (including those walking after drop-offs from cars or buses). Consider facility and transportation equity for students and families with disabilities.

**City's Comment:**

The submission is noted for future implementation at subdivision stage. The Structure Plan provides an appropriate framework to encourage multiple modes of transport.

### 3. Main Roads WA

**Submission:**

The proposed Local Structure Plan is acceptable to Main Roads subject to the following conditions being imposed:

- This noise sensitive development adjacent to an existing major transport corridor must implement measures to ameliorate the impact of transport noise.

The development is to comply with WAPC State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning and implement Noise Insulation "Deemed to Comply packages for this residential development."
### 3. Main Roads WA (Cont...)

Accordingly, the applicant’s Local Structure Plan Map outlining the shaded areas impacted by Quiet House Design (Package A) should be reflected as per Lloyd George Acoustics Noise Report - Figure 4-4 refers. (See Figure 6)

**City's Comment:**
The City has assessed the noise impacts in accordance with State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning and the Environmental Protection (Noise) Regulations (1999). The City determined that the mitigation measures proposed by the Applicant will appropriately address noise policy requirements.

It is, however, recommended that the Structure Plan be modified to shows areas requiring Quiet House Design (Package A) as per the Applicant’s Acoustics Noise Report - Figure 4-4.

**Submission:**
At the time of subdivision the following conditions will apply:

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

   "The lot/s are situated in the vicinity of a transport corridor and is currently affected, or may in future be affected by transport noise. Further information is available on request from the relevant local government offices."

2. Anti-graffiti coating is to be applied to the fence wall adjoining Kwinana Freeway reserve to Main Roads WA Specifications 908.

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

**Recommendation:**
That the Local Structure Plan Map be modified outlining the shaded areas impacted by Quiet House Design (Package A) should be reflected as per Applicant’s Noise Report - Figure 4-4.
6. Areas impacted by Quiet House Design (Package A)

4.1 Public Transport Authority (PTA)

Submission:
- The PTA does plan to operate a bus service along ‘Road 10’. This refers to the central Neighbourhood Connector road in this Local Structure Plan, and as such this road should be of the required standards to safely allow for the operation of a bus service in both directions. Guidelines on best practice street design for bus movements are available on the PTA website here: http://www.pta.wa.gov.au/PublicationsandPolicies/DesignandPlanningGuidelines/tabid/109/Default.aspx.
- While we don’t oppose the development, the currently-planned densities are insufficient to support an attractive high level of public transport service. The PTA supports an increase in residential and commercial density at the site.
- Temporary bus termini will be required to provide the new bus service as the development is progressively built. It is strongly advised the developer(s) and the City of Rockingham liaise with and support the PTA during the subdivision planning, staging and construction process to allow for the provision of this new internal service and to minimise amenity issues.

City’s Comment:
The bus routes designated on the Structure Plan are provided on neighbourhood connector roads with sufficient road reserve width to accommodate the Public Transport Authority’s requirements for bus routes.

As part of the consideration of the Subdivision Application, it is recommended a preferred location for a bus layover bay be chosen and constructed accordingly.

1 Correction of numerical error
5. Water Corporation

Drainage
A section of the Corporation's Peel Rural Sub-Drains "H" and "F" drain the subject land. These drains currently provide a rural level of service to upstream and downstream customers. Under the conditions of the Rural Drainage Operating Licence this drain may flood adjacent rural land for up to 72 hours.

The East Baldivis land is now zoned "Urban" and the district and local structure planning for this area has substantially commenced. Peel Sub-Drains "H" and "F" no longer have a rural drainage function. As these drains and their catchments become modified through subdivision site works, the Corporation will discontinue its management and maintenance of the drains. It is appropriate and necessary that the drains be incorporated into the future local urban drainage system operated by the City. The Corporation requests the City to formally agree in writing on a process and timeframe to take over Sub-Drain "F" and sub-drain "H". The Corporation will then take steps to remove these sections of the Peel rural drainage network from its Drainage Operating Licence area and will delete these sections of the drains from its asset register.

The culverts under the Kwinana Freeway at the outlets of Sub-Drain "H" and "F" are the control points for runoff from the East Baldivis land. These culverts will remain as is under the control of Main Roads WA. The remaining sections of Sub Drains "H" and "F" on the eastern side of the freeway up to their confluence with the Peel Main Drain will remain as rural sub drains under the control and maintenance of the Water Corporation.

Runoff from the East Baldivis urban land must be contained on site to pre-development levels and the urban drainage system must accord with the East Baldivis District Water Management Plan (DWMP). The finished development site levels must be determined by the City's engineers in consultation with the Department of Water having regard to the 100 year ARI flood levels recommended in the Serpentine River Floodplain Management Study.

City's Comment:
The City has advised the Water Corporation that the rural sub-drains 'H' and 'F' will be progressively incorporated into the City's comprehensive drainage network as subdivision commences. Once incorporated, the City will preside over the ongoing maintenance of the drainage network.

6. Department of Environment Regulation (DER)

Submission:
(i) DER records indicate that this land has not been reported or classified under the Contaminated Sites Act 2003. DER does not hold any information on the contamination status of this site. However, in the event that the proposal includes redevelopment to a more sensitive land use, DER is likely to recommend that a condition requiring the investigation and if required remediation of contamination such the land is rendered suitable for the proposed land use, is applied to the relevant conditional approval.

City's Comment:
The submission is noted. This would be required as a condition of Subdivision Approval.

Submission:
(ii) The site is located within a mapped Class I acid sulfate soils risk area indicating that acid sulfate soils (ASS) are likely to be present at depths beyond 3m of the natural soil surface. Works associated with the proposed development are likely to pose a risk of disturbing acid sulfate soils. Therefore, an investigation of the extent and severity of acid sulfate soils across the site will likely be required to inform the development of a suitable acid sulfate soil management plan to mitigate risks to the environment that can be associated with their disturbance.
7. Department of Environment Regulation (Cont…)

<table>
<thead>
<tr>
<th>City's Comment:</th>
<th>The submission is noted. This would be required as a condition of Subdivision Approval.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission:</td>
<td>(iii) As above, during the Western Australian Planning Commission's (WAPC) consideration of subdivision of this site, DER is likely to recommend that in accordance with Guidance Statement C4 in the WAPC and Department of Planning Acid Sulfate Soils - Planning Guidelines (December, 2008), that model subdivision condition ENS and advice ENa1 is applied to the applicable conditional approval for subdivision.</td>
</tr>
<tr>
<td>City's Comment:</td>
<td>The submission is noted.</td>
</tr>
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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 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.

With regard to element 1 - Community Design, the proposed densities across the Structure Plan are considered appropriate as they respond to the context of the locality and meet Liveable Neighbourhoods requirements.

Element 2 - Movement Network sets out requirements and some design solutions for a standard set of street types, and some examples of traffic management treatments that satisfy the Element objectives.

Within the hierarchy of streets, Neighbourhood Connectors are streets with mostly residential frontage that typically provide the lower order sub-arterial network. LN defines two types of Neighbourhood Connectors, ‘Neighbourhood Connector A’ streets which are a two-lane divided street used for higher neighbourhood connector volumes and ‘Neighbourhood Connector B’ streets which are a two-lane undivided street for lower volume neighbourhood connectors.

Element 2 provides guidance regarding the width of all street types and in this regard, Table 4 and Figure 18 recommend that a Neighbourhood B street should have an overall width of 19.4m. Figure 18 includes a note stating that the verge width (including parking) can often be reduced from 6.2m to 5.5m with indented parking, to reduce the overall reserve width to 18.0m.

The Applicant has sought approval for the north-south Neighbourhood Connector B street on the structure plan to be 18.0m wide, however, the City has reviewed the criteria set out in Element 2 and is not satisfied that indented parking and services can be accommodated within a reduced verge width of 5.5m. In this regard, the minimum width the City would be prepared to support for a Neighbourhood Connector B street is 19.1m.

**Recommendation:** The Structure Plan Report Part Two and Traffic Assessment Technical Appendix being amended to provide for minimum 19.1m wide Neighbourhood Connector B streets.

The North-South Neighbourhood Connector B, running through the centre of the Structure Plan area, is approximately 400m in length. This relatively straight road has a design speed of 50km/h.

It is considered that these factors have the potential to contribute to vehicles travelling at a high speed along this road. It is noted that Austroads suggests a separation distance of 155m between slow points for a road with this design speed.

**Recommendation:** The Structure Plan Report Part Two and Traffic Assessment Technical Appendix being amended to include the provision of a roundabout as shown in Figure 7.
7. Recommended Roundabout Location

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

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

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

The acoustic assessment undertaken for the broader East Baldivis District Structure Plan area (Herring Storer Acoustics 2009) indicates that, without any form of noise amelioration, future noise emissions from the Kwinana Freeway would exceed the ‘Noise Limit’ criteria (as outlined in State Planning Policy No.5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning) anywhere within the site.

The Structure Plan includes a comprehensive Transportation Noise Assessment which addresses the requirements of State Planning Policy 5.4. The assessment of the noise level identifies that future residential lots are likely to be exposed to noise levels above the specified ‘Noise Target’ specified by the State Planning Policy. The Applicant is proposing to mitigate these impacts through the construction of an Acoustic Wall abutting the Kwinana Freeway and treatments accommodated in housing construction.
A quite house design construction standard will be mandated at subdivision stage through the requirement to prepare a Detailed Area Plan. Also a notification on title will be implemented on lots determined to be impacted by noise generated from the Kwinana Freeway.

The WAPC Planning Bush Fire Protection (PfBFP) Guidelines (Edition 2) notes in Section 2.3 – Guidance Statements for Strategic Plans, Planning Strategies, Planning Schemes, Planning Scheme Amendments and Structure Plans – that unless it is clear to the decision-making authority that the land in question is not in an area that has a moderate or extreme bush fire hazard level, any new proposals or proposals which will effect a change of land use or design resulting in the introduction of, or an intensification of development should:
- Include a bush fire hazard assessment based on the fire hazard assessment methodology and classifications set out in Appendix 1 of the Guidelines;
- Identify any bush fire hazard issues arising from that assessment; and
- Address those issues, in accordance with the general principles that underpin these guidelines, in a statement or report which demonstrates that all fire protection requirements can be achieved to the satisfaction of the WAPC.

The subject site is located within 100m of vegetation that is considered to be bushfire prone vegetation by the PfBFP Guidelines. As such, an assessment of the bushfire risk is required to be provided in accordance with the PfBFP Guidelines.

The Applicant has provided a Bush Fire Management Plan (BFMP) to address the bushfire risk to the Structure Plan area. As part of the BFMP, the Applicant seeks to vary the Acceptable Solutions of the PfBFP Guidelines relating to siting of the development and particularly in relation to the Kwinana Freeway interface. Specifically the BFMP seeks to vary:
- Acceptable Solution 4.1, requiring construction standards be provided in accordance with Australian Standard AS3959 (as amended) where a hazard separation of 100m cannot be achieved; and
- Acceptable Solution 4.3, requiring a Building Protection Zone (BPZ) having a minimum width of 20m.

The Department of Fire and Emergency Services (DFES) issued an Information Note (December 2014) which recognises that a bushfire in the Freeway reserve is not likely to develop to a level that AS3959 design fire is based on, given the intermittent nature of the vegetation in the corridor. Consequentially, fire intensity, rate of spread, flame length and the potential for embers to be carried significant distance is lower. The Information Note proposes reduced construction standards in the 100m hazard separation area. The Applicant proposes to utilise these reduced standards, however, the Department of Planning has advised that it has not endorsed this Information Note.

Furthermore, the Applicant proposes to reduce the 20m BPZ to 13m. This is based on site specific modelling to ensure a maximum radiant heat flux of 29kW/m² for the dwelling and no flame contact on the dwelling. The PfBFP guidelines do not provide any specific guidance in the Performance Criteria for this element to enable meaningful consideration of a performance assessment of an alternative to the Acceptable Solutions. The City is, however, satisfied with the science behind the assessment and is of the view that the Applicant’s proposal, in this instance, is considered to have merit and is consistent with standards used in other jurisdictions.

The PfBFP Guidelines are, however, quite clear on requiring a 20m Building Protection Zone (BPZ). So whilst the City supports the proposed BPZ variation, it is uncertain how the WAPC will view the variation.

Dwellings located within 100m of vegetation that is considered to be bushfire prone vegetation by the PfBFP Guidelines will be required to be constructed to Bushfire Attack Level standard (BAL) in accordance with Australian Standard AS3959 (as amended). The construction standard is mandated at subdivision stage through the requirement to prepare a Detailed Area Plan. A condition will also be required at subdivision stage for the preparation and implementation of a Bushfire Management Plan to mitigate the risk of bushfire.
Part One of the Structure Plan Report includes a provision designating bush fire prone areas, lists the situations where Detailed Area Plans (DAP’s) are required to be prepared at subdivision stage, and refers to the requirement for a DAP for lots within the identified Bush Fire Hazard Separation Zone.

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

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 Council adopt the Structure Plan subject to a modification to include the new provisions, with the new RMD-Coding to match the advertised R-Coding.

Recommendation: The Structure Plan be modified to incorporate the Residential-Medium Density provisions outlined by WAPC Planning Bulletin No.112

e. Financial
Nil

f. Legal and Statutory

In accordance with Clause 4.2.6.7 of TPS2, the Council is required to consider all submissions received within 60 days following the advertising period for a Proposed Structure Plan and resolve to either:

(i) Adopt the Proposed Structure Plan with or without modifications; or
(ii) Refuse to adopt the Proposed Structure Plan and give reasons for this to the Applicant

Determination of a Proposed Structure Plan ultimately rests with the WAPC, notwithstanding the Council's resolution. Pursuant to Clause 4.2.6.9, the Council within 21 days of making its determination under Clause 4.2.6.7, is required to forward to the Commission:

(i) A summary of all submissions and comments received by the Council in respect to the of the Proposed Structure Plan, and the Council's decisions or comments in relation to these;
(ii) The Council's recommendation to the Commission to approve, modify or refuse to approve the Proposed Structure Plan; and
(iii) Any information the Council considers may be relevant to the Commission's consideration of the Proposed Structure Plan.

g. Risk

Risk Implications of Implementing Officer Recommendation
Nil
Risk Implications of Not Implementing Officer Recommendation

Nil

Comments

Pursuant to the outcomes of the City's assessment contained within the Officer Report, it is recommended that the Structure Plan Part Report be modified as follows:

**Part One**
- Amend the hashed shading shown on the Structure Plan Map to delineate a requirement for Quiet House Design (Package A) treatment to accurately reflect the Applicant's Acoustics Noise Report - Figure 4-4.
- At the request of the Applicant, amend Part One of the Structure Plan Report to incorporate the Residential-Medium Density provisions outlined by WAPC Planning Bulletin No.112.

**Part Two**
- The Structure Plan Report Part Two and Traffic Assessment Technical Appendix being amended to provide for minimum 19.1m wide Neighbourhood Connector B streets.
- The Structure Plan Map, Report Part Two and Traffic Assessment Technical Appendix being amended to include the provision of a roundabout as shown in Figure 7 of this Report.

Conclusion

Following the consideration of the submissions received and the City's assessment of the Structure Plan proposal, it is recommended that the Proposed Structure Plan be adopted subject to modifications as noted above.

Furthermore, it is considered that the following general matters will need to be addressed at subdivision stage:

(i) That the subdivider prepares and implements the following Reports:
   - A Bush Fire Management Plan to mitigate the risk of bush fire;
   - An Acoustic Consultant Report;
   - An Urban Water Management Plan; and
   - A Geotechnical Assessment Report.

(ii) Arrangements being made with the City for the upgrade of Baldivis Road where this road is adjacent to or connecting with the development, including a contribution towards local area traffic management and a potential bus layover bay.

(iii) Detailed Area Plan(s) being prepared and approved for the following:
   - Lots with rear-loaded vehicle access;
   - Lots deemed to be affected by noise from the Kwinana Freeway;
   - Lots with direct boundary frontage (primary or secondary) to an area of Public Open Space; and/or
   - Lots deemed to be affected by a recognised Bush Fire Hazard, in the Bushfire Management Plan.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPT** the Proposed Structure Plan over Lots 746 – 750 and Lot 545 Baldivis Road, Baldivis subject to the following:
1. That Part One of the Structure Plan Report be modified as follows:
(i) Amend the hashed shading shown on the Structure Plan Map to delineate a requirement for Quiet House Design (Package A) treatment to accurately reflect the Applicant's Acoustics Noise Report - Figure 4.4.


2. That Part Two of the Structure Plan Report be modified as follows:

(i) The Structure Plan Report Part Two and Traffic Assessment Technical Appendix being amended to provide for minimum 19.1m wide Neighbourhood Connector B streets.

(ii) The Structure Plan Map, Report Part Two and Traffic Assessment Technical Appendix being amended to include the provision of a roundabout as shown in Figure 7 of this Report.

Committee Recommendation

Moved Cr J Smith, seconded Cr Pease:

That Council **ADOPT** the Proposed Structure Plan over Lots 746 – 750 and Lot 545 Baldivis Road, Baldivis subject to the following:

1. That Part One of the Structure Plan Report be modified as follows:

   (i) Amend the hashed shading shown on the Structure Plan Map to delineate a requirement for Quiet House Design (Package A) treatment to accurately reflect the Applicant's Acoustics Noise Report - Figure 4.4.


2. That Part Two of the Structure Plan Report be modified as follows:

   (i) The Structure Plan Report Part Two and Traffic Assessment Technical Appendix being amended to provide for minimum 19.1m wide Neighbourhood Connector B streets.

   (ii) The Structure Plan Map, Report Part Two and Traffic Assessment Technical Appendix being amended to include the provision of a roundabout as shown in Figure 7 of this Report.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Planning and Development Services
### Strategic Planning and Environment Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-038/15</th>
<th>Proposed Structure Plan - Lots 921 and 922 Baldivis Road and Lot 3 Key Close, Baldivis (Adoption)</th>
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<td>File No:</td>
<td>LUP/1813-03</td>
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<tr>
<td>Risk Register No:</td>
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<tr>
<td>Applicant:</td>
<td>The Trustee for The Everett Bennett Unit Trust (CLE Town Planning and Design) on behalf of Perron Developments Pty Ltd</td>
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<tr>
<td>Owner:</td>
<td>Perron Developments Pty Ltd</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Senior Planning Officer</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Tristan Fernandes, Senior Strategic Planning Officer, Mr Jeff Bradbury, Coordinator Strategic Planning, Mr Brett Ashby, Manager Strategic Planning and Environment</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 June 2015</td>
<td></td>
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<td>Previously before Council:</td>
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<td>Disclosure of Interest:</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<td>Site:</td>
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### Purpose of Report

To consider a proposed Structure Plan over Lots 921 and 922 Baldivis Road and Lot 3 Key Close, Baldivis (Perron Structure Plan), following the completion of public advertising.
Background

East Baldivis District Structure Plan

In October 2008, the City was approached by a group of planning consultants representing the majority of landowners in the 'East Baldivis' locality (referring to themselves as the East Baldivis Stakeholder Team or 'BEST' group) to prepare a District Structure Plan over the land to generally guide development of the urban cell, including the subject land. The City agreed to facilitate the preparation of the District Structure Plan with the 'BEST' group.

In February 2014, the Council endorsed the East Baldivis District Structure Plan (EBDSP) for the purpose of guiding and informing the City's consideration of Local Structure Plans and regional planning initiatives and proposals (see Figure 2).
2. East Baldivis District Structure Plan

The District Structure Plan provides for a portion of the southern Primary School site and neighbourhood connector road linkages within the Structure Plan area and external to Tamworth Boulevard and Baldivis Road. In this regard, the proposed Structure Plan has been prepared in accordance with the East Baldivis District Structure Plan.
**Metropolitan Region Scheme zoning**

On the 13 May 2014, the Western Australian Planning Commission ('WAPC') advised that the Hon Minister for Planning had approved the rezoning of the majority of subject land from 'Urban Deferred' to 'Urban' under the Metropolitan Region Scheme.

Land identified within the East Baldivis District Structure Plan for the proposed High School site was maintained as 'Urban Deferred' and will be subsequently reserved for public purposes when the Department of Education acquires the land.

**Amendment No.145 to Town Planning Scheme No.2**

Following the WAPC's decision to rezone numerous lots within the East Baldivis District Structure Plan area to 'Urban', the Council sought to amend Town Planning Scheme No.2 (TPS2) to be consistent with the MRS. Amendment No.145 was progressed to rezone the East Baldivis District Structure Plan area to 'Development' zone, consistent with the future intended use of the land for urban purposes.

Amendment No.145 was considered by the Council at its ordinary Meeting held on the 18 August 2014 in light of submissions received during the advertising period, when it resolved to adopt the Amendment for Final Approval subject to modifications.

On the 23 March 2015, the WAPC advised that Amendment No.145 had been approved subject to the Amendment being modified to exclude the land which had yet to be zoned 'Urban' in the MRS (the land affected by the High School site and regional road widening).

The City subsequently implemented the decision of the Minister for Planning and Amendment No.145 was gazetted on 31 March 2015.

**Previous Approvals**

**Bulk Earthworks**

In September 2014, the City granted Planning Approval for a Use Not Listed (Bulk Earthworks) over Lots 921 and 922 Baldivis Road and Lot 3 Key Close, Baldivis. The approval sought to commence forward works for the future urban development of the land.

<table>
<thead>
<tr>
<th>Details</th>
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</table>

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

The proposed Structure Plan includes the following elements:

- Residential densities ranging from 'R25' - 'R40' (average lots areas from 220m² - 350m²) to facilitate development of approximately 390-400 dwellings;
- A 2.0ha portion of a Primary School site;
- Four areas of Public Open Space (POS) totalling 2.9ha; and
- Access to Baldivis Road at Key Close and Tamworth Boulevard.
3. Advertised Structure Plan Map
4. Advertised Development Concept Plan

**Implications to Consider**

- **Consultation with the Community**
  
  **Advertising Methodology**

  The proposed Structure Plan was advertised for a period of 29 days, commencing on 3 April 2015 and concluding on 1 May 2015. Public advertising was carried out in the following manner:

  - 689 nearby land owners (as shown on properties with a blue border on Figure 5), 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 Baldivis Road at the intersection of Tamworth Boulevard advertising the Proposed Structure Plan;
- A notice was placed in the Weekend Courier for two weeks over the course of the advertising period, appearing in the newspaper on 3 and 10 April 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 Clause 6.3.3 of TPS2.

7. Location of Advertising

Public Submissions: Following the close of the advertising period, the City had received five submissions from nearby landowners.

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

<table>
<thead>
<tr>
<th>Amenity</th>
<th>Submission:</th>
<th>Applicant’s Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Development will destroy the country / rural nature of Baldivis with the removal of remnant vegetation and native animals.</td>
<td>The structure plan area is appropriately zoned for urban development, and has been identified in a range of strategic planning documents over the past 8-10 years as being suitable for future urban development. The question of whether the land should be developed for urban purposes in general is no longer up for debate as part of this structure planning process.</td>
</tr>
</tbody>
</table>
**Amenity**

With respect to the removal of vegetation and native animals, the Applicant has sought the appropriate approvals from both State and Federal environmental agencies as part of the structure plan process. The structure plan retains mature trees in a centrally located open space, despite this not being a statutory requirement. These trees will make a positive contribution to the amenity of the area as well as providing potential habitat for native fauna. It should also be pointed out that the Applicant is responsible for the revegetation of the Tramway Reserve adjacent to Baldivis Road, which once established will assist to enhance the amenity of the area and retain the existing character as viewed from the west.

**City's Comment:**
The subject landholding is zoned for urban purposes and as such the proposed Structure Plan provides for land uses consistent with the zone classification of the land.

The balance of the 'East Baldivis' corridor, generally bounded by Millar Road, the Kwinana Freeway, Safety Bay Road and Baldivis Road, is zoned 'Urban' under the Metropolitan Region Scheme and is intended for urban development. As such, it is intended that the existing semi-rural character of in this location will progressively change to urban in the future.

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**Environment**

**Submission:**
Resumption of land of urban purposes impacts local biodiversity and destroys existing farmland.

**Applicant's Response:**
The structure plan area is appropriately zoned for urban development, and has been identified in a range of strategic planning documents over the past 8-10 years as being suitable for future urban development. The question of whether the land should be developed for urban purposes in general is no longer up for debate as part of this structure planning process.

**City's Comment:**
The City assessed the Environmental Assessment Report and determined the Applicant has complied with all its obligations for the retention of vegetation in the Structure Plan area. It is also noted the City sought comments from the Department of Parks and Wildlife and Department of Environmental Regulation who offered no objection to the proposal.

**Submission:**
Query whether this proposal has been assessed by the Federal Government Department of Environment for compliance with the Environment Protection and Biodiversity Conservation Act 1999.

**Applicant's Response:**
As per section 1.3.5 of the Structure Plan Part 2 Report - *In 2012, the landowners undertook a voluntary environmental referral to the (former) Federal Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC). The DSEWPaC assessed the referral and set the level of assessment as 'Not a Controlled Action' under the EPBC Act 1999, demonstrating that the proposed urban development of the subject land is not considered to adversely impact on any 'Matters of National Environmental Significance'. The DSEWPaC referral addressed a number of fauna of conservation significance, including several black cockatoo species. The DSEWPaC's decision demonstrates that the development of the land will not have a significant impact on these protected species. A copy of the DSEWPaC advice is included as Appendix 8 to the Structure Plan.*
Environment

City's Comment:
The City does not have the statutory authority to mandate the Applicant to meet any obligations under the Environment Protection and Biodiversity Conservation Act 1999. It is noted, however, that the matter was referred to the former DSEWPaC which confirmed that the proposal will not adversely impact on any matters of national environmental significance.

Education

Submission:
It is queried if enough there are schools to cater the proposed increase in population.

Applicant's Response:
The location and distribution of government high schools and primary schools throughout the East Baldivis cell was determined as part of the consideration of the EBDSP. The EBDSP was prepared in close consultation with the Department of Education and the Department was fully supportive of the location and number of schools shown on the EBDSP. The proposed Structure Plan is entirely consistent with the EBDSP with respect to the location of the primary school, and we note that the Department of Education has reiterated their support for the Structure Plan in their submission.

City's Comment:
The EBDSP establishes the number and distribution of primary and secondary schools throughout the EBDSP area. This distribution has been confirmed in consultation with the Department of Education, with the school sites being centrally located within the surrounding catchment, consistent with Liveable Neighbourhoods.

Traffic

Submission:
Concern that traffic in the area is currently too busy and congestion at the Baldivis Road/Safety Bay Road roundabout is unacceptable.

Applicant's Response:
The Structure Plan includes a detailed Transport Assessment at Appendix 7. The Transport Assessment examines the capacity of the road network to carry the forecast traffic volumes at ultimate development, and concludes that there is sufficient capacity within the existing road network and intersections to accommodate the additional traffic generated by this Structure Plan area.

It should also be noted that this is a regional traffic planning consideration and the capacity of Safety Bay Road / Baldivis Road intersection is beyond the scope of this Structure Plan to resolve as a stand-alone project. We understand that road and intersection capacity has already been examined in detail as part of the EBDSP, and the Structure Plan accords with the EBDSP with respect to land use and traffic volumes.

City's Comment:
The accumulated impact of the development of new estates in Baldivis will generate additional traffic at the intersection of Baldivis Road and Safety Bay Road. This is a result of the overall road network being incomplete, and a need for significant road infrastructure upgrades in the future to accommodate long term projected traffic volumes. Traffic will operate within capacity in the short term, however, the City will monitor traffic volumes and will look to complete road upgrades where required.
<table>
<thead>
<tr>
<th><strong>Structure Plan Design</strong></th>
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<tbody>
<tr>
<td><strong>Submission:</strong></td>
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<tr>
<td>It is considered that the current population density is sufficient and that the increase would have a detrimental effect on the area.</td>
</tr>
<tr>
<td><strong>Applicant's Response:</strong></td>
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<tr>
<td>Proposed housing densities within the structure plan are entirely consistent with the established character in surrounding urban areas. The majority of the structure plan area is coded R25, which is considered by the City to be the most appropriate coding for this type of urban setting. Small pockets of higher density (R40) are located adjacent to areas of higher amenity and public transport links, consistent with the principles of Liveable Neighbourhoods.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>The Proposed Structure Plan is required to meet the density targets set out in the State Government’s <em>Directions 2031 and Beyond</em> Planning Strategic Planning Policy for Perth and Peel and Liveable Neighbourhoods operational policy. <em>Directions 2031 and Beyond</em> promotes a housing density target for all new urban areas of 15 dwelling units per gross hectare of Urban zoned land, to promote urban consolidation and encourage a more efficient use of infrastructure. The proposed Structure Plan falls slightly below this requirement by providing 14.5 dwellings per gross urban zoned hectare. <em>Liveable Neighbourhoods</em> recommends, as a guide, the following minimum residential densities be considered. Residential density proposed greater than the minimum range outlined in <em>Liveable Neighbourhoods</em> is considered to exceed the minimum requirement.</td>
</tr>
<tr>
<td>(i) A minimum of 12 to 20 dwellings per site hectare for standard lot layouts separated from high frequency public transport and activity centres;</td>
</tr>
<tr>
<td>(ii) A minimum of 20 to 30 dwellings per site hectare for areas within 400m of a Neighbourhood Centre and 250m of a main bus route; and</td>
</tr>
<tr>
<td>(iii) A minimum of 20 to 30 dwellings per site hectare for areas within 800m of a Train Station.</td>
</tr>
<tr>
<td>The Structure Plan proposes 26 dwellings per site hectare. As such, it achieves the minimum density required by <em>Liveable Neighbourhoods</em>. In this regard, the proposed densities across the Structure Plan are considered appropriate as they respond to the context of the locality and meet <em>Liveable Neighbourhoods</em> requirements.</td>
</tr>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>Concern regarding the provision of lots with an average area between 220m² - 350m². The size of lots are considered too small.</td>
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<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>The size of lots within the Structure Plan area are subject to a number of influential factors including:</td>
</tr>
<tr>
<td>• Proximity to amenity and infrastructure;</td>
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<td>• Government density targets;</td>
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<tr>
<td>• Market demand and the need to provide a mix of sizes to cater for a broad section of the market; and</td>
</tr>
<tr>
<td>• Cost of developing the land.</td>
</tr>
<tr>
<td>The structure plan includes a base R-Code of R25 for the majority of the structure plan area, which includes a minimum average lot size of 350m². Small pockets of R40 coded areas (average lot size 220sqm) are located adjacent to Neighbourhood Connector Roads and the primary school. This is entirely consistent with the principles of Liveable Neighbourhoods and enables a greater range of lot product types and housing diversity. Lot sizes will only be confirmed at subdivision stage however the minimum average lot size of 350sqm will prevent the over-supply of too many small lots as suggested.</td>
</tr>
</tbody>
</table>
Structure Plan Design

City’s Comment:

The Proposed Structure Plan is required to meet the density targets set out in the State Government’s *Directions 2031 and Beyond* Strategic Planning Policy for Perth and Peel and the *Liveable Neighbourhoods* operational policy.

*Directions 2031 and Beyond* promotes a housing density target for all new urban areas of 15 dwelling units per gross hectare of Urban zoned land, to promote urban consolidation and encourage a more efficient use of infrastructure. The Proposed Structure Plan meets this target, achieving 15.4 dwellings per gross urban zoned hectare.

*Liveable Neighbourhoods* recommends, as a guide, the following minimum residential densities be considered. Residential density proposed greater than the minimum range outlined in *Liveable Neighbourhoods* is considered to exceed the minimum requirement.

(i) A minimum of 12 to 20 dwellings per site hectare for standard lot layouts separated from high frequent public transport and activity centres;

(ii) A minimum of 20 to 30 dwellings per site hectare for areas within 400m of a Neighbourhood Centre and 250m of a main bus route; and

(iii) A minimum of 20 to 30 dwellings per site hectare for areas within 800m of a Train Station.

The proposed Structure Plan achieves the minimum density required by *Liveable Neighbourhoods* and *Directions 2031*. In this regard, the density proposed is considered appropriate.

*Liveable Neighbourhoods* encourages the lot layout to provide a mix of housing types, lot sizes and densities with higher density housing supported in areas of high amenity, such as adjacent to parks. The provision of varying residential densities and lot types throughout the Structure Plan area is encouraged within *Liveable Neighbourhoods* and is considered appropriate.

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
- 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 eleven (11) submissions from State Agencies. A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment No.1 to this Report). The content of the issues raised in the submissions are summarised and addressed as follows:
<table>
<thead>
<tr>
<th>1. Department of Fire and Emergency Services (DFES)</th>
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</table>
| **Submission:**
| Please be advised that the Department of Fire and Emergency Services (DFES) would expect compliance with the DFES and the WAPC Planning for Bush Fire Protection Guidelines Edition 2 - May 2010 (These Guidelines replace DC 3.7 Fire Planning and Planning for Bush Fire Protection, which were released by the WAPC and DFES in December 2001) and clause 6 of State Planning Policy 3.4 Natural Hazards and Disasters (SPP 3.4). |
| **City's Comment:**
| The City's assessment of the Bushfire Management Plan is provided within the Local Planning Policies Section of this Report. |

<table>
<thead>
<tr>
<th>2. Department of Health (DoH)</th>
</tr>
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</table>
| **Submission:**
| (i) Water and Wastewater Disposal
All developments are required to connect to scheme water and reticulated sewerage as required by the Government Sewerage Policy- Perth Metropolitan Region. |
| **City's Comment:**
| The submission is noted. |
| (ii) Mosquito Borne Disease Control
The subject land is in a region that regularly experiences significant problems with nuisance and disease carrying mosquitoes. These mosquitoes can disperse several kilometres from breeding sites and are known carriers of Ross River (RRV) and Barmah Forest (BFV) viruses
**Recommendations:**
- The Applicant should prepare a Mosquito Management Plan (MMP) for the subdivision that outlines triggers for management actions and effective strategies to minimise the risk of disease transmission and the impact of nuisance mosquitoes on future residents, to the satisfaction of the City of Rockingham; and.
| **Applicant's Comment:**
| - Noted. This does not have any implications for the structure plan and we assume that the DOH will request a condition requiring a MMP at subdivision stage in the usual manner.
The structure plan does not propose any water holding infrastructure within the exception of bio-retention areas. The bio-retention areas are designed to infiltrate in accordance with the City's standards and requirements. |
| **City's Comment:**
| The submission is noted. This does not have any implications for the Structure Plan. The City will request a condition requiring a Mosquito Management Plan at subdivision stage. |
2. Department of Health (Cont…)

(iii) Increased Density - Public Health Impacts

The City of Rockingham should also use this opportunity to minimize potential negative impacts of the mixed density development such as noise, odour, light and other lifestyle activities. Public health impacts draw attention to those issues and they should be appropriately and adequately addressed at this stage.

To minimise adverse impacts on the residential component, the City of Rockingham could consider incorporation of additional sound proofing, insulation, double glazing on windows, or design aspects related to location of air conditioning units and other appropriate building/construction measures.

City’s Comment:

Dwelling applications will be considered against the requirements of the Building Code of Australia, the Residential Design Code and any other legislative requirements applicable to the subject land.

(iv) Chronic Disease Prevention

As outlined within key state planning policies such as Directions 2031 and Liveable Neighbourhoods, development should be designed around an activity centre network, an integrated movement network (supporting activity centres) and a green network.

Some of the key design principles that maximise walking, cycling and active transport that can be considered as the development planning progresses include:

- Designing the structure plan around the local and regional transport needs, ensuring all alternative modes of transport (walking, cycling, public transport) are given priority;
- A mix of destinations (e.g. shops, schools, public open space, employment and community facilities) within a 400m walkable catchment of most residential properties;
- A movement network that incorporates connected and accessible pedestrian, cycle and public transport networks, particularly connecting with activity centres and other key destinations and land uses;
- An attractive and pleasant built form (landscaping, urban design, building design) that encourages and supports walking, cycling and public transport; and
- Public open space that provides a mix of formal (sport) and informal (walking, active play, recreation) activity for all age groups.

As planning for the more detailed development progresses, the design guidelines below may be useful.

- Active Living (http://www.heartfoundation.org.au/active-living/Pages/welcome.aspx)

City’s Comment:

The Structure Plan achieves the design criteria requirements of Liveable Neighbourhoods with respect to the siting of land uses such as open space. In this regard, the proposed Structure Plan is considered appropriate.

Specific School Siting Considerations

(i) Health Impacts:

Assess health impacts of proposed sites (through a health impact assessment or another methodical analysis of health impacts), including the location’s supportiveness and safety for physical activity; air pollution and asthma levels; past or present contamination of site or nearby areas; and nearby sources of pollution or contaminants, such as highways, industrial facilities, or spray drift from pesticide/herbicide applications and potential conflicting land use such as for fast food locations.
2. **Department of Health (Cont…)**

(ii) **Safe Routes to School:**
Support a ‘Safe Routes to School’ program to maximize opportunities for walking and biking to school. Integrate with public transport.

(iii) **Safe Infrastructure for Walking, Cycling and Public Transport in School Vicinity:**
Improve the safety and convenience of travel by foot, bike, and public transportation near schools and on school property by facilitating safe infrastructure.

For example, ensure that areas surrounding schools have well lighted footpaths, bicycle lanes, or appropriate infrastructure necessary to allow students to safely travel to school through different modes of transportation. Ensure that site design safely accommodates students arriving and departing by all modes of transportation, including walking, bicycling, public transportation, school bus, and private vehicles: prioritize safe access for children who are bicycling or walking (including those walking after drop-offs from cars or buses). Consider facility and transportation equity for students and families with disabilities.

**City's Comment:**
The submission is noted for future implementation at subdivision stage. The Structure Plan provides an appropriate framework to encourage multiple modes of transport.

3. **Main Roads WA**

**Submission:**
The proposed Local Structure Plan is acceptable to Main Roads subject to the following conditions being imposed:

- This noise sensitive development adjacent to an existing major transport corridor must implement measures to ameliorate the impact of transport noise.

  The development is to comply with WAPC State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning and implement Noise Insulation "Deemed to Comply packages for this residential development.

  Accordingly, the applicant's Local Structure Plan Map outlining the shaded areas impacted by Quiet House Design (Package A) should be reflected as per Lloyd George Acoustics Noise Report - Figure 4-7 refers.

**City's Comment:**
The City has assessed the noise impacts in accordance with State Planning Policy 5.4 - *Road and Rail Transport Noise and Freight Considerations in Land Use Planning* and the *Environmental Protection (Noise) Regulations 1999*. The City determined that the mitigation measures proposed by the Applicant will appropriately address noise policy requirements.

It is, however, recommended that the Structure Plan be modified to shows areas requiring Quiet House Design (Package A) as per the Applicant's Acoustics Noise Report - Figure 4-7.

**Submission:**
At the time of subdivision the following conditions will apply:

- A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
  "The lot/s are situated in the vicinity of a transport corridor and is currently affected, or may in future be affected by transport noise. Further information is available on request from the relevant local government offices."
3. Main Roads WA (Cont…)

Submission: Cont…
- Anti-graffiti coating is to be applied to the fence wall adjoining Kwinana Freeway reserve to Main Roads WA Specifications 908.

City's Comment:
The submission is noted.

Recommendation:
That the Local Structure Plan Map be modified outlining the shaded areas impacted by Quiet House Design (Package A) should be reflected as per the Applicant's Acoustics Noise Report - Figure 4-7.

4. Public Transport Authority (PTA)

Submission:
- The PTA does plan to operate a bus service along 'Road 10'. This refers to the central Neighbourhood Connector road in this Local Structure Plan, and as such this road should be of the required standards to safely allow for the operation of a bus service in both directions. Guidelines on best practice street design for bus movements are available on the PTA website here: http://www.pta.wa.gov.au/PublicationsandPolicies/DesignandPlanningGuidelines/tabid/109/Default.aspx.
- While we don’t oppose the development, the currently-planned densities are insufficient to support an attractive high level of public transport service. The PTA supports an increase in residential and commercial density at the site.
- Temporary bus termini will be required to provide the new bus service as the development is progressively built. It is strongly advised the developer(s) and the City of Rockingham liaise with and support the PTA during the subdivision planning, staging and construction process to allow for the provision of this new internal service and to minimise amenity issues.

City's Comment:
The bus routes designated on the Structure Plan are provided on neighbourhood connector roads with sufficient road reserve width to accommodate the Public Transport Authority's requirements for bus routes.
As part of the consideration of the Subdivision Application, it is recommended a preferred location for a bus layover bay be chosen and constructed accordingly.

5. Water Corporation

Submission:
(i) Drainage
A section of the Corporation's Peel Rural Sub-Drain "F" traverses the north-east corner of the subject land in the vicinity of the proposed POS area abutting the Kwinana Freeway. This drain currently provides a rural level of service to upstream and downstream customers. Under the conditions of the Rural Drainage Operating Licence this drain may flood adjacent rural land for up to 72 hours.
The East Baldivis land is now zoned "Urban" and the district and local structure planning for this area has substantially commenced. Peel Sub-Drain "F" no longer has a rural drainage function. As this drains and its catchment become modified through subdivision site works, the Corporation will discontinue its management and maintenance of the drains. It is appropriate and necessary that the drain be incorporated into the future local urban drainage system operated by the City.
5. Water Corporation (Cont…)

The Corporation requests the City to formally agree in writing on a process and timeframe to take over Sub-Drain "F" and sub-drain "H" further to the north. The Corporation will then take steps to remove these sections of the Peel rural drainage network from its Drainage Operating Licence area and will delete these sections of the drains from its asset register.

The culverts under the Kwinana Freeway at the outlets of Sub-Drain "H" and "F" are the control points for runoff from the East Baldivis land. These culverts will remain as is under the control of Main Roads WA. The remaining sections of Sub Drains "H" and "F" on the eastern side of the freeway up to their confluence with the Peel Main Drain will remain as rural sub drains under the control and maintenance of the Water Corporation.

Runoff from the East Baldivis urban land must be contained on site to pre-development levels and the urban drainage system must accord with the East Baldivis DWMP. The finished development site levels must be determined by the City's engineers in consultation with the Department of Water having regard to the 100 year ARI flood levels recommended in the Serpentine River Floodplain Management Study.

City's Comment:

The City has advised the Water Corporation that the rural sub-drains 'H' and 'F' will be progressively incorporated into the City's comprehensive drainage network as subdivision commences. Once incorporated, the City will preside over the ongoing maintenance of the drainage network.

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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 14.5 dwellings per gross urban zoned hectare will be achieved. This minor variation is considered to be acceptable.

**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.

With regard to Element 1 - Community Design, the proposed densities across the Structure Plan are considered appropriate as they respond to the context of the locality and meet Liveable Neighbourhoods requirements.

Element 2 - Movement Network sets out requirements and some design solutions for a standard set of street types, and some examples of traffic management treatments that satisfy the Element objectives.

Within the hierarchy of streets, Neighbourhood Connectors are streets with mostly residential frontage that typically provide the lower order sub-arterial network. LN defines two types of Neighbourhood Connectors, 'Neighbourhood Connector A' streets which are a two-lane divided street used for higher neighbourhooed connector volumes and 'Neighbourhood Connector B' streets which are a two-lane undivided street for lower volume neighbourhood connectors.

Element 2 provides guidance regarding the width of all street types and in this regard, Table 4 and Figure 18 recommend that a Neighbourhood B street should have an overall width of 19.4m. Figure 18 includes a note stating that the verge width (including parking) can often be reduced from 6.2m to 5.5m with indented parking, to reduce the overall reserve width to 18.0m.

The Applicant has sought approval for 18m wide Neighbourhood Connector B streets on the structure plan, however, the City has reviewed the criteria set out in Element 2 and is not satisfied that indented parking and services can be accommodated within a reduced verge width of 5.5m. In this regard, the minimum width the City would be prepared to support for a Neighbourhood Connector B street is 19.1m.

**Recommendation:** The Structure Plan Report Part Two and Traffic Assessment Technical Appendix being amended to provide for minimum 19.1m wide Neighbourhood Connector B streets.

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

This Policy seeks to minimise the adverse impact of transport noise, without placing unreasonable restrictions on noise-sensitive residential development, or adding unduly to the cost to transport infrastructure. The Policy applies for the consideration and management of the impacts of transport noise and freight operations when development is proposed in the following manner:
- New noise-sensitive development in the vicinity of existing or future major transport corridors or freight handling facilities;
- New major road or rail infrastructure projects, including major redevelopments, in the vicinity of existing or future noise-sensitive land uses; and
- The location of freight handling facilities.

The acoustic assessment undertaken for the broader East Baldivis District Structure Plan area (Herring Storer Acoustics 2009) indicates that, without any form of noise amelioration, future noise emissions from the Kwinana Freeway would exceed the ‘Noise Limit’ criteria (as outlined in State Planning Policy No.5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning) anywhere within the site.

The Structure Plan includes a comprehensive Transportation Noise Assessment which addresses the requirements of State Planning Policy 5.4. The assessment of the noise level identifies that future residential lots are likely to be exposed to noise levels above the specified ‘Noise Target’ specified by the State Planning Policy. The Applicant is proposing to mitigate these impacts through the construction of an Acoustic Wall abutting the Kwinana Freeway and treatments accommodated in housing construction.

A quite house design construction standard will be mandated at subdivision stage through the requirement to prepare a Detailed Area Plan. Also a notification on title will be implemented on lots determined to be impacted by noise generated from the Kwinana Freeway.


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

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

The subject site is located within 100m of vegetation that is considered to be bushfire prone vegetation by the PfBFP Guidelines. As such, an assessment of the bushfire risk is required to be provided in accordance with the PfBFP Guidelines.

The Applicant has provided a Bush Fire Management Plan (BFMP) to address the bushfire risk to the Structure Plan area. As part of the BFMP, the Applicant seeks to vary the Acceptable Solutions of the PfBFP Guidelines relating to siting of the development and particularly in relation to the Kwinana Freeway interface. Specifically the BFMP seeks to vary:

- Acceptable Solution 4.1, requiring construction standards be provided in accordance with Australian Standard AS3959 (as amended) where a hazard separation of 100m cannot be achieved; and
- Acceptable Solution 4.3, requiring a Building Protection Zone (BPZ) having a minimum width of 20m.

The Department of Fire and Emergency Services (DFES) issued an Information Note (December 2014) which recognises that a bushfire in the Freeway reserve is not likely to develop to a level that AS3959 design fire is based on, given the intermittent nature of the vegetation in the corridor. Consequentially, fire intensity, rate of spread, flame length and the potential for embers to be carried significant distance is lower. The Information Note proposes reduced construction standards in the 100m hazard separation area. The Applicant proposes to utilise these reduced standards, however, the Department of Planning has advised that it has not endorsed this Information Note.
Furthermore, the Applicant proposes to reduce the 20m BPZ to 13m. This is based on site specific modelling to ensure a maximum radiant heat flux of 29kW/m² for the dwelling and no flame contact on the dwelling. The PFBFP guidelines do not provide any specific guidance in the Performance Criteria for this element to enable meaningful consideration of a performance assessment of an alternative to the Acceptable Solutions. The City is, however, satisfied with the science behind the assessment and is of the view that the Applicant’s proposal, in this instance, is considered to have merit and is consistent with standards used in other jurisdictions.

The PFBFP Guidelines are, however, quite clear on requiring a 20m Building Protection Zone (BPZ). So whilst the City supports the proposed BPZ variation, it is uncertain how the WAPC will view the variation.

Dwellings located within 100m of vegetation that is considered to be bushfire prone vegetation by the PFBFP Guidelines will be required to be constructed to Bushfire Attack Level standard (BAL) in accordance with Australian Standard AS3959 (as amended). The construction standard is mandated at subdivision stage through the requirement to prepare a Detailed Area Plan. A condition will also be required at subdivision stage for the preparation and implementation of a Bushfire Management Plan to mitigate the risk of bushfire.

Part One of the Structure Plan Report includes a provision designating bush fire prone areas, lists the situations where Detailed Area Plans (DAP’s) are required to be prepared at subdivision stage, and refers to the requirement for a DAP for lots within the identified Bush Fire Hazard Separation Zone.

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

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 Council adopt the Structure Plan subject to a modification to include the new provisions, with the new RMD-Coding to match the advertised R-Coding.

Recommendation: The Structure Plan be modified to incorporate the Residential-Medium Density provisions outlined by WAPC Planning Bulletin No.112

e. Financial

Nil

f. Legal and Statutory

In accordance with Clause 4.2.6.7 of TPS2, the Council is required to consider all submissions received within 60 days following the advertising period for a Proposed Structure Plan and resolve to either:

(i) Adopt the Proposed Structure Plan with or without modifications; or
(ii) Refuse to adopt the Proposed Structure Plan and give reasons for this to the Applicant.

Determination of a Proposed Structure Plan ultimately rests with the WAPC, notwithstanding the Council's resolution. Pursuant to Clause 4.2.6.9, the Council within 21 days of making its determination under Clause 4.2.6.7, is required to forward to the Commission:

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

(ii) The Council's recommendation to the Commission to approve, modify or refuse to approve the Proposed Structure Plan; and

(iii) Any information the Council considers may be relevant to the Commission's consideration of the Proposed Structure Plan.

g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

Comments

Pursuant to the outcomes of the City's assessment contained within the Officer Report, it is recommended that the Structure Plan Part Report be modified as follows:

Part One
- Amend the hashed shading shown on the Structure Plan Map to delineate a requirement for Quiet House Design (Package A) treatment to accurately reflect the Applicant's Acoustics Noise Report - Figure 4-7.
- At the request of the Applicant, modify Part One of the Structure Plan Report to incorporate the Residential-Medium Density provisions outlined by WAPC Planning Bulletin No.112.

Part Two
- The Structure Plan Report Part Two and Traffic Assessment Technical Appendix being amended to provide for minimum 19.1m wide Neighbourhood Connector B streets.

Conclusion

Following the consideration of the submissions received and the City's assessment of the Structure Plan proposal, it is recommended that the Proposed Structure Plan be adopted subject to modifications as noted above.

Furthermore, it is considered that the following general matters will need to be addressed at subdivision stage:

(i) That the subdivider prepares and implements the following Reports:
   - A Bush Fire Management Plan to mitigate the risk of bush fire;
   - An Acoustic Consultant Report;
   - An Urban Water Management Plan; and
   - A Geotechnical Assessment Report.

(ii) Arrangements being made with the City for the upgrade of Baldivis Road where this roads is adjacent to or connecting with the development, including a contribution towards local area traffic management and a potential bus layover bay.

(iii) Detailed Area Plan(s) being prepared and approved for the following:
   - Lots with rear-loaded vehicle access;
   - Lots deemed to be affected by noise from the Kwinana Freeway;
- Lots with direct boundary frontage (primary or secondary) to an area of Public Open Space; and/or
- Lots deemed to be affected by a recognised Bush Fire Hazard, in the Bushfire Management Plan.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPT the Proposed Structure Plan over Lots 921 & 922 Baldivis Road and Lot 3 Key Close, Baldivis subject to the following:

1. That Part One of the Structure Plan Report be modified as follows:
   (i) Amend the hashed shading shown on the Structure Plan Map to delineate a requirement for Quiet House Design (Package A) treatment to accurately reflect the Applicant's Acoustics Noise Report - Figure 4-7.

2. That Part Two of the Structure Plan Report be modified as follows:
   (i) The Structure Plan Report Part Two and Traffic Assessment Technical Appendix being amended to provide for minimum 19.1m wide Neighbourhood Connector B streets.

Committee Recommendation

Moved Cr J Smith, seconded Cr Whitfield:

That Council ADOPT the Proposed Structure Plan over Lots 921 & 922 Baldivis Road and Lot 3 Key Close, Baldivis subject to the following:

1. That Part One of the Structure Plan Report be modified as follows:
   (i) Amend the hashed shading shown on the Structure Plan Map to delineate a requirement for Quiet House Design (Package A) treatment to accurately reflect the Applicant's Acoustics Noise Report - Figure 4-7.

2. That Part Two of the Structure Plan Report be modified as follows:
   (i) The Structure Plan Report Part Two and Traffic Assessment Technical Appendix being amended to provide for minimum 19.1m wide Neighbourhood Connector B streets.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Planning and Development Services
Strategic Planning and Environment Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-039/15 Proposed Scheme Amendment No. 155 - Rezoning from ‘Rural’ to ‘Development’ (Initiation)</th>
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</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1855-03</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>Taylor &amp; Burrell Unit Trust (Taylor Burrell Barnett) on behalf of Rockingham Park Pty Ltd</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Taylor &amp; Burrell Unit Trust (Taylor Burrell Barnett) on behalf of Rockingham Park Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Rockingham Park Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Craig Zanotti, Planning Officer</td>
</tr>
</tbody>
</table>
| Other Contributors:     | Mr Jeff Bradbury, Coordinator Strategic Planning  
                          | Mr Brett Ashby, Manager Strategic Planning and Environment                                       |
| Date of Committee Meeting: | 15 June 2015                                                                                     |
| Previously before Council: | July 2007 (PD 130/7/07)                                                                          |
| Disclosure of Interest: | Legislative                                                                                      |
| Nature of Council’s Role in this Matter: | Legislative                                                                                    |
| Site:                   | Lots 986 and 993 Baldivis and Serpentine Roads, Baldivis                                         |
| Lot Area:               | 18.8248ha                                                                                       |
| LA Zoning:              | Rural                                                                                           |
| MRS Zoning:             | Rural                                                                                           |
| Attachments:            | 1. Location Plan                                                                                |
| Maps/Diagrams:          | 2. Aerial View                                                                                   |
|                         | 3. Indicative Concept Plan                                                                       |

**Purpose of Report**

To initiate an Amendment to Town Planning Scheme No. 2 (TPS2) to rezone Lots 986 and 993 Baldivis and Serpentine Roads, Baldivis from ‘Rural’ to ‘Development’.

**Background**

In July 2007, the Council resolved to support a concurrent amendment to rezone Lots 986 and 993 Baldivis and Serpentine Roads, Baldivis from ‘Rural’ to ‘Urban’ under the Metropolitan Region Scheme (MRS) and ‘Development’ under TPS2. The rezoning was considered to be consistent with land rezoned to ‘Urban’ and ‘Development’ immediately north of the landholding (the ‘Heritage Park’ Estate), however, the proposal was subsequently placed on hold by the Western Australian Planning Commission (WAPC) pending the Water Corporation advancing its waste water planning for the locality.
With the waste water planning now resolved, the applicant has recommenced the MRS Amendment process. In this regard, the WAPC resolved to initiate an amendment to the MRS to rezone the subject land to 'Urban' on 24 February 2015.

The WAPC subsequently referred the proposed MRS Amendment to the Environmental Protection Authority (EPA) for assessment as required by the Environmental Protection Act 1986 (EP Act) and the EPA considered that the proposal was unlikely to have a significant effect on the environment and did not warrant formal assessment under Part IV of the EP Act.

The WAPC has advised that the MRS amendment is likely to be advertised for public comment in June/July 2015.

Details

In light of the WAPC's decision to initiate rezoning of the site to ‘Urban’ in the MRS, the applicant has requested that the City initiate a complementary amendment to rezone the land to ‘Development’ in TPS2, such that the MRS and TPS amendments can be advertised in parallel.

The applicant's submission is informed by the following reports that are intended to demonstrate that urban development is appropriate for the site:
- Environmental Assessment (EA);
- District Water Management Strategy (DWMS);
- Bush Fire Hazard Assessment (BFHA);
- Traffic Impact Assessment (TIA); and
- Infrastructure Servicing Report.

An indicative concept plan has been provided (refer to figure 3) that demonstrates one particular form that residential development could take across the site.

Site Context

The site comprises two properties of 18.82ha in area. It is undeveloped with a long history of grazing activities around isolated stands of remnant vegetation. In late 2012, the City approved the stockpiling of excess fill on cleared portions of the land which was completed in early 2013. Access to Lot 986 is from Baldivis Road via an access track through the adjacent Baldivis Tramway, whilst Lot 993 takes access directly from Serpentine Road along the southern boundary of the collective landholdings. Other than boundary fencing, no man-made infrastructure is located on either lot.

1. Location Plan
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 JULY 2015

PRESIDING MEMBER
Justification for Proposed Rezoning
The applicant considers that this site presents a logical extension to the urban development to the north of the landholdings and can be integrated appropriately and has provided the following justification for Council to consider the initiation to TPS2:

"Orderly Planning Framework
Despite not being identified in the South Baldivis District Structure Plan (DSP), the land is identified for urbanisation in the Outer Metropolitan Sub-Regional Strategy, in recognition of the substantive work that went towards rezoning the land under both the region and local planning schemes back in 2007.

Lack of identification on the DSP does not preclude rezoning of the land for ‘Development’ (as a means of enabling future low to medium residential and community purposes development, in accordance with a subsequently prepared Local Structure Plan). Rezoning proposals that vary or represent an addendum to the DSP have been supported by the City and approved by the Minister in the past where it was suitably demonstrated that all other development impediments could be suitably overcome.

For the City to initiate this rezoning would be consistent with its decision to support the 2007 concurrent Region/Local Scheme Amendment proposal and will ultimately be necessary to bring TPS2 into conformance with the Region Scheme Amendment upon successful completion of the proposal to rezone the land to ‘Urban’ under the MRS.

The proposal also satisfies the objectives of the ‘Activity Centre Policy for Perth and Peel’ by providing increased urban density adjacent to activity nodes such as the Baldivis Town Centre, thus reducing private vehicle kilometres driven, improving urban land efficiency, housing variety, and choice close to activity centres, whilst meeting different levels of community need and enabling local employment.

General Planning Justification
Rezoning of the land from ‘Rural’ to ‘Development’ represents a logical extension and ‘rounding off’ of the South Baldivis urban cell. Furthermore, despite representing a frontal development opportunity, the site has excellent proximity to existing services and infrastructure.

The constraint that previously delayed the 2007 proposal to urbanise the land has now been resolved (planning and environmental approval to the East Rockingham Wastewater Treatment Plant), with rezoning of the land to ‘Urban’ under the MRS, and ‘Development’ under TPS2 representing the next logical step in progressing planning for this area.

There is a high demand for lots in Baldivis, as evidenced by sales activity at nearby residential estates.

A mixture of lot product and residential density will be accommodated within the development. Critically, the proposal presents a significant opportunity to address the high demand for affordable housing product and potentially retirement housing given the close proximity to services and facilities such as the Baldivis Town Centre.

Locational Attributes
Rezoning will complement the nearby Baldivis Town Centre and further enhance the operational success of this emerging community focus town centre.

The land is conveniently positioned relative to major transport routes. It enjoys direct access to a strong north-south and east west road network by virtue of its abutting of Baldivis Road and proximity to freeway interchanges at Safety Bay and Karnup Roads.

The site is located within immediate proximity to an existing public transport route that connects back to Wambro railway station, making it readily accessible to public transport and improving the sustainability of alternative transport options to the area overall. The site is also situated within relatively close proximity to major employment nodes, including Rockingham, Port Kennedy, Kwinana, Cockburn, Peel and the planned North Baldivis industrial/employment node as identified in the Economic and Employment Lands Strategy (WAPC 2012).
**Minimal Environmental Constraints**

*In relative terms, the site is environmentally unconstrained. It is almost devoid of native vegetation as a result of historical use for rural pursuits. Furthermore, the site does not contain any Declared Rare Fauna or Bush Forever sites. Where practical, remaining vegetation will be retained through the positioning and delivery of localised Public Open Space, confirmed as part of the subsequent local structure planning and subdivision processes of development.*

### Implications to Consider

**a. Consultation with the Community**

If the Scheme Amendment is initiated by Council, it is required to be advertised in accordance with the *Town Planning Regulations 1967* for a minimum period of 42 days.

**b. Consultation with Government Agencies**

Consultation with relevant Government Agencies will occur if the Scheme Amendment is initiated by the Council. Referrals can then be undertaken in accordance with the *Town Planning Regulations 1967*.

**c. Strategic Community Plan**

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

**Aspiration D:** Sustainable Environment

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

**d. Policy**

**Planning for Bushfire Protection Guidelines Edition 2**

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

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

A Bushfire Hazard Assessment was prepared as part of the initiation report where moderate and extreme fire risks were identified over the subject land. A Development Area provision has been incorporated into the Scheme Amendment that requires the preparation of a Fire Management Plan as part of a Proposed Structure Plan over the land.

**e. Financial**

Not Applicable

**f. Legal and Statutory**

**Planning and Development Act (2005)**

Part 9 Clause 124 (2) of the *Planning and Development Act 2005* states that:
“If a region planning scheme is inconsistent with a local planning scheme, the local government of the district in which the land directly affected is situated is to, not later than 90 days after the day on which the region planning scheme has effect, resolve to prepare -

(a) a local planning scheme which is consistent with the region planning scheme; or

(b) an amendment to the local planning scheme which renders the local planning scheme consistent with the region planning scheme, and which does not contain or removes, as the case requires, any provision which would be likely to impede the implementation of the region planning scheme.”

As such, should the current request for the lifting of Urban Deferment be approved by the Minister, TPS2 is required to be updated to be consistent with the modified MRS.

**Town Planning Regulations (1967)**

With respect to land not yet zoned ‘Urban’ under the Metropolitan Region Scheme, the Council is required to resolve to either Adopt (initiate) the Scheme Amendment or Not Proceed with a Scheme Amendment and notify the WAPC in writing of its decision under Regulation 13 of the *Town Planning Regulations* (1967).

**g. Risk**

**Risk Implications of Implementing Officer Recommendation**

Nil

**Risk Implications of Not Implementing Officer Recommendation**

Nil

**Comments**

The initiation of an Amendment to TPS2 to rezone the land from ‘Rural’ to ‘Development’ zone is supported for the following reasons:

- The proposal is considered to have merit as it reflects a logical extension of the existing urban precinct immediately to the north;
- The documentation submitted by the applicant adequately addresses the City's requirements for the purposes of public advertising; and
- It will provide consistency with the WAPC's decision to initiate the MRS rezoning from ‘Rural’ to ‘Urban’ and provide for the MRS and TPS amendments to be advertised in parallel.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ADOPT** (initiate) Amendment No.155 to Town Planning Scheme No.2 as follows:

1. Rezone Lots 986 and 993 Baldivis Road, Baldivis from ‘Rural’ to ‘Development’ on the Scheme Map.
2. Amend the Scheme Map to contain Lots 986 and 993 Baldivis Road, Baldivis within Development Area No. 42 and reference this on the Scheme Map as 'DA 42'.
3. Amend ‘Schedule No.9 - Development Areas' to include new Development Area DA42 as set out below:

<table>
<thead>
<tr>
<th>Reference No.</th>
<th>Area</th>
<th>Provisions</th>
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<tbody>
<tr>
<td>DA42</td>
<td>Lots 986 and 993 Baldivis Road, Baldivis</td>
<td>An approved Structure Plan, together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.</td>
</tr>
</tbody>
</table>
### Proposed Local Structure Plan

1. The following matters must be addressed as part of the preparation of the Proposed Structure Plan in addition to those set out in Clause 4.2.5:
   1. The preparation of a Fire Management Plan where a Bushfire Hazard Assessment determines the land as having a moderate to extreme risk of bushfire.

### Committee Recommendation

**Moved Cr Pease, seconded Cr Elliott:**

That Council **ADOPT (initiate)** Amendment No.155 to Town Planning Scheme No.2 as follows:

1. Rezone Lots 986 and 993 Baldivis Road, Baldivis from 'Rural' to 'Development' on the Scheme Map.
2. Amend the Scheme Map to contain Lots 986 and 993 Baldivis Road, Baldivis within Development Area No. 42 and reference this on the Scheme Map as 'DA 42'.
3. Amend 'Schedule No.9 - Development Areas' to include new Development Area DA42 as set out below:

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**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 initiate an Amendment to Town Planning Scheme No. 2 (TPS2) to rezone Lots 1512 and 5000 Lake Street, Rockingham from ‘Special Use No. 1 - Caravan Park’ to ‘Development’.
Background

The site is currently occupied by the Palm Beach Caravan Park, which has been operating for approximately fifty years. The caravan park predates the former Town Planning Scheme No. 1 that was introduced for the City of Rockingham in 1975. Initially established as a caravan park to provide short stay accommodation, the site now predominantly provides accommodation for longer term residents; the caravan park does not serve its primary function as a place for short stay accommodation.

In 2014, Defence Housing Australia (DHA) acquired the land with the intention of redeveloping the site for accommodation to house navy personnel who are based at HMAS Stirling. Over the last several months DHA has been working with housing agencies and organisations to assist with the transitional arrangements for current residents to be relocated.
Details

The applicant seeks Council approval to rezone the land from ‘Special Use No. 1 - Caravan Park’ under TPS2, to ‘Development’ in order to facilitate urban development. The site forms part of the DHA’s plans to provide accommodation for Defence Force personnel and their families. The application to rezone the land to ‘Development’ is consistent with the ‘Urban’ zoning under the Metropolitan Region Scheme (MRS). The rezoning, if approved, would be followed by a Local Structure Plan (LSP) that outlines the form of development, areas for various land uses and design requirements. Although the LSP has not yet been prepared for the site, some key design responses that the applicant has indicated for future development include:

- Predominantly residential land uses;
- Dwellings fronting Lake Street being approximately two storeys in height and designed in a manner that is sensitive to existing housing on Lake Street;
- Some taller apartments located behind these dwellings;
- Connections to Lake Richmond and surrounding bushland being improved whilst being sympathetic to the protection of vegetation;
- Provision of appropriate setbacks from bushland and existing land uses, whilst improving surveillance;
- Increased public parks and open space; and
- Improved streetscapes along Fisher and Lake Street through landscaping and built form elements.

Whilst DHA intends to provide housing options for service personnel that are predominantly associated with the naval base, HMAS Stirling, the applicant has advised that the site will also provide accommodation options for a range of potential occupants including:

- Young singles and couples without children;
- People who no longer need or want a large family home;
- People seeking affordable housing near lifestyle opportunities; and
- Existing locals seeking to downsize from the conventional family home.

The applicant has indicated built form elements in the Principles Plan (refer to figure 3) that could form the basis of a future LSP. The envisaged form of development for the site is also shown in the following figures.
3. Principles Plan

4. Possible Interface for Lake Richmond (left) and Lake Street (right)
Justification for Proposed Rezoning

DHA considers this site as the most suitable location for redevelopment so as to provide housing options for naval personnel in close proximity to HMAS Stirling. At present, many personnel and their families reside further away from the base and in many cases outside of the City. This has implications that result in greater travelling times, increased traffic levels and also results in lost opportunities to capture the economic benefits of the base’s locality. The applicant considers that the increased provision of housing in close proximity to the naval base will alleviate these issues, to the benefit of the wider community.

From a planning perspective, the applicant has conveyed that the proposed rezoning is consistent with a number of key policies and strategies, which is summarised below:

Directions 2031

Directions 2031 and associated strategic documentation does not identify any infill yield targets for the site, however, it is noted that 800ha of land zoned ‘Urban’ under the MRS is identified as vacant within the City of Rockingham. This amendment will enable urban infill in close proximity to the Rockingham Regional Centre and at yields which are above the 15ha gross density targets identified in the strategy.

City of Rockingham Urban Growth Programme

The City of Rockingham Urban Growth Programme identifies areas of urban growth between 2009 and 2031. The report identifies a range of population growth projections over this period, from 1,459 people per year to 4,722 people per year. Only limited infill development is accounted for within the document. Within the suburb of Rockingham, the total infill development for 2009-2031 is 497 dwellings, and the subject site is not identified as an infill opportunity in making this calculation. Consequently, the development of the site would contribute to the infill development that could be achieved in Rockingham in the next twenty years, achieving the City’s strategic goals for urban growth.

Issues and Constraints

Whilst the site and the proposed redevelopment presents many opportunities that would have ongoing benefits for the area, a number of constraints and potential issues exist. These mainly environmental factors are due to the close proximity to Lake Richmond and neighbouring reserves and are outlined below.

Vegetation

The existing vegetation on-site mainly consists of Western Australian Peppermints and Tuarts. This lends to a high level of amenity for the surrounding area that residents along Lake and Fisher Street are accustomed to. Remnant native vegetation (in good condition) is also found in adjoining reserves and Lake Richmond. Whilst the site has limited environmental value as a result of historical clearing, it is considered that numerous native species of trees on-site and the surrounding reserves must be incorporated into the design of any future development.

5. Fisher Street Streetscape
Lake Richmond, Thrombolites and Groundwater/Drainage

Regional groundwater mapping indicates that groundwater occurs at a depth of between 1m and 2m AHD across the site and groundwater flows from east to west, towards Lake Richmond. Data obtained from a nearby bore indicates that the groundwater depth is fairly shallow, which ranges between 0.5m to 1.5m below the natural ground level.

Lake Richmond adjoins the site and is a deep, perennial lake that is replenished by an underground aquifer. It is recognised as a unique water body on the Swan Coastal Plain that hosts a number of migratory bird species and contains a Threatened Ecological Community (TEC). This TEC consists of thrombolites, a rock-like microbial organism that is critically endangered and listed as protected under both the State Wildlife Conservation Act 1950 and the Federal EPBC Act 1999.

Any redevelopment of this site must ensure the hydrology of adjoining Lake Richmond and the water dependant thrombolites is not adversely affected.

Bushfire Management

Due to the site being adjacent to land considered to pose a bushfire hazard, a Bush Fire Hazard Assessment (BFHA) was undertaken to map the associated risks. It was found that land to the west and south of the site poses an extreme fire risk within close proximity. This risk needs to be factored in for future development, balancing future residents’ safety whilst avoiding the need to place management responsibilities onto neighbouring reserves.

**Implications to Consider**

a. **Consultation with the Community**

   If the Scheme Amendment is initiated by Council, it is required to be advertised in accordance with the *Town Planning Regulations 1967* for a minimum period of 42 days from the date of publication, with an advertisement being placed in a newspaper circulating the area.

b. **Consultation with Government Agencies**

   Consultation with relevant Government Agencies will occur if the Scheme Amendment is initiated by the Council. Referrals can then be undertaken in accordance with the *Town Planning Regulations 1967*.

c. **Strategic Community Plan**

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

   **Aspiration D:** Sustainable Environment

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

d. **Policy**

   **Planning for Bushfire Protection Guidelines Edition 2**

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

   - Include a bush fire hazard assessment based on the fire hazard assessment methodology and classifications set out in Appendix 1 of the Guidelines;

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

e. Financial
Nil

f. Legal and Statutory

Town Planning Regulations (1967)

The Council is required to resolve to either Adopt (initiate) the Scheme Amendment or Not Proceed with a Scheme Amendment and notify the WAPC in writing of its decision under Regulation 13 of the *Town Planning Regulations* (1967).

Metropolitan Region Scheme

The subject site is zoned ‘Urban’ under the Scheme as per the map below.

![Map of Metropolitan Region Scheme](image)

Town Planning Scheme No. 2

The proposed application seeks to amend the present zoning from ‘Special Use No. 1 - Caravan Park’ to ‘Development’. The proposed map changes are as follows:
g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Low:
Nil

Comments

Site Context
The caravan park is divided into two properties and is 3.76ha in area. It is predominantly characterised by park homes that have been constructed over many years, with a total of 162 sites.
It also contains a number of sizable Tuart and Western Australian Peppermint trees that are scattered throughout. Access to the site is located via Lake Street.

The site is located on the eastern side of the City's 'Parks and Recreation' Reserve 35176, which adjoins Lake Richmond Regional Park (LRRP). The LRRP is a Bush Forever site that contains the critically endangered species of Thrombolites (a rock-like microbial organism formed over millions of years). Water Corporation Reserve 42518 runs along the southern boundary of the site and the Rockingham Beach Primary School is located across from the site on the eastern side of Fisher Street. Directly north of the caravan park (across Lake Street) is 'Residential' zoned land with a R30 density coding. The predominant form of housing is single storey dwellings (refer figure 6).

6. Lake Street Streetscape

In order to demonstrate that the land is capable of rezoning, the applicant provided the following reports:

1. Environmental Assessment Report (EAR);
2. Engineering Services Report (ESR);
3. Bush Fire Hazard Assessment (BFHA); and

Upon review and subsequent amendments to these reports, the City is satisfied that the proposal is acceptable to consider rezoning of the site. At this stage, the applicant does not need to provide the City with detailed planning of the proposed redevelopment, which will be provided and assessed at Local Structure Planning stage. The Principles Plan (figure 3), however, does provide insight as to how various elements of the site and surrounding areas can be incorporated into a future design.

It should be noted that whilst the City acknowledges that a number of permanent residents reside on the site, the matter cannot be a reason to refuse the proposal as this issue is not a planning consideration. The applicant has notified the City, however, DHA has provided two years notification for residents to find new accommodation and in many instances, worked with housing authorities to assist with relocation.

In relation to the main factors associated with the proposed rezoning, the following matters have been appropriately addressed as follows:

1. Environmental Assessment Report

   Vegetation

   The site and immediate surrounds have been surveyed, containing approximately 100 native trees, including WA Peppermints, Tuarts, Acacias, etc. The abundance of established trees lend to an attractive streetscape whilst providing an extension of the tree line to the adjoining reserves. If this Scheme Amendment proceeds, the applicant will be required to integrate significant trees into the layout of the redevelopment site through a subsequent LSP, to ensure that the environmental and amenity values are not lost.
Lake Richmond and Thrombolites

The applicant has outlined in the associated EAR and ESR, that the rezoning and redevelopment would not have any environmental impact on the lake ecosystem. The City considers that there must be no off-site impacts onto Lake Richmond and support this position accordingly. The framework in these initial reports sets the target of mitigating all potential impacts and if the Scheme Amendment is adopted, these targets must be achieved. Such documentation to ensure this is the case includes a Local Water Management Strategy (LWMS), LSP, conservation covenants (such as a ban on keeping cats) and design guidelines.

2. Engineering Services Report

Considering the possibility for the site to affect the hydrology of Lake Richmond and the water-dependant thrombolites, water management must employ best practice techniques in compliance with the State Government's Better Urban Water Management Guidelines. The applicant has advised that the hydrology of the area will not be affected by increased nutrient levels or groundwater abstraction as a result of any proposed redevelopment. This matter will be further addressed in an LWMS that will detail solutions to achieve this. Furthermore, all essential services are located in close proximity to the site and have the capacity to service the proposed redevelopment.

3. Bush Fire Hazard Assessment

A Bush Fire Hazard Assessment was prepared as part of the initiation report, where moderate and extreme fire risks were identified over the subject land. Subsequently, due to its proximity to bushland and associated fire risk areas, Building Protection Zones (BPZ) were identified as a required element for future planning (see figure 7). A Development Area provision will be incorporated into the Scheme Amendment that requires a Fire Management Plan to be undertaken as part of consideration of a Proposed Local Structure Plan over the land.
7. Bush Fire Hazard Assessment

4. Traffic Impact Assessment

Based on a maximum of 450 dwellings with a trip generation of nine vehicles per day, a total of 4,050 vehicular trips would be generated. The TIA confirms that the existing intersections and roads have capacity to accommodate these numbers.

Summary

Infill development at the site will contribute to achieving the urban consolidation imperatives recognised in Directions 2031. The proposed rezoning of the site will provide a range of housing choice for a variety of household types. Additionally, the ability to accommodate defence force personnel and their families within the area will enable economic benefits associated with the naval base to be retained, to a larger extent, within the City. Detail on the design for the site will be examined in detail in the LSP, which is required prior to any development being undertaken on land zoned 'Development'. The redevelopment will also provide additional and/or improved parkland and increased access to Lake Richmond and the surrounding reserves. It is therefore recommended that the Council initiate the proposed Scheme Amendment.

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 JULY 2015

PRESIDING MEMBER
Voting Requirements

Simple Majority

Officer Recommendation

That Council *ADOPT* (initiate) Amendment No.157 to Town Planning Scheme No.2 as follows:

1. Rezone Lots 1512 Lake Street and 5000 Fisher Street, Rockingham from 'Special Use No. 1 - Caravan Park' to 'Development' on the Scheme Map.

2. Amend the Scheme Map to contain Lots 1512 and 5000 Lake Street, Rockingham within Development Area No. 43 and reference this on the Scheme Map as 'DA 43'.

3. Amend 'Schedule No.9 - Development Areas' to modify Development Area DA 43 as set out below:

<table>
<thead>
<tr>
<th>Reference No.</th>
<th>Area</th>
<th>Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA43</td>
<td>Lots 1512 and 5000 Lake Street, Rockingham</td>
<td>An approved Structure Plan, together with all approved amendments and Detailed Area Plans, where applicable, shall apply to the land in order to guide subdivision and development. Proposed Local Structure Plan The following matters must be addressed as part of the preparation of the Proposed Structure Plan in addition to those set out in Clause 4.2.5: 1. The preparation of a Fire Management Plan where a Bushfire Hazard Assessment determines the land as having a moderate to extreme risk of bushfire.</td>
</tr>
</tbody>
</table>

Committee Recommendation

Moved Cr Pease, seconded Cr Elliott:

1. That Council *ADOPT* (initiate) Amendment No.157 to Town Planning Scheme No.2 as follows:

   (i) Rezone Lots 1512 Lake Street and 5000 Fisher Street, Rockingham from 'Special Use No. 1 - Caravan Park' to 'Development' on the Scheme Map.

   (ii) Amend the Scheme Map to contain Lots 1512 and 5000 Lake Street, Rockingham within Development Area No. 43 and reference this on the Scheme Map as 'DA 43'.

   (iii) Amend 'Schedule No.9 - Development Areas' to modify Development Area DA 43 as set out below:

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</tr>
</tbody>
</table>
2. That the Local Structure Plan for the development of Lots 1512 Lake Street and 5000 Fisher Street, Rockingham be presented to Council for consideration of approval to proceed to advertise for public submissions.

Committee Voting – 5/0

<table>
<thead>
<tr>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Committee wished to ensure that the Local Structure Plan was presented to Council rather than proceed to be advertised under delegated authority.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 JULY 2015

PRESIDING MEMBER
### Planning and Development Services
#### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-041/15</th>
<th>Proposed</th>
<th>Short-Stay Accommodation</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2014.00000383.001</td>
<td></td>
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<tr>
<td></td>
<td>DD020.2014.00000381.001</td>
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<td></td>
<td>DD020.2013.0000091.002</td>
<td></td>
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</tr>
<tr>
<td>Risk Register No:</td>
<td>Mr L and Mrs A Gaspar</td>
<td></td>
<td></td>
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<tr>
<td>Applicant:</td>
<td>Mr L and Mrs A Gaspar</td>
<td></td>
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<tr>
<td>Owner:</td>
<td>Miss Keara Freeley, Planning Officer</td>
<td></td>
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</tr>
<tr>
<td>Author:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
<td></td>
<td></td>
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<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
<td></td>
<td></td>
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<tr>
<td>Date of Committee Meeting:</td>
<td>15 June 2015</td>
<td></td>
<td></td>
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<tr>
<td>Previously before Council:</td>
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<tr>
<td>Disclosure of Interest:</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
<td></td>
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<tr>
<td>Site:</td>
<td>Lot 30 (No.1295) Mandurah Road, Baldivis</td>
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<tr>
<td>Lot Area:</td>
<td>3.3ha</td>
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<tr>
<td>LA Zoning:</td>
<td>Rural</td>
<td></td>
<td></td>
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<tr>
<td>MRS Zoning:</td>
<td>Rural</td>
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<tr>
<td>Attachments:</td>
<td></td>
<td></td>
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<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
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<td></td>
<td>2. Aerial Photo</td>
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<td>3. Site Plan</td>
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<td>4. Proposed Development</td>
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<td>5. Floor Plan of Unit 1</td>
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<td>6. Elevations of Unit 1</td>
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<td>7. Floor Plan of Unit 2</td>
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<td>8. Elevation of Unit 2</td>
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<td>9. Photos of Unit 1 and Unit 2</td>
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<td>10. Floor Plan of Unit 4</td>
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<td>11. Elevation of Unit 4</td>
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<td></td>
<td>12. Location of Unit 4 in Relation to Southern Lot Boundary</td>
<td></td>
<td></td>
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</tbody>
</table>
13. Photo of Adjoining Southern Lot Boundary
14. Floor Plan of Unit 3 and Storage Buildings
15. Elevations of Unit 3 and Storage Buildings
16. Photos of Unit 3
17. Consultation Plan
18. Viewshed of the Property to Mandurah Road

1. Location Plan

2. Aerial Photo
Purpose of Report

To consider an application seeking Planning Approval for Short Stay Accommodation at Lot 30 (No.1295) Mandurah Road, Baldivis.

Background

In March 2008, the City received an application for Planning Approval for a 'Home Office (Real Estate/Tourism) and Greyhound Kennels' on the subject property. The Home Office component did not require Planning Approval, as no clients would be visiting the property and the greyhound kennel component was subsequently withdrawn.

As a result of the development application being lodged to the City, it was discovered that Short Stay Accommodation was being operated from a bedroom and living area of the main dwelling. In May 2008, the City received a retrospective application for Planning Approval for the Short Stay Accommodation. During advertising, the City received one objection regarding noise concerns. In July 2008, the Short Stay Accommodation was granted Planning Approval.

In September 2011, the City received a complaint that quad bike tours were being operated on the property. In October 2011, the applicant was notified that this use was considered to be unauthorised development and was requested to cease the activity or seek Planning Approval. In October 2011, the City received an application for Planning Approval to operate the Quad Bike Tours (Private Recreation). The City raised concerns with respect to the proposal due to the potential impacts on the amenity of adjoining neighbours. The application was subsequently withdrawn.

In August 2012, the City received an application for a Home Business (Real Estate Office). During advertising, an objection was received from the neighbour stating that the Home Business had been operating for quite some time and that the quad bike tours were still continuing to operate. In April 2013, the Home Business (Real Estate Office) was granted retrospective approval. The Quad Bike use has ceased and no further complaints were received in this regard.

In April 2013, the City received an application for Short Stay Accommodation to be constructed along the northern side of the existing dwelling. In November 2013, Planning Approval was granted for the Short Stay Accommodation.

In April 2014, the City received a complaint advising that the Short Stay Accommodation had been built in a different location than was approved and was being used to operate a Real Estate Business. The subject site was subsequently visited by the City Officers which confirmed that three adjoining transportable buildings, two other separate transportable buildings and a sea container had been erected on-site without Planning or a Building Approval.

The owners were requested to submit a retrospective application for Planning Approval for the three adjoining transportable buildings and the two other unapproved transportable buildings, which are the subject of this report.

Details

The applicant seeks approval for Short Stay Accommodation and associated storage, some of it retrospective. This proposal is based on a Wellness Retreat and a relaxing stay for guests. The proposal includes the following:

Short Stay Unit 1 (Retrospective):
- The Short Stay Unit has an area of 36m²;
- It is constructed of colorbond and is to be located 34m from the northern side boundary and 100m from the primary street; and
- It comprises a bedroom, kitchen and toilet and has a maximum occupancy of two people.

Short Stay Unit 2 (Retrospective):
- The Short Stay Unit has an area of 38m²;
- It is constructed of timber cladding and is to be located 37m from the southern (side) boundary and 104m from the primary street; and
- It is comprised of a bedroom, kitchen and toilet and has a maximum occupancy of 4 people.

**Short Stay Unit 3 (Retrospective):**
- Three adjoining transportable buildings have been erected on-site forming Short Stay Unit 3, which has an area of 192m²;
- The buildings are comprised of colorbond and are located 12.5m from the northern (side) boundary and 157m from the primary street;
- The accommodation comprises two bedrooms, a playroom, TV room, dining room, bathroom, kitchen and a verandah; and
- It has a maximum occupancy of 8 people.

**Short Stay Unit 4:**
- The Short Stay Unit to be 18.2m from the southern (side) boundary and 87m from the primary street. The design of this building is the same as that approved under the April 2013 Planning Approval but in a different location;
- It has an area of 222m² and is 6.5m in height to the top of the pitched roof;
- It will be constructed of rendered facebrick with colorbond sheet roofing; and
- It contains 2 separate Units with each having a maximum occupancy of 4 people.

**Storage (Retrospective)**
- A colorbond garden shed, utility shed and sea container have been erected on site, adjacent to Short Stay Unit 3;
- The garden shed is located 6.2m from the existing dwelling and is 9.3m² in area;
- The utility shed is located 10.6m from the existing dwelling and is 12.6m² in area; and
- The sea container is located 20m from the existing dwelling and is 25m² in area.

**Parking and Access**
- Sixteen parking bays are proposed to be provided including two universal access bays; and
- An emergency accessway is proposed to be constructed along the southern side boundary where a firebreak already exists.

**Amended Application**
It should be noted that the location of Unit 4 has been amended from what was initially lodged to the City. It was proposed that this Unit would be located 12m from the southern side boundary and this has been amended to 18m. The applicant was also proposing to develop an additional Short Stay Accommodation Unit, but this has since been removed from the application.

The applicant has also provided a Site Management Plan entitled "My Place Wellness Centre Lakeside Lodge Retreat" in support of the application, as follows:-

<table>
<thead>
<tr>
<th><strong>Details and duties of the property manager</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The property will be managed by the owners Agnes and Laszlo Gaspar, who have vast experience in the management of short term holiday accommodation, especially as in this case, overseeing and facilitating a self-catered farm stay. In the past, Agnes has been awarded two Western Australian Tourism Awards and a leading Australian tourism operator's accreditation by the Australian Tourism Accreditation Program. In the absence of the owners, a temporary caretaker will be appointed and will be available within 30 minutes of the property, twenty-four hours a day to assist the guests and closely monitor the property.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Details of where the owners live in relation to the short stay accommodation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The owners self-manage the property, therefore they reside at the property, and are at hand should their assistance be required, twenty-four hours a day. As the owners reside at the property, it allows the owners to enforce guidelines in regards to the strict behaviour standards, the guests have to adhere.</td>
</tr>
</tbody>
</table>
### Strategy to deal with noise impacts

The owners living at the property adhere to strict guidelines in regards to unruly behaviour, noise and any other disturbances that may be caused by their guests. This is why the owners strongly feel that the potential for any noise disturbances is minimal, and any breach of this by guests will be dealt with immediately and efficiently, as the ambience and enjoyment of peace of the surrounding neighbours is of great concern to the property owners.

As the owners feel strongly about creating a relaxing and peaceful environment for their guests, their guests are required to follow guidelines to achieve and abide by those rules. Guests are not allowed to create noise which is offensive to any neighbour, at any time throughout the occupancy and during arrival and departure, especially between 10pm and 8am. Offensive noise and unruly behaviour is prohibited and may result in:

- termination of permission to occupy the property
- eviction
- loss of rental paid
- extra charges for security and other expenses which may be deducted from security deposits or bonds

Guests must abide by any noise abatement conditions, standards and orders issued by the owners, police or any regulatory authority to minimise impacts upon the residential amenity of neighbours and local community. The expected guests will be couples or small families, According to the Rockingham Visitor Centre to maximum occupancy rate is 34 % for this area throughout the year.

### Management of waste and litter reduction

Guests will be advised of the garbage disposal or recycling practices adhered to at the property, including the allocated bins and how excess rubbish ought be managed and not left in public or common areas. Details of local council garbage and recycling collection days will be available to the guests and any special requirements relating to the disposal of garbage or waste minimisation. The owners will make arrangements for the removal of any excess garbage, left by their guests.

### Access and parking

Access to and from the property is managed via a remote controlled gate and only guests are given access, thus eliminating strangers entering the property. The emergency access is along the southern boundary as per plan, to allow access only to and from the property in case of an emergency, and will be only used for this purpose and incorporates the fire break.

### The management of vegetation at adjoining boundaries and erection of a wall/fence to screen development

A gardener is employed to maintain and look after the natural flora of the property, to comply with the local and state laws in regards to fire breaks. The owners are very mindful of maintaining a natural eco-friendly rural environment, as that is what they offer their guest to enjoy as the charm of their property.

As per Council suggestion from the 22/4/2015, the owners will provide screening in the form of a wall or fence to be provided along the southern (side) boundary of Unit 4, as this is the dwelling closest to the neighbouring lot (No.1305 Mandurah Road). The owners are still hopeful to be able to erect a boundary fence to the adjoining neighbour at No.1305 Mandurah Road, Baldivis.

### Determine and implement measures to address problems specific to particular areas e.g. alcohol restrictions, lighting, location and design of facilities and landscaping

The owners do not supply any alcohol and have no desire to get a liquor licence; this will be after all a Wellness Retreat and is not in line with the general feel of the property the owners wish to achieve. The owners want this to be a relaxing farm-stay for their guests and want lighting is kept to a normal residential level, but still allow safe passage for the proposed guests to and from their cottages. Usual practice is to have a movement sensor light at the front door. And the carpark. Guest check in 2 pm, check out 10 am and must sign in to get keys. Guests will receive house rules information and a security deposit will be taken.
3. Site Plan
4. Proposed Development

- Dual Occupancy Short Stay Accommodation
- Existing Dwelling
- Storage Sheds
- Retrospective Short Stay Unit 1
- Retrospective Short Stay Unit 2
- Retrospective Short Stay Accommodation Unit 3
5. Floor Plan of Unit 1

6. Elevations of Unit 1
8. Elevations of Unit 2

9. Photos of Units 1 and 2
10. Floor Plan of Unit 4
11. Elevations of Unit 4

12. Photo of Adjoining Southern Lot Boundary
13. Floor Plan of Unit 3 and Storage Buildings

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 JULY 2015

PRESIDING MEMBER
14. Elevations of Unit 3 and Storage Buildings
Implications to Consider

a. Consultation with the Community

The proposal was advertised for public comment in accordance with the requirements of Clause 6.3 of Town Planning Scheme No.2 (TPS2) and Planning Procedure 1.3 - Community Consultation, for a period of 20 days, commencing on the 7th November 2014 and concluding on the 26th November 2014.

At the conclusion of the advertising period, two submissions objecting to the proposal were received. One of the submissions received, was made by the owner of No.1305 Mandurah Road. The other submission was a joint submission made by the owners of No.1279 and No.1281 Mandurah Road.

A change in ownership of No.1305 Mandurah Road has occurred since consultation was undertaken. The City has since notified the new owner of the proposal. No submission was received upon writing this report.

A consultation plan is depicted below.
16. Consultation Plan

A summary of the issues raised in the submissions are as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Submission</th>
<th>Proponent's Response</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(i) Threat of development to environmental buffer along Mandurah Road.</td>
<td>The City of Rockingham's Rural Strategy allows for a minimum of a 1ha lot size to the western side of the ridgeline and a minimum lot size of 2,500m² to the east of the ridgeline, to provide a transition to the smaller residential lot urban development. As such, the subject site could effectively be subdivided into at least 7 Special Rural properties in accordance with the Strategy. There is also a retirement village along Mandurah Road which involves housing of a higher density and the Rural Strategy also supports the use of Caravan Parks. The proposal is not for the subdivision or development of single dwellings that are occupied on a permanent basis but rather a short stay/holiday accommodation nature. It is noted that 1ha minimum lot sizes to the western side of the ridgeline aim to maintain a rural viewshed from Mandurah Road and protect the landscape value of the region in accordance with the Strategy.</td>
</tr>
</tbody>
</table>

Subject Lot
Consulted
Objected
Location (Cont…)

The proposal is consistent with this objective as it includes the retention of all existing trees larger than 2m height, most located along the front of the property. Unit 4 is proposed to be located approximately 70m from the front boundary, behind these trees and consistent with the 40m minimum setback provisions of the Rural Strategy. It is proposed to locate this Unit to the southern side of the property as the tallest trees are located to the front southern corner of the property, thus providing the best possible screening from Mandurah Road. An embankment will be created down from the proposed parking bays to the front of Unit 4, which will allow for further vegetation screening to be established.

City’s Comment:
The subject lot is located within Planning Unit 4 of Planning Policy 3.3.1 - Rural Land Strategy (PP3.3.1) which recommends a minimum lot size of 1ha to the west of the ridgeline and 5000m² to the east of the ridgeline. The ridgeline runs across the centre of the lot, therefore the maximum subdivision potential is 4 lots, were the land to be rezoned.

PP3.3.1 requires a 40m setback to development along Mandurah Road. The proposed development is well setback from Mandurah Road with the closest building Unit 4, being setback 87m. The primary setback is well vegetated and therefore the buildings will be appropriately screened to Mandurah Road.

Submission:
(ii) Impact of development on Tuart trees and natural habitats.

Proponent’s Response:
The proposal will not negatively impact on Tuart trees or natural habitats, as it is not proposed to clear any trees. The proposed development will in fact result with improvements to the existing landscape thus providing additional habitat for native fauna. Over 30 fruit trees have already been planted and in the future, it is planned to plant more. We are very keen to preserve the natural characteristics of this location to provide a wellness retreat farmstay holiday accommodation.

City’s Comment:
The site has a significant number of Tuart Trees spaced sporadically throughout the site, with limited understorey and with some areas devoid of vegetation entirely. Units 1, 2 and 3 are to be located in areas that do not require removal of any Tuart Trees, as evidenced by a historical photo of the site from January 2011. (Refert to Photo 17).

Unit 4 will require the removal of two Tuart Trees, however, the City’s Environmental Planning Officer confirmed that the trees that require clearing are either dead or of poor health. As such, the location of this building is acceptable.

To accommodate the Building Protection Zones (BPZ) as required by the Planning for Bushfire Protection Guidelines 2010 (PfBPG), some vegetation will be required to be removed around each of the proposed Units and to accommodation Unit 4.

The City is satisfied that the location of the buildings achieve a balance ensuring as many trees as possible can be retained whilst still ensuring the proposal complies with the requirements of the PfBPG to ensure appropriate Building Protection Zones around the Units.

Amenity

Submission:
(i) Visual impacts of transportable buildings.

Proponent’s Response:
The proposed buildings will be screened from Mandurah Road through the retention of existing trees in accordance with the objectives of the Rural Land Strategy. Additional trees will also be planted to assist with screening.
### Amenity (Cont…)

**City's Comment:**
There is adequate vegetation on-site that sufficiently screens the proposed development from Mandurah Road given the setback of the development.

Units 1 and 2 are to be located to the centre of the lot, are of a modest size and of a holiday style design in appearance. It is considered that these Units are compatible with the surrounding environment and will not have an adverse impact from a visual amenity point of view.

Unit 3 is located 12.5m south of the neighbouring property (No.1281 Mandurah Road) and may be visible from the view of the neighbours due to limited vegetation within this setback area.

Unit 4 is located 18.2m north of the adjoining neighbours property to the south (No.1305 Mandurah Road) and is partially screened from their view by vegetation and a brick wall located on the adjoining property.

As there is limited vegetation within the side setback areas and given the concerns raised by the neighbours, it is recommended that Units 3 and 4 be required to provide a vegetative buffer to screen the Units from neighbouring properties.

**Recommendation 1:**
*Should the development be approved, the following Condition and Advice Note of Planning Approval be included as follows:*

**Condition:**
Units 3 and 4 to be screened with a vegetated buffer within side setback areas to neighbouring properties. Details of the landscaping to be used to be submitted to the City and approved prior to installation.

**Advice Note:**
The applicant is to liaise with the City’s Environmental Services to select vegetation to be used as screening that is suitable for use in a high bushfire risk area.

**Submission:**
(i) Noise impacts of Short Stay Accommodation.

**Proponent’s Response:**
The objective of the proposed short stay development is to provide a peaceful, wellness retreat for patrons and therefore would cause minimal impact on surrounding properties.

**City’s Comment:**
The applicant has prepared a Site Management Plan to control any adverse noise impacts of the development.

The City's Health Services has not raised any concerns with respect to the proposal from a noise perspective. A Condition and Advice Note can be included in the Planning Approval to ensure noise impacts are controlled as follows:

**Recommendation 2:**
*Should the development be approved, the following Conditions and Advice Notes of Planning Approval be included as follows:*

**Condition:**
The operation of the approved Short Stay Units is to be carried out in accordance with the My Place Wellness Centre Lakeside Lodge Retreat Management Plan, submitted on 24 April 2015, for the duration of the development.

**Advice Note:**
The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City’s Health Services for information on confirming requirements.
### Amenity (Cont…)

<table>
<thead>
<tr>
<th>Submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(iii) Impact of development on security of neighbouring properties.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proponent's Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The tool sheds can be locked up and the proposed development does not pose any additional risk of security.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Management Plan states that access to and from the property are managed via a remote controlled gate and only guests are provided access to the site. There is no evidence to suggest that the development will have an undue impact on the security of neighbouring properties.</td>
</tr>
</tbody>
</table>

### Servicing

<table>
<thead>
<tr>
<th>Submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Impact of multiple septic tanks on water contamination.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proponent's Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whilst the subject site could be subdivided to create at least 7 separate lots with septic tanks in each, this proposal will only result with one additional septic system being established to service these holiday homes and will therefore create minimal added risk to groundwater. Furthermore, holiday accommodation, even with extremely good operators achieves 38% occupancy during an entire year.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed development can be serviced by on-site effluent disposal systems. A separate approval from the City's Health Services will be required in this regard.</td>
</tr>
</tbody>
</table>

### Recommendation 3:

**Should the development be approved, the following Advice Note of Planning Approval be included as follows:**

**Condition:**

*The development must be supplied with a potable drinking water source that meets the Australian Drinking Water Guidelines. Written confirmation of compliance with the Australian Drinking Water Guidelines is to be provided to the Manager Health Services prior to occupancy.*

**Advice Note:**

*A separate approval from the City's Health Services is required under the Health Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City’s Health Services in this regard.*
17. Aerial Photo from January 2011 showing Locations of Short Stay Units 1, 2 and 3
b. Consultation with Government Agencies

The proposed development was referred to the Department of Planning (DoP) as the proposed development is located on Mandurah Road which is an 'Other Regional Road'. A submission was received from the DoP as follows:

<table>
<thead>
<tr>
<th>Department of Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) Proposed land use will not be a significant generator of traffic and has no objection to the proposal on regional transport planning grounds.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>Noted.</td>
</tr>
</tbody>
</table>

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 Policy No. 2.1 - Peel-Harvey Coastal Plain Catchment (SPP2.1)**

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

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

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

The proposed development will be required to incorporate a nutrient retentive effluent disposal system. A separate approval from the City's Health Services will be required in this regard.

**Baldivis Rural Wedge Study (2004)**

In 2004, Council commissioned a comprehensive study of the Baldivis Rural Wedge. Although the subject lot is outside of the study area, it is comparable in characteristics such as landform, topography and biodiversity.

Selected aims of the study were to:

- Assess the importance of the Study Area as a buffer between the Lake Walyungup Parks and Recreation Reservation and the developing urban areas to the east, having regard for the landform of the area.
- Assess the existing geography, soils, vegetation, drainage, land tenure and any other relevant site conditions.
- Assess the opportunities and constraints for development, including constraints associated with drainage, conservation values and incompatible uses.
- Consider the implications of development of the Study Area in terms of servicing, accessibility, ridgeline protection, protection of the existing wetland areas and any other matters that may be relevant to such development.

The study identified the ridgeline, which also runs through the subject site, as a significant and defining feature. Due to the nature of the topography, the higher areas have not been cleared for agricultural purposes in the past and as a result, retain portions of the original vegetation complex, predominantly several stands of Tuarts.

The study indicated that development should not be visually dominant and design should follow predominant landscape features.

The proposed development is considered to be compliant in this regard as it is not visually dominant from Mandurah Road.

Planning Policy 3.3.1 - Rural Land Strategy (PP3.1.1)

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

PP3.1.1 considers the City's rural land in terms of 'Planning Units', which are further divided into Planning Precincts. The subject property is located within 'Planning Unit 4A'. The primary objective for this Planning Unit is to encourage special rural/special residential development which recognises and enhances the landscape and natural resource attributes of the Unit. It also seeks to maintain a natural viewedsh to Mandurah Road and a rural context to proposed urban development to the east.

Tourism related proposals will be considered provided that the rural viewshed is maintained. Precinct 4A represents the northern section of the Planning Unit where it serves as an interface between the future urban land located east of the ridgeline and the lake system parallel with Mandurah Road.

An assessment of the application against the requirements of PP 3.1.1 are detailed in the table below:

<table>
<thead>
<tr>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision and development to be carried out in accordance with an approved Rural Concept Plan, where the following performance standards apply:</td>
<td>A rural concept plan does not apply to this site.</td>
<td>N/A</td>
</tr>
<tr>
<td>The optimum method of water supply being provided.</td>
<td>This would be a condition of approval and will be determined by the City's Health Services.</td>
<td>Yes</td>
</tr>
<tr>
<td>Buildings to be setback 40m from Mandurah Road and 10m from all other boundaries with no clearing in the setback area.</td>
<td>The development is consistent with the setback requirements of TPS2 and no clearing is required in the setback area.</td>
<td>Yes</td>
</tr>
<tr>
<td>No clearing permitted.</td>
<td>The development does not require substantial clearing of vegetation.</td>
<td>Yes</td>
</tr>
<tr>
<td>Provision of an Aerobic Treatment Unit.</td>
<td>Will be provided as a condition of approval for determination by the City's Health Services.</td>
<td>Yes</td>
</tr>
<tr>
<td>Subdivision/development proposals are to include a landscaping plan detailing a proposed tree planting programme.</td>
<td>This matter can be addressed as a condition of Planning Approval.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 JULY 2015

PP3.1.1 states that a 40m landscape buffer strip is to be maintained along Mandurah Road to protect the viewshed as it also performs as a buffer function between Mandurah Road/Lake Walyungup (Bush Forever Site 356) and the proposed Baldivis Urban Area and urban settlements to the west. The viewshed of the subject site comprises of native vegetation rising up to the ridgeline. The proposed development is well setback from the 40m landscape buffer with the closest building being Unit 4 which is setback 87m from Mandurah Road. A 43m BPZ is also proposed around the Units which is setback 43m from Mandurah Road.

<table>
<thead>
<tr>
<th>Fire Management is to be addressed in accordance with the relevant requirements.</th>
<th>A FMP has been prepared and approved for the development.</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development affecting wetlands to comply with provisions of Environmental Protection.</td>
<td>The site is not subject to wetlands.</td>
<td>N/A</td>
</tr>
<tr>
<td>When sensitive development (such as rural-residential development) is proposed near an existing/proposed intensive rural land uses (such as piggeries, poultry farms, market gardens or any other agricultural activity or industry), or a new intensive rural land use is proposed near existing or proposed sensitive development, the requirements of the WAPC’s State Industrial Buffer Policy must be observed.</td>
<td>This site is not located near any intensive rural land uses, therefore this matter is not applicable.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
The PfBPGs outline the requirements for the assessment of bushfire risk in relation to new development, with the overarching intent of providing an appropriate level of protection to life and property where a bushfire risk is identified.

The subject site is located within 100m of vegetation that is considered to be bushfire prone vegetation by the PfBPG. As such, an assessment of the bushfire risk is required to be provided in accordance with the PfBPG. This is normally provided in the form of Fire Management Plan (FMP).

The applicant has submitted a Fire Management Plan (FMP) in the support of the proposal, which proposes:
- Units 1, 2 and 4 (inclusive) are subject to a Bushfire Attack Level (BAL) 12.5;
- Unit 3 is subject to a BAL 19;
- A Building Protection Zone (BPZ) with a varying width of between 12m and 43m is proposed to be constructed around each Short Stay Unit;
- The Driveway and Emergency Accessway will be cleared 6m wide; and

The development is considered to be compliant in terms of the requirements of the PfBPG.

e. Financial
Nil

f. Legal and Statutory
Metropolitan Region Scheme (MRS)
The proposed development is a use that may not be consistent with the Rural zone and is therefore subject to a Clause 32 resolution under the Metropolitan Region Scheme (MRS).
Planning Approval is therefore required from the Western Australian Planning Commission (WAPC) under the MRS. The application has been forwarded to the WAPC for its determination, which is in addition to Council's determination under TPS2.

Town Planning Scheme No.2 (TPS2)
Zoning and Use Class Permissibility
The land is zoned 'Rural' under both TPS2 and the Metropolitan Region Scheme (MRS). The proposed development falls within the interpretation of 'Short Stay Accommodation' under TPS2, which is an 'A' use that is not permitted unless the Council exercises its discretion following advertising.

Clause 4.11.1 - Objective
The objective of the Rural zone is to preserve land for farming and foster semi-rural development which is sympathetic to the characteristics of the area in which it is located, having regard to the objectives of the PP3.3.1 as a guide to future development within the zone.

Whilst the proposed development is not a rural land use, there are existing non-rural land uses in proximity to the subject site. PP3.3.1 provides the Council the ability to consider tourism related proposals in the precinct, if the rural viewshed to Mandurah Road is maintained. The proposed development achieves the 40m setback required to maintain the rural viewshed, requires limited removal of existing vegetation and can therefore be considered.
Given that the Short Stay Units are adequately screened from Mandurah Road and through screening measures being implemented between the neighbouring properties, the development is not considered to have a detrimental impact on the rural amenity of the locality.

Setbacks
TPS2 requires development to be setback 30m from the Primary Street and 10m from all other side boundaries. PP 3.1.1 requires development along Mandurah Road to be setback 40m. The development is proposed to be setback 87m from Mandurah Road and a minimum of 12.5m from side boundaries and is therefore compliant with TPS2 in this regard.
Clause 4.15 - Carparking

TPS2 requires 1 bay per Unit, plus 1 bay per employee for Short Stay Accommodation.

<table>
<thead>
<tr>
<th>Use</th>
<th>Car Parking Requirement</th>
<th>No. of bays required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short Stay Unit 1 (1 Unit)</td>
<td>1 bay per Unit</td>
<td>1</td>
</tr>
<tr>
<td>Short Stay Unit 2 (1 Unit)</td>
<td>1 bay per Unit</td>
<td>1</td>
</tr>
<tr>
<td>Short Stay Unit 3 (4 Units)</td>
<td>1 bay per Unit</td>
<td>4</td>
</tr>
<tr>
<td>Short Stay Unit 4 (2 Units)</td>
<td>1 bay per Unit</td>
<td>2</td>
</tr>
<tr>
<td>Short Stay Unit 5 (2 Units)</td>
<td>1 bay per Unit</td>
<td>2</td>
</tr>
<tr>
<td>Staff parking</td>
<td>1 bay per staff member</td>
<td>3</td>
</tr>
<tr>
<td>Existing dwelling</td>
<td>2 bays per 2+ bedroom dwelling</td>
<td>2</td>
</tr>
<tr>
<td>Total bays required</td>
<td></td>
<td>15</td>
</tr>
</tbody>
</table>

The applicant has provided 1 additional bay to the 15 bays required by TPS2 and therefore the proposed development is compliant with Clause 4.15 of TPS2.

Clause 6.6 - Matters to be considered by Council

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

"(i) The compatibility of a use or development with its setting;

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

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

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

(v) Any relevant submissions received on the application."

The Short Stay Accommodation proposal is considered consistent with the objectives of the Rural Land Strategy for this precinct. It is also considered that any impacts on the natural environment, the amenity of the locality and the adjoining land can be mitigated.

g. Risk

Risk Implications of Implementing Officer Recommendation

Nil

Risk Implications of Not Implementing Officer Recommendation

Nil

Comments

The proposed Short Stay Accommodation is considered acceptable against the relevant Policy framework and on the basis that possible adverse impacts can be mitigated through conditions of approval. These matters are explained below and form the basis for the City’s recommendation.
On the basis that the proposal is compatible with the surrounding land uses, is not considered to have a detrimental impact on the environment or the amenity of the locality, and is safe from a fire risk perspective, the proposal is recommended for approval.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council *APPROVE* Short Stay Units 1, 2, 3 and 4 for Short Stay Accommodation on Lot 30 (No.1295) Mandurah Road, subject to the following conditions:

1. Approval to Commence Development must be separately obtained under the provisions of the Metropolitan Region Scheme from the Western Australian Planning Commission, prior to applying for a Building Permit.

2. All development must be carried out in accordance with the approved plans as listed below and including any amendments to those plans as shown in red:
   - Proposed Masterplan and Site Plan, Drawing No.14-002, dated 20 January 2013;
   - Proposed Floor Plan, Drawing No.4225-SECA, dated 27 July 2008;
   - Proposed Elevation Plan, Drawing No. 4225-ELV, dated 27 July 2008;
   - Proposed Floor Plan, Drawing No.0401, dated 22 October 2003;
   - Proposed Section and Elevations, Drawing No.0301, dated 22 October 2003;
   - Proposed Section, Drawing No. 0401, dated 22 October 2003;
   - Proposed Kitchen Internals, Drawing No. 0411, dated November 2003 ;
   - Proposed Site Plan, Drawing No. 14-002_100, dated 20 January 2015;
   - Proposed Elevations, Drawing No. 14-002_200, dated 20 January 2015;
   - Proposed Elevations, Drawing No. 14-002_201, dated 20 January 2015; and

3. The Short Stay Accommodation must not be used for permanent residential occupation and must only be occupied by persons for a period of not more than a total of three months in any one twelve month period.

4. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.

5. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City.

6. A Landscaping Plan must be prepared and include the following details, to the satisfaction of the City, prior to applying for a Building Permit:
   - The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   - Screening vegetation to be provided as a buffer to adjoining properties with the side setback area of Units 1 and 4;
   - Any lawns to be established;
   - Any natural landscape areas to be retained;
   - Those areas to be reticulated or irrigated; and
   - Verge treatments.
The landscaping must be completed prior to the occupation of the development and must be maintained at all times to the satisfaction of the City.

7. The carpark must:
   (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   (ii) include 2 car parking space(s) dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
   (iii) provide a minimum of 7 parking bays; and
   (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter.

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

8. All access to the subject site must be from the existing Private Driveway. The Emergency Access Way must only be used for emergency bushfire access only.

9. The existing Private Driveway must be constructed in accordance with the requirements of A2.5 of the Planning for Bushfire Protection Guidelines 2010, prior to occupation of the development and must be maintained to the satisfaction of the City for the life of the development.

10. The Emergency Access Way shown on the approved plan must be constructed in accordance with the requirements of A2.6 of the Planning for Bushfire Protection Guidelines 2010, prior to occupation of the development. The Emergency Access Way must be maintained to the satisfaction of the City for the life of the development.

11. Clearing of vegetation within the development setback areas must not be undertaken at any time, other than for the purpose of providing a firebreak as required in accordance with the approved Fire Management Plan or vehicular accessway.

12. Prior to occupation of the development, a water tank must be installed on site in accordance with the requirements below:
   (a) A minimum dedicated static water supply of 20,000 litres/dwelling;
   (b) Above ground tanks must be constructed of concrete, steel or corrugated iron. Plastic tanks are not to be used. Raised tanks must have their stands constructed of non-combustible materials and heat shielding provided;
   (c) The water supply must be located in a position accessible from the outer edge of the building;
   (d) The tank must be fitted with both a 50mm cam-lock fitting with a full flow valve and a 125mm Storz coupling with a full flow valve;
   (e) All above ground water pipes must be of non-corrodbile and non-combustible materials;
   (f) A hardstand and turnaround area, suitable for a 2.4 appliance must be provided within 3 metres of the water tank; and
   (g) The land owner must ensure the tank is at full capacity at all times and in good working order.

The water tank must be maintained in good working order and in accordance with the above requirements for the life of the development and to the satisfaction of the City.

13. The Building Protection Zone, as depicted in the Fire Management Plan prepared by Entire Fire Management, dated April 2015, must be installed on the site in accordance with the requirements of A4.3 of the Planning for Bushfire Protection Guidelines 2010, prior to occupation of the dwelling. The Building Protection Zone must be maintained to the satisfaction of the City for the life of the development.
14. The development must be supplied with a potable drinking water source that meets the Australian Drinking Water Guidelines. Written confirmation of compliance with the Australian Drinking Water Guidelines is to be provided to the City, prior to occupancy of the development.

15. The operation of the Short Stay Units is to be carried out in accordance with the My Place Wellness Centre Lakeside Lodge Retreat Management Plan submitted on 24 April 2015, for the duration of the development.

16. A telephone number or numbers and an email address or addresses must be maintained through which complaints concerning the development may be made at any time:

(i) The owners and occupiers of properties within 200 metres of any boundary of the land must be advised not less than once every calendar year in writing of the telephone number or numbers and the email address or addresses.

(ii) A complaints lot must be kept in which the following is to be recorded:

(a) The date and time of each complaint made and received;

(b) The means (telephone or email) by which the complaint was made;

(c) Any personal details of the complainant that were provided or, if no details were provide a note to that effect;

(d) The nature of the complaint;

(e) The steps or actions taken in, and the time of, the response of each complaint, including any follow-up contact with the complainant; and

(f) If no actions or steps were taken in relation to the complaint or enquiry, then the reasons why no action or steps where taken.

(iii) A response must be made to every complaint received as soon as possible, but in any event, within three working days after receipt of the complaint.

(iv) The complaints log must be provided to the City on demand.

17. A permanent resident of the premises must:

(i) take any booking by a client;

(ii) be in attendance when a client arrives or departs;

(iii) be in attendance overnight during a client’s stay;

(iv) give to a client, on the client’s arrival, a copy of the house rules referred to in the My Place Wellness Centre Lakeside Lodge Retreat Management Plan; and

(v) ensure that the house rules referred to in the My Place Wellness Centre Lakeside Lodge Retreat Management Plan are observed by the client.

18. A Visitor Log Book must be maintained by a permanent resident of the premises recording who has stayed on the premises client arrival and departure dates and client length of stay.

19. By 30 June each year, a report must be provided to the City which provides details of the operations of the development including, but not limited to:

(i) The length of stay of clients;

(ii) Arrival and departure times of clients; and

(iii) The number and type of complaints received from the public and responses to those complaints.

Advice Notes:

(i) To achieve adequate hazard separation in accordance with the Planning for Bushfire Protection Guidelines 2010, the approved Fire Management Plan prepared by Entire Fire Management, dated 25th May 2015, requires Units 1, 2 and 4 to be constructed to BAL 12.5 and Unit 3 to be constructed to BAL 19 of Australian Standard AS3959: Construction of Buildings in Bushfire-Prone Areas. As the land is not designated as a Bushfire Prone Area, the City cannot require the development to be constructed in accordance with AS3959. The City, however, suggests that whilst compliance with AS3959 is not law, it would be wise to construct the building to the relevant standard.
(ii) In regard to Condition 6, the applicant should liaise with the City's Environmental Services to ensure appropriate vegetation is used as screening landscaping in a high bushfire risk area.

(iii) A separate approval from the City's Health Services is required under the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City's Health Services in this regard.

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

Committee Recommendation

Moved Cr Elliott, seconded Cr Whitfield:

That Council **APPROVE** Short Stay Units 1, 2, 3 and 4 for Short Stay Accommodation on Lot 30 (No.1295) Mandurah Road, subject to the following conditions:

1. Approval to Commence Development must be separately obtained under the provisions of the Metropolitan Region Scheme from the Western Australian Planning Commission, prior to applying for a Building Permit.

2. All development must be carried out in accordance with the approved plans as listed below and including any amendments to those plans as shown in red:
   - Proposed Masterplan and Site Plan, Drawing No.14-002, dated 20 January 2013;
   - Proposed Floor Plan, Drawing No.4225-SECA, dated 27 July 2008;
   - Proposed Elevation Plan, Drawing No. 4225-ELV, dated 27 July 2008;
   - Proposed Floor Plan, Drawing No.0401, dated 22 October 2003;
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3. The Short Stay Accommodation must not be used for permanent residential occupation and must only be occupied by persons for a period of not more than a total of three months in any one twelve month period.

4. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.

5. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City.

6. A Landscaping Plan must be prepared and include the following details, to the satisfaction of the City, prior to applying for a Building Permit:
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) Screening vegetation to be provided as a buffer to adjoining properties with the side setback area of Units 1 and 4;
   (iii) Any lawns to be established;
   (iv) Any natural landscape areas to be retained;
   (v) Those areas to be reticulated or irrigated; and
   (vi) Verge treatments.
The landscaping must be completed prior to the occupation of the development and must be maintained at all times to the satisfaction of the City.

7. The carpark must:
   (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   (ii) include 2 car parking space(s) dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
   (iii) provide a minimum of 7 parking bays; and
   (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter.

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

8. All access to the subject site must be from the existing Private Driveway. The Emergency Access Way must only be used for emergency bushfire access only.

9. The existing Private Driveway must be constructed in accordance with the requirements of A2.5 of the Planning for Bushfire Protection Guidelines 2010, prior to occupation of the development and must be maintained to the satisfaction of the City for the life of the development.

10. The Emergency Access Way shown on the approved plan must be constructed in accordance with the requirements of A2.6 of the Planning for Bushfire Protection Guidelines 2010, prior to occupation of the development. The Emergency Access Way must be maintained to the satisfaction of the City for the life of the development.

11. Clearing of vegetation within the development setback areas must not be undertaken at any time, other than for the purpose of providing a firebreak as required in accordance with the approved Fire Management Plan or vehicular accessway.

12. Prior to occupation of the development, a water tank must be installed on site in accordance with the requirements below:
   (a) A minimum dedicated static water supply of 20,000 litres/dwelling;
   (b) Above ground tanks must be constructed of concrete, steel or corrugated iron. Plastic tanks are not to be used. Raised tanks must have their stands constructed of non-combustible materials and heat shielding provided;
   (c) The water supply must be located in a position accessible from the outer edge of the building;
   (d) The tank must be fitted with both a 50mm cam-lock fitting with a full flow valve and a 125mm Storz coupling with a full flow valve;
   (e) All above ground water pipes must be of non-corrodible and non-combustible materials;
   (f) A hardstand and turnaround area, suitable for a 2.4 appliance must be provided within 3 metres of the water tank; and
   (g) The land owner must ensure the tank is at full capacity at all times and in good working order.

The water tank must be maintained in good working order and in accordance with the above requirements for the life of the development and to the satisfaction of the City.

13. The Building Protection Zone, as depicted in the Fire Management Plan prepared by Entire Fire Management, dated April 2015, must be installed on the site in accordance with the requirements of A4.3 of the Planning for Bushfire Protection Guidelines 2010, prior to occupation of the dwelling. The Building Protection Zone must be maintained to the satisfaction of the City for the life of the development.
14. The development must be supplied with a potable drinking water source that meets the Australian Drinking Water Guidelines. Written confirmation of compliance with the Australian Drinking Water Guidelines is to be provided to the City, prior to occupancy of the development.

15. The operation of the Short Stay Units is to be carried out in accordance with the My Place Wellness Centre Lakeside Lodge Retreat Management Plan submitted on 24 April 2015, for the duration of the development.

16. A telephone number or numbers and an email address or addresses must be maintained through which complaints concerning the development may be made at any time:

(i) The owners and occupiers of properties within 200 metres of any boundary of the land must be advised not less than once every calendar year in writing of the telephone number or numbers and the email address or addresses.

(ii) A complaints lot must be kept in which the following is to be recorded:

(a) The date and time of each complaint made and received;
(b) The means (telephone or email) by which the complaint was made;
(c) Any personal details of the complainant that were provided or, if no details were provide a note to that effect;
(d) The nature of the complaint;
(e) The steps or actions taken in, and the time of, the response of each complaint, including any follow-up contact with the complainant; and
(f) If no actions or steps were taken in relation to the complaint or enquiry, then the reasons why no action or steps where taken.

(iii) A response must be made to every complaint received as soon as possible, but in any event, within three working days after receipt of the complaint.

(iv) The complaints log must be provided to the City on demand.

17. A permanent resident of the premises must:

(i) take any booking by a client;
(ii) be in attendance when a client arrives or departs;
(iii) be in attendance overnight during a client’s stay;
(iv) give to a client, on the client's arrival, a copy of the house rules referred to in the My Place Wellness Centre Lakeside Lodge Retreat Management Plan; and
(v) ensure that the house rules referred to in the My Place Wellness Centre Lakeside Lodge Retreat Management Plan are observed by the client.

18. A Visitor Log Book must be maintained by a permanent resident of the premises recording who has stayed on the premises client arrival and departure dates and client length of stay.

19. By 30 June each year, a report must be provided to the City which provides details of the operations of the development including, but not limited to:

(i) The length of stay of clients;
(ii) Arrival and departure times of clients; and
(iii) The number and type of complaints received from the public and responses to those complaints.

20. A Signage Strategy must be prepared and include the information required by Planning Policy No.3.3.1 - Control of Advertisements, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development.
Advice Notes:

(i) To achieve adequate hazard separation in accordance with the Planning for Bushfire Protection Guidelines 2010, the approved Fire Management Plan prepared by Entire Fire Management, dated 25th May 2015, requires Units 1, 2 and 4 to be constructed to BAL 12.5 and Unit 3 to be constructed to BAL 19 of Australian Standard AS3959: Construction of Buildings in Bushfire-Prone Areas. As the land is not designated as a Bushfire Prone Area, the City cannot require the development to be constructed in accordance with AS3959. The City, however, suggests that whilst compliance with AS3959 is not law, it would be wise to construct the building to the relevant standard.

(ii) In regard to Condition 6, the applicant should liaise with the City's Environmental Services to ensure appropriate vegetation is used as screening landscaping in a high bushfire risk area.

(iii) A separate approval from the City's Health Services is required under the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City's Health Services in this regard.

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

Committee Voting – 5/0

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

To enable the inclusion of a Signage Strategy for the proposal.

Implications of the Changes to the Officer’s Recommendation

Not Applicable
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-042/15 Application for Planning Approval - Extractive Industry</th>
</tr>
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<tbody>
<tr>
<td>File No:</td>
<td>DD020.2015.0000045.002</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Roberts Day Group Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Avadean Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 June 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>27 April 2010 (PD46/4/10)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 500 and Lot 11 Paganoni Road, Karnup</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>42.6 Ha</td>
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<tr>
<td>LA Zoning:</td>
<td>Special Rural</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Rural</td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial View</td>
</tr>
<tr>
<td></td>
<td>3. Site Development Plan</td>
</tr>
<tr>
<td></td>
<td>4. Consultation Plan</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial Photo
**Purpose of Report**

To consider an application seeking Planning Approval to extend the current approval period of the Extractive Industry on Lot 500 Paganoni Road, Karnup for a period of 5 years.

**Background**

The subject site is located 1.6km to the east of the intersection of Paganoni Road and Mandurah Road. Land immediately to the north of the site is being used for intensive horticulture. An area known as Anstey Wetlands and a private property that is 9.5785 ha in area occurs to the west. An existing sand extraction area is located on the lot immediately to the east of the site (Lot 11).

**History**

In February 1974, Council issued an Extractive Industry Licence for Lots 11 and 12 Paganoni Road, Karnup. Extraction of sand commenced on Lot 11.

In October 1981, Council approved a wildlife park on Lots 12 and 13 Paganoni Road. The wildlife park approval required the site to be amalgamated - the new property being Lot 500 (the subject site).

In April 1999, Council initiated an Amendment to former Town Planning Scheme No.1 to rezone Lot 500 from 'Rural' to 'Special Rural' to facilitate the subdivision of the land for rural-residential living. The Amendment was finalised and gazetted on the 4 February 2003.

In September 2008, Council initiated Amendment No.78 to Town Planning Scheme No.2 to give the City the ability to consider an 'Extractive Industry' on Lot 500. The Scheme Amendment was finalised and gazetted on the 12 January 2010.

A dual approval to commence development of an Extractive Industry on Lot 500 was granted by Council on 28 April 2010 and by the Western Australian Planning Commission (WAPC) on 18 June 2010, limited to 5 years from the date of decision.

**Details**

This applicant seeks to continue the use and operations of the established Extractive Industry development on the subject site, for a further 5 year period.

The proposal seeks to exhaust the sand resource, approximately 18.75 ha in area, before it is sterilised by future non compatible land uses and developments located in close proximity. The proposal also seeks to supply a basic raw material in high demand by the building industry that supports development in the City and the Perth Metropolitan Area.

The estimated amount of material still to be extracted from the site is 700,000 tones, which will be removed over the next 3-4 years.

The site is currently accessed via Paganoni Road, via a limestone internal access track. Minimal site infrastructure is proposed with operating hours between 6:00 am until 6:00 pm Monday to Saturday.
In support of the application, the applicant submitted an Environmental Report containing the following information:

- Excavation Management Plan;
- Dust, Noise and Visual Impact Management Plan;
- Rehabilitation Management Plan; and
- Wetland Management Plan.

<table>
<thead>
<tr>
<th>Project Component</th>
<th>Proposal Characteristic</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXCAVATION</td>
<td></td>
</tr>
<tr>
<td>Total area of project site</td>
<td>42.628 ha</td>
</tr>
<tr>
<td>Total area of mining footprint</td>
<td>18.75 ha</td>
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<tr>
<td>Total disturbance area</td>
<td>18.75 ha</td>
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<td>Life of the project</td>
<td>Approximately 4 years (until 2019)</td>
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<tr>
<td>Dewatering requirements</td>
<td>Nil</td>
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<tr>
<td>Finished levels</td>
<td>4 metres AHD</td>
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<tr>
<td>Native Vegetation to be cleared</td>
<td>Nil</td>
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<tr>
<td>Sand Resources Remaining</td>
<td>700,000 tones</td>
</tr>
<tr>
<td>PROCESSING</td>
<td></td>
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<tr>
<td>Sand</td>
<td>Dry screening of sand only</td>
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<tr>
<td>Water requirements</td>
<td>Nil</td>
</tr>
<tr>
<td>INFRASTRUCTURE</td>
<td></td>
</tr>
<tr>
<td>Fuel storage</td>
<td>Nil (The 5,000l above ground tank is located on lot 11)</td>
</tr>
<tr>
<td>TRANSPORT</td>
<td></td>
</tr>
<tr>
<td>Truck movements</td>
<td>Variable but approximately 3-5 per hour haulage route along Paganoni Road</td>
</tr>
<tr>
<td>Access</td>
<td>Access (via lot 11) and egress (via lot 500) via an internal loop road</td>
</tr>
<tr>
<td>WORKFORCE</td>
<td></td>
</tr>
<tr>
<td>Hours of operation</td>
<td>6.00am to 6.00pm Monday – Saturday</td>
</tr>
</tbody>
</table>
3. Site Development Plan
Implications to Consider

a. Consultation with the Community

In accordance with the requirements of TPS2 and more specifically Planning Procedure 1.10 – Extractive Industries and Planning Procedure 1.3 – Community Consultation, the application was referred, to landowners and occupiers within 500m of the site, for comment for a period of 21 days.

At the close of the advertising period no submissions were received. The consultation plan is depicted as follows:

4. Consultation Plan

b. Consultation with Government Agencies

As the subject lot abuts an Other Regional Road under the Metropolitan Region Scheme (MRS) and Bush Forever area 379, the application was referred to the Department of Planning (DoP) for comment.

1. Department of Planning

Submission:

Lot 500 abuts Bush Forever area 379- Anstey Swamp, Karnup. DoP has no objections to the proposal as Lot 500 is outside Bush Forever area however the following conditions are recommended:

- No drainage, stormwater or any other deleterious matter shall be deposited into or allowed to enter Bush Forever area 379; and
- If not already in place, a fence restricting access to Bush Forever area 379 is to be constructed on the western boundary of Lot 500.
1. **Department of Planning**

Proponent's Response:
No objection to these recommended conditions.

City's Comment:
It is recommended that the conditions sought be applied as conditions of Planning Approval.

2. **Department of Water (DoW)**

**Submission (i):**
A minimum of 2m of undisturbed soil profile should be maintained as a vertical buffer between the base level of the excavated area and the Maximum Groundwater Level (MGL) rather than the Average Annual Groundwater Level (AAGL) as stated in the proposal.

Proponent's Response:
This matter can be addressed as a condition of Extractive Industry Licence.

City's Comment:
It is recommended that the condition sought be applied as condition of Planning Approval.

**Submission (ii)**

Monitoring

The proponent has sourced data from the Perth Groundwater Atlas using levels measured May 2003 (end of summer). The Department cannot guarantee the accuracy limitations within the land-surface elevation contours data set provided by the Department of Land Information. As such it is recommended that the proponent undertakes baseline monitoring to ensure the MGL can be determined and excavation can be planned accordingly.

Proponent's Response:
This matter can be addressed as a condition of Extractive Industry Licence.

City's Comment:
It is recommended that the condition sought be applied as condition of Planning Approval.

**Submission (iii)**

Water Quality Protection

In accordance with Water Quality Protection Note 15 (WQPN15) Extractive industries near sensitive water sources (DOW, 2013), it is recommended the best management practices are adhered to:

- All vehicle and plant fueling facilities (including mobile power generators) should be placed and operated within bunded compounds designed to allow effective recovery of any fuel spill without fluid loss to the environment.
- All stormwater events shall be contained on site.
- Guidance on stormwater system design, management, treatment and disposal is given in our Stormwater management manual for Western Australia (reference 43) and WQPN 52 – Stormwater management at industrial sites (reference 4c).
- All stockpiled materials (including topsoil overburden) awaiting transport or held for rehabilitation should be located upstream in the catchment of turbidity control facilities.
### 2. Department of Water

**Proponent’s Response:**
- Noted
- Noted
- An advice note can be placed on the approval advising the applicant to review stormwater system design guidelines.
- The detailed requirement for the placement of materials should be governed by conditions of the Extractive Industry Licence.

**City’s Comment:**
- It is recommended that this be applied as a condition of Planning Approval.
- It is recommended that this be applied as a condition of Planning Approval.
- It is recommended that this be applied as an advice note.
- It is recommended that this be applied as an advice note.

**Submission (iv)**

**Groundwater**

The subject area is located within the Stakehill Groundwater Area as proclaimed under the Rights in Water Irrigation Act 1914. Any groundwater abstraction in this proclaimed area for the purposes other than domestic and/or stock watering taken from the superficial aquifer, is subject to licensing by the Department of Water. The using of a groundwater licence is not guaranteed but if issued will contain a number of condition that are binding upon the licensee.

**Proponent’s Response:**
Noted.

**City’s Comment:**
This matter can be applied as an advice note.

### 3. Department of Environment Regulation (DER)

**Submission**

The DER has issued a works approval licence at this location to Rocla that is valid until 14 August 2016

**City’s Comment:**
Noted

**Submission:**

**Acid Sulfate Soils**

Development of the site is subject to WAPC standard condition EN8 and advice note ENa1.

**City’s Comment:**
This matter can be addressed as a condition and advice note of Planning Approval.
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

Draft South Metropolitan Peel sub-regional planning framework Perth and Peel@3.5million

This draft framework provide guidance on where sustainable development should occur over the next 35 to 40 years to ensure the impact of urban growth on areas of environmental significance is minimised; to protect our heritage; and importantly, to maximise the benefits of available land and existing infrastructure.

The subject land is identified as Urban Expansion. This means that the land that has been identified for potential urban development in preceding planning studies, or represents the logical expansion of an existing urban area.

A staging plan has been provided in the draft framework, this plan identifies the land for urban after 2031. Therefore, the continued extraction of sand will not prejudice the transition of the site to Urban once the resource has been exhausted.

**State Planning Policy 2.4 – Basic Raw Materials (SPP2.4)**

The WAPC's SPP2.4 sets out the matters which are to be taken into account and given effect to by the City in considering development applications for extractive industries.

The subject land is identified under SPP2.4 as being an ‘Extraction Area’. ‘Extraction Areas’ are existing extractive industries, which should be protected in the short term, but will eventually be replaced by other uses or reserves.

Given that it has been identified as Special Rural - Ultimate Urban in the City’s Local Planning Policy 3.3.1 – Rural Land Strategy (PP3.3.1), the development is an example utilising a site’s raw materials before changing it to another land use at a later date.

Given the above confirmation on the current status of the existing extractive industry, it is considered appropriate to extend the current operation for the purpose intended.

**Local Planning Policy 3.3.1 – Rural Land Strategy (PP3.3.1)**

The subject lot sits in Planning Unit No. 2 under PP3.3.1. Planning Unit No. 2 comprises Special Rural areas designated Ultimate Urban in the South West Corridor Structure Plan (1993).

The Special Rural zoning of the land serves as a transition between the future urban lands to the north and between the two precincts and the southern Parks and Recreation reserves.

The primary objective for Planning Unit No. 2 is to ensure that Special Rural development is compatible with the physical characteristics of the Spearwood Dune System and that subdivision/development maintains options for subsequent closer subdivision.

The continued extraction of sand is unlikely to prejudice the transition of the site to future Urban once the sand resource has been exhausted. The site will be filled and appropriately prepared to accommodate Urban development in future and as such, the proposal is considered to be consistent with the requirements of PP3.3.1.
Environmental Protection Authority’s Guidance Statement No.3 – Separation Distances between Industrial and Sensitive Land uses

Generic separation (or buffer) distances between existing industrial land uses (such as an extractive industry) and existing or proposed future sensitive land uses (such as residential dwellings) are set out in the Environmental Protection Authority’s Guidance Statement No.3 - Separation Distances between Industrial and Sensitive Land uses. The purpose of the Guidance Statement is to provide advice to the various parties, including responsible authorities, about the minimum requirements for environmental management which the Environmental Protection Authority would expect to be met.

For an ‘Extractive Industry - Sand and Limestone Extraction’, the Guidance Statement recommends a generic separation distance of 300-500m, depending on size, due to potential noise and dust impacts. Where blasting is conducted, a separation distance of 1,000m is recommended.

The closest residential dwelling, on Lot 671 Paganoni Road, will be approximately 150m from the extraction area. Although this falls within the EPA buffer area the following information is provided to consider the reduction in setback:

- The applicant has provided a Dust Management Plan, outlining the strategies that will be used to control dust on site, including the retention of the vegetated buffers along the property boundaries and on-site dust suppression. The Plan complies with the relevant EPA regulations pertaining to dust nuisance, except that where there is dust nuisance, a wind barrier is to be erected at the property's boundaries.

  In light of the above, it is considered that dust can be managed so that there is minimal off-site impact.

- Lloyd George Acoustics was commissioned by the applicant to carry out an acoustics assessment on the existing and proposed extraction operation of the site. The assessment concluded that noise received from truck movements and all operations on site would comply with the requirements of the Environmental Protection (Noise) Regulations 1997, at all times.

- No Blasting is proposed.

- The Extractive Industry has operated for five years without complaint.

e. Financial

  Nil

f. Legal and Statutory

Metropolitan Region Scheme (MRS)

The subject lot is zoned ‘Rural’ under the MRS.

In accordance with Clause 32 of the MRS, the proposal is also required to be determined by the WAPC.

Town Planning Scheme No. 2 (TPS2)

Clause 3.2 - Zoning Table

The subject site is zoned ‘Special Rural’ under TPS No.2, where ‘Extractive Industry’ is an 'D' use, that is, a use not permitted unless the Council has exercised its discretion by granting Planning Approval.

Extractive Industries Local Law 2000

Under Council's Extractive Industries Local Law 2000, an Extractive Industries Licence is to be obtained prior to the commencement of any works on the site. The purpose of the Local Law is to:

(a) Prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government;

(b) Regulate the carrying on of the extractive industry in order to minimise damage to the environment, roads and other peoples health and property; and
(c) Provide for the restoration and reinstatement of any excavation site.
Licences are issued for a term of 12 months and can be renewed with an application to do so. Any issues that arise are able to be dealt with under the provisions of this law. A footnote of Planning Approval should require the Proponent to obtain an Extractive Industry Licence from the City and comply with the Extractive Industry Licence.

g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

Comments

The City considers the renewal of the Extractive Industry to be acceptable, based on the following:

- The sand quarry has been operational on site for approximately five years without undue impact on neighbours and the rural character of the locality. The ongoing operation and of the quarry is unlikely to have any further impact;
- Given the quarry maintains a 40 wide buffer to Paganoni Road, it is not visually obtrusive from Paganoni Road;
- The operation will not prejudice the future use of the land once the resource has been exhausted;
- The renewal of Extractive Industry is consistent with the WAPC's SPP2.4, TPS2 and PP3.3.1;
- The applicant has provided detailed reports demonstrating that the operations will not unreasonably impact on existing or future residents; and
- There were no objections received during the advertising period.

It is noted that the application proposes to utilise two access points. This, however, is inconsistent with the original approval. For this reason it is recommended that a condition be reapplied requiring that access and egress be obtained from the existing access point on Lot 11 Paganoni Road.

In light of the above, it is recommended that the application seeking a renewal of Extractive Industry be conditionally approved.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVE the application seeking the renewal of Planning Approval for an Extractive Industry (Sand) at Lot 500 Paganoni Road, Karnup, subject to the following conditions:

1. Approval Period
   This approval is valid for a period of 5 years only, commencing from the date of issue of this approval.

2. Development prohibited after Expiry of Approval Period or Lapse of Approval
   After the expiry of this approval period no development, including any works the subject of this approval are to be undertaken except for any rehabilitation works in accordance with Condition 8.

3. Compliance with approved Excavation Management Plan
   The development must comply with the approved Excavation Management Plan dated September 2009, including all management commitments for the duration of the development.
4. **Requirements Prior to the Commencement of Excavation**

(a) **MRS Approval**

Approval to Commence Development must be separately obtained from the Western Australian Planning Commission under the provisions of the Metropolitan Region Scheme.

(b) **Owner Permission**

The owner of Lot 11 providing written consent to haulage vehicle access and fuel storage, prior to the commencement of works the subject of this approval.

(c) **Seal Access**

The access road on Lot 11 Paganoni Road must be sealed for a distance of 50 metres into the site.

(d) **Traffic Management**

A traffic management plan must be approved by the City.

(e) **Fence Maintenance**

A fence must be constructed in accordance with the following requirements:

(i) A perimeter fence around the perimeter of the site, except where excavation works occur between Lot 500 and Lot 11 Paganoni Road.

(ii) Fencing must restrict areas to Bush Forever Area 379.

(iii) A perimeter fence must be erected 50 meters from the wetland known as Deerpark Swamp shown on the approved plans.

(iv) The fencing must be post and wire with warning signs of the extraction area and prohibiting unauthorised access at all times.

(f) **Weed Management Plan**

A Weed Management Plan must be approved by the City.

(g) **Acid Sulfate Soils**

An Acid Sulfate Soils Assessment form and if required as a result of the self-assessment, an acid sulphate soils report and acid sulphate soils management plan must be submitted to and approved by the Department of Environment and Regulation.

(h) **Landscaping Plan**

A landscaping plan must be:

(i) prepared by a suitably qualified and experienced consultant which plan addresses measures to screen the extractive industry from Paganoni Road.

(ii) Submitted to the City for the City’s approval; and

(iii) Approved in writing by the City.

5. **On-going requirements**

(a) **Vehicle Access**

(i) The existing access to Lot 500 Paganoni Road must only be used for domestic or rural purpose and not for any traffic associated with this extractive industry approval.

(ii) All extractive industry traffic access and egress must be obtained from the existing access point at Lot 11 Paganoni Road.

(b) **Haulage Vehicles**

All company haulage vehicles must be numbered and the quarry operators name is clearly shown on fleet haulage vehicles to enable clear identification of trucks by motorists and residents.
(c) Excavation Setbacks
   (i) All excavation works must be setback not less than:
      - 150 metres of the existing dwellings on Lot 671 and Lot 10 Paganoni Road, Karnup, except where a noise bund is constructed in accordance with an Acoustic Consultants Report that demonstrates compliance with the Environmental Protection (Noise) Regulations 1997;
      - 40 metres from the front lot boundary to Paganoni Road
      - 20 metres to all other lot boundaries;
      - 50 metres from the wetland known as Deerpark Swamp.

(d) Groundwater
   (i) All earthworks must maintain a minimum vertical separation distance of 2 metres to the Maximum Groundwater Level.
   (ii) The applicant is required to undertake baseline monitoring to ensure the Maximum Groundwater Level can be determined.
   (iii) No dewatering is to occur.
   (iv) No drainage, stormwater or any other matter shall be deposited into or allowed to enter Bush Forever Area 379.

(e) Fuel Storage
   The above ground hydrocarbon storage facility on Lot 11 Paganoni Road is to be bunded with impervious bunds having a maximum capacity of 110% of the hydrocarbon store capacity, unless otherwise approved by the City of Rockingham.

(f) Hours of Operation
   (i) No quarrying or excavation operations are to be conducted other than between 7:00am and 7:00pm Monday to Saturday inclusive but excluding public holidays and not at all on Sundays.
   (ii) No trucks or other vehicles are to enter or exit the extraction area outside of the permitted hours of operation.

(g) Noise Management Plan
   (i) The Noise Management Plan prepared by Lloyd George Acoustics dated February 2010 and approved by the City must be observed and performed in accordance with the tenor of its provisions.
   (ii) If an Officer of the City inspects the site and is satisfied that any of the extractive industry operations on-site are generating an unreasonable amount of noise, or that any of those operations are not compliant with any of the conditions relating to noise emissions (including non-compliance with the noise management measures included in the noise management plan), the City may direct in writing that:
      (a) An amended noise management plan is submitted and approved; or
      (b) The activities on the site are brought into compliance with this approved, as the case may be.

   In this condition ‘an unreasonable amount of noise’ means noise which exceeds the levels assigned by the Environmental Protection (Noise) Regulations 1997.

(h) Dust Management Plan
   (i) The Dust Management Plan prepared by RPS dated September 2009 and approved by the City, must be observed and performed in accordance with the tenor of its provisions.
   (ii) If the City considers that the excavation works are generating an unreasonable amount of dust, or that any of those operations are not compliant with the approved Dust Management Plan, the City may direct in writing that:
- An amended Dust Management Plan is submitted and approved by the City; or
- The activities on the site are brought into compliance with this approval, as the case may be.

In this condition ‘an unreasonable amount of dust’ means visible dust crossing the site’s boundary and visibly excessive dust on the site.

(i) Traffic Management Plan

The Traffic Management Plan approved by the City, must be observed and performed in accordance with the tenor of its provisions, including the following measures:

(i) Haulage vehicles are not permitted to park along Paganoni Road at any time;
(ii) All haulage vehicles used for sand haulage must have enclosed bodies to prevent the spillage of sand and limestone on public roads;
(iii) A stop sign to be maintained at the exit point on Lot 11.

(j) Weed Management Plan

The Weed Management Plan approved by the City must be observed and performed in accordance with the tenor of its provisions.

(k) Acid Sulphate Soil Management Plan

Where an acid sulphate soils management plan is required to be submitted, all works shall be carried out in accordance with the approved management plan.

(l) Site Operations

The operator must alter the operation of the site or the manner in which the use is carried out as directed in writing by the City, in response to any comments and recommendations agreed between the operator and the City of Rockingham, and the operation of the site or the use shall thereafter be carried out in accordance with any such direction.

6. Annual Reporting Requirements

By 30 June each year, a report must be provided to the City which report is in a form and containing content approved in writing by the City which report provides details of the operations of the approved development for the preceding calendar year including, but not limited to:

(i) The progress of the extraction work;
(ii) The progress of any rehabilitation work undertaken or completed;
(iii) The compliance with the provisions of each of the plans referred to in these Conditions;
(iv) The number and type of complaints received from the public and responses to those complaints.

7. Complaints Procedure

(i) A telephone number or numbers and an email address or addresses must be maintained through which complaints concerning the development may be made at any time.

(ii) The owners and occupiers of properties within 500 metres of any boundary of the land must be advised not less than once every calendar year in writing of the telephone number or numbers and the email address or addresses.

(iii) A complaints log must be kept in which the following is to be recorded:

(a) The date and time of each complaint made and received;
(b) The means (telephone or email) by which the complaint was made;
(c) Any personal details of the complainant that were provided or, if no details were provided a note to that effect;
(d) The nature of the complaint;
(e) The steps or actions taken in, and the time of, the response of each complaint, including any follow up contact with the complainant;

(f) If no actions or steps were taken in relation to the complaint or enquiry, then the reasons why no action or steps were taken.

(iv) A response must be made to every complaint received as soon as possible but in any event within 3 working days after receipt of the complaint.

(v) The complaints log must be provided to the City on demand.

(vi) A copy of any report prepared and submitted to the Department of Environment Regulation (as required by and forming part of the operator’s monitoring and reporting requirements contained in any licence or approved issued by the Department must be provided to the City concurrently with the report being provided to the Department.

8. Commencement of Stages and Rehabilitation

(i) This Condition applies where the land or part of the land is shown on the approved plans as being divided into stages in numerical sequence.

(ii) No excavation work is to be commenced on the second or any subsequent stage unless:

(a) All excavation work on the previous stage has ceased; and

(b) Rehabilitation work on the previous stage has commenced.

(iii) All rehabilitation work specified in the approved rehabilitation plan must be completed no later than 6 months after the earlier of:

(a) The expiry of the approval period; and

(b) The lapse of this approval.

9. Area Excluded from Approval

This approval does not include any excavation works referred to in stages 1, 3 and 4 on the Site Development Plan for lot 11 Paganoni Road, unless were otherwise provided for in this approval.

Advice Notes

(a) The approval of the Western Australian Planning Commission is required pursuant to the Metropolitan Region Scheme, prior to the commencement of works. The application has been forwarded to the Commission for determination.

(b) It is the operator's responsibility to advise all contractors and sub-contractors (including truck drivers) of the conditions of this Planning Approval and any accidental damage or removal of any vegetation the subject of the protection will be deemed to be unlawful by the Council and will not be accepted as a defence for such an occurrence.

(c) Prior to the clearing of any vegetation on Lots 11 or 500, a Permit to Clear Native Vegetation being obtained from the Department of Environment Regulation. Please note that the vegetation on Lot 11 is likely to be a suitable foraging habitat for Carnaby's Black Cockatoo, which is classified as endangered under the Environmental Protection and Biodiversity Conservation Act 1999. It is suggested that the applicant discuss the matter with the Commonwealth Department of Environment Heritage, Water and the Arts to confirm whether a referral under this Act is necessary, prior to making an application for a clearing permit.

(d) The subject area is located within the Stakehill Groundwater Area as proclaimed under the Rights in Water Irrigation Act 1914. Any groundwater abstraction in this proclaimed area for the purposes other than domestic and/or stock watering taken from the superficial aquifer, is subject to licensing by the Department of Water. The using of a groundwater licence is not guaranteed but if issued will contain a number of condition that are binding upon the licensee.

(e) All noise is to comply with the provisions of the Environmental Protection (Noise) Regulations 1997.

(f) An Extractive Industry Licence is required to be obtained from the City of Rockingham, prior to the commencement of any works, pursuant to the Extractive Industries Local Law 2000.
This approval excludes post-extraction uses (including turf farms and earthworks for urban purposes); further approval must be obtained for post-extraction uses.

In accordance with Water Quality Protection Note 15 (WQPN15) Extractive Industries near sensitive water resources (DoW, 2013) it is recommended that best management practices are adhered to:

- guidance on stormwater system design, management, treatment and disposal is given in the Department of Water’s Stormwater management manual for Western Australia (reference 43) and WQPN 52 – Stormwater management at industrial sites (reference 4c); and
- All stockpiled materials (including topsoil overburden) awaiting transport or held for rehabilitation should be located upstream in the catchment of turbidity control facilities.

With regard to the “acid sulphate soils self-assessment form”, this form can be downloaded from the Western Australian Planning Commission’s website at: www.planning.wa.gov.au.

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

Committee Recommendation

Moved Cr Elliott, seconded Cr Whitfield:

That Council APPROVE the application seeking the renewal of Planning Approval for an Extractive Industry (Sand) at Lot 500 Paganoni Road, Karnup, subject to the following conditions:

1. Approval Period
   This approval is valid for a period of 5 years only, commencing from the date of issue of this approval.

2. Development prohibited after Expiry of Approval Period or Lapse of Approval
   After the expiry of this approval period no development, including any works the subject of this approval are to be undertaken except for any rehabilitation works in accordance with Condition 8.

3. Compliance with approved Excavation Management Plan
   The development must comply with the approved Excavation Management Plan dated September 2009, including all management commitments for the duration of the development.

4. Requirements Prior to the Commencement of Excavation
   (a) MRS Approval
      Approval to Commence Development must be separately obtained from the Western Australian Planning Commission under the provisions of the Metropolitan Region Scheme.
   (b) Owner Permission
      The owner of Lot 11 providing written consent to haulage vehicle access and fuel storage, prior to the commencement of works the subject of this approval.
   (c) Seal Access
      The access road on Lot 11 Paganoni Road must be sealed for a distance of 50 metres into the site.
   (d) Traffic Management
      A traffic management plan must be approved by the City.
   (e) Fence Maintenance
      A fence must be constructed in accordance with the following requirements:
(i) A perimeter fence around the perimeter of the site, except where excavation works occur between Lot 500 and Lot 11 Paganoni Road.

(ii) Fencing must restrict areas to Bush Forever Area 379.

(iii) A perimeter fence must be erected 50 meters from the wetland known as Deerpark Swamp shown on the approved plans.

(iv) The fencing must be post and wire with warning signs of the extraction area and prohibiting unauthorised access at all times.

(f) **Weed Management Plan**
   A Weed Management Plan must be approved by the City.

(g) **Acid Sulfate Soils**
   An Acid Sulfate Soils Assessment form and if required as a result of the self-assessment, an acid sulphate soils report and acid sulphate soils management plan must be submitted to and approved by the Department of Environment and Regulation.

(h) **Landscaping Plan**
   A landscaping plan must be:
   
   (i) prepared by a suitably qualified and experienced consultant which plan addresses measures to screen the extractive industry from Paganoni Road.

   (ii) Submitted to the City for the City’s approval; and

   (iii) Approved in writing by the City.

5. **On-going requirements**

   (a) **Vehicle Access**
   
   (i) The existing access to Lot 500 Paganoni Road must only be used for domestic or rural purpose and not for any traffic associated with this extractive industry approval.

   (ii) All extractive industry traffic access and egress must be obtained from the existing access point at Lot 11 Paganoni Road.

   (b) **Haulage Vehicles**
   All company haulage vehicles must be numbered and the quarry operators name is clearly shown on fleet haulage vehicles to enable clear identification of trucks by motorists and residents.

   (c) **Excavation Setbacks**
   
   (i) All excavation works must be setback not less than:
   
   - 150 metres of the existing dwellings on Lot 671 and Lot 10 Paganoni Road, Karnup, except where a noise bund is constructed in accordance with an Acoustic Consultants Report that demonstrates compliance with the Environmental Protection (Noise) Regulations 1997;
   
   - 40 metres from the front lot boundary to Paganoni Road
   
   - 20 metres to all other lot boundaries;
   
   - 50 metres from the wetland known as Deerpark Swamp.

   (d) **Groundwater**
   
   (i) All earthworks must maintain a minimum vertical separation distance of 2 metres to the Maximum Groundwater Level.

   (ii) The applicant is required to undertake baseline monitoring to ensure the Maximum Groundwater Level can be determined.

   (iii) No dewatering is to occur.

   (iv) No drainage, stormwater or any other matter shall be deposited into or allowed to enter Bush Forever Area 379.
(e) **Fuel Storage**

The above ground hydrocarbon storage facility on Lot 11 Paganoni Road is to be bunded with impervious bunds having a maximum capacity of 110% of the hydrocarbon store capacity, unless otherwise approved by the City of Rockingham.

(f) **Hours of Operation**

(i) No quarrying or excavation operations are to be conducted other than between 7:00am and 7:00pm Monday to Saturday inclusive but excluding public holidays and not at all on Sundays.

(ii) No trucks or other vehicles are to enter or exit the extraction area outside of the permitted hours of operation.

(g) **Noise Management Plan**

(i) The Noise Management Plan prepared by Llyod George Acoustics dated February 2010 and approved by the City must be observed and performed in accordance with the tenor of its provisions.

(ii) If an Officer of the City inspects the site and is satisfied that any of the extractive industry operations on-site are generating an unreasonable amount of noise, or that any of those operations are not compliant with any of the conditions relating to noise emissions (including non-compliance with the noise management measures included in the noise management plan), the City may direct in writing that:

   (a) An amended noise management plan is submitted and approved; or

   (b) The activities on the site are brought into compliance with this approved, as the case may be.

In this condition ‘an unreasonable amount of noise’ means noise which exceeds the levels assigned by the Environmental Protection (Noise) Regulations 1997.

(h) **Dust Management Plan**

(i) The Dust Management Plan prepared by RPS dated September 2009 and approved by the City, must be observed and performed in accordance with the tenor of its provisions.

(ii) If the City considers that the excavation works are generating an unreasonable amount of dust, or that any of those operations are not compliant with the approved Dust Management Plan, the City may direct in writing that:

   - An amended Dust Management Plan is submitted and approved by the City; or

   - The activities on the site are brought into compliance with this approval, as the case may be.

In this condition ‘an unreasonable amount of dust’ means visible dust crossing the site’s boundary and visibly excessive dust on the site.

(i) **Traffic Management Plan**

The Traffic Management Plan approved by the City, must be observed and performed in accordance with the tenor of its provisions, including the following measures:

(i) Haulage vehicles are not permitted to park along Paganoni Road at any time;

(ii) All haulage vehicles used for sand haulage must have enclosed bodies to prevent the spillage of sand and limestone on public roads;

(iii) A stop sign to be maintained at the exit point on Lot 11.

(j) **Weed Management Plan**

The Weed Management Plan approved by the City must be observed and performed in accordance with the tenor of its provisions.
(k) Acid Sulphate Soil Management Plan

Where an acid sulphate soils management plan is required to be submitted, all works shall be carried out in accordance with the approved management plan.

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The operator must alter the operation of the site or the manner in which the use is carried out as directed in writing by the City, in response to any comments and recommendations agreed between the operator and the City of Rockingham, and the operation of the site or the use shall thereafter be carried out in accordance with any such direction.

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

Not Applicable

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

Not Applicable
## Planning and Development Services
### Directorate Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-043/15</th>
<th>Joint Development Assessment Panel - Amendment to Planning Approval - 51 Multiple Dwellings - Lot 153 Nairn Drive, Baldivis</th>
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<tr>
<td>File No:</td>
<td>DD020.2015.00000045.002</td>
<td></td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>The Planning Group WA Pty Ltd</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td>Access Housing Australia Ltd</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Senior Planning Officer</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Ms Erika Dawson, Projects Officer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
<td></td>
</tr>
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<td>Date of Committee Meeting:</td>
<td>15 June 2015</td>
<td></td>
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<tr>
<td>Previously before Council:</td>
<td>24 March 2015 (PDS-022/15)</td>
<td></td>
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<td>Disclosure of Interest:</td>
<td>Executive</td>
<td></td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
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<td></td>
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<tr>
<td>Site:</td>
<td>Lot 153 Nairn Drive, Baldivis</td>
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<td>Lot Area:</td>
<td>4,978m²</td>
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<td>LA Zoning:</td>
<td>District Town Centre</td>
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<td>MRS Zoning:</td>
<td>Urban</td>
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<td>Attachments:</td>
<td>Responsible Authority Report</td>
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<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
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<td>2. Aerial Photo</td>
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<td>3. Approved Site and Ground Floor Plan</td>
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<td>6. Second Floor Plan</td>
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<td>7. Roof Plan</td>
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<td>8. Nairn Drive Elevation and Approved Elevation</td>
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<td>9. Internal (Eastern) Elevation and Approved Elevation</td>
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<td></td>
<td>10. Sherry Street (Southern) Elevation and Approved Elevation</td>
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</tbody>
</table>
11. Northern Elevation and Approved Elevation
12. Unit Types and Approved Unit Types
13. Perspective Plan (Central Pedestrian Entry - Nairn Drive)
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application to amend the Planning Approval for a 51 Multiple Dwellings on Lot 153 Nairn Drive, Baldivis.

Background

The site is bounded by Nairn Drive to the west, Sherry Street to the south, a grouped dwelling development to the north (currently under construction), and undeveloped land to the east.

The site is an irregular shaped corner allotment with a southern frontage to Sherry Street of approximately 30m and a western frontage to Nairn Drive of approximately 120m.

History

The application was considered by the South-West Joint Development Assessment Panel (SWJDAP) on 2 April 2015 when it was resolved to conditionally approve the application for three storey building containing 51 multiple dwellings ranging in size from 50m² - 65m².

Details

The application proposes to amend the original approval as outlined below:

1. **Floor Plans**
   - Reconfigured dwelling floor plans, generally increasing floor size from 50m² - 65m² to 57m² - 77m²;
   - All balconies reduced to 10m² (except corner units which are 12m²);
   - Reduction in width of common walkway from a varying 1.4m-3m, to a consistent 1.4m (excluding entries);
   - Reduction in size of private entry courts;
   - Realignment of dwellings to Sherry Street from a varying 1.5m-4m, to a consistent 3m for all dwellings;
   - Realignment of dwellings to the northern boundary from a varying 6m-7.5m (edge of balconies), to a consistent 6.5m for all dwellings;
   - Reduction in portion of driveway width from 5.8m to 5.5m;
   - Shifting Unit G01 to align with the adjoining dwellings and allowing sufficient pathway width at this location; and
   - Removal of carport structure over on-site visitor car bays.

2. **West Elevation (Nairn Drive)**
   - Reconfiguration of bedroom windows;
   - Removal of boxed outline and contrast render to northern block (Units 113 and 213);
   - Modification of material for visually permeable fence atop solid wall, from composite timber to aluminium framed fence; and
   - Windows added to the living areas of Units 103 and 203. These were omitted from the original plans in error.

3. **North Elevation**
   - Replacement of composite fencing with 1.8m high fence;
   - Modification of white render to fibre cement cladding; and
   - Alignment of second storey bedroom windows with other floors.

4. **East Elevation**
   - Reduction in extent of screening to upper floor walkways. Screening is now provided only to entry courts and stairwells; and
(b) Removal of glazed windows to kitchens due to internal reconfigurations of living spaces and placement of fridge and pantry to this wall.

5. **South Elevation (Sherry Street)**
   (a) Alignment of second storey bedroom windows with other floors; and
   (b) Modification of material for visually permeable fence atop solid wall.
3. Approved Site and Ground Floor Plan
4. Proposed Site and Ground Floor Plan
5. First Floor Plan
6. Second Floor Plan
7. Roof Plan
8. Nairn Drive Elevation and Approved Elevation
9. Internal (Eastern) Elevation and Approved Elevation
10. Sherry Street (Southern) Elevation and Approved Elevation
11. Northern Elevation and Approved Elevation
12. Unit Types and Approved Unit Types
13. Perspective Plan (Central Pedestrian Entry - Nairn Drive)
Implications to Consider

a. Consultation with the Community
The City has the discretion, pursuant to TPS2, to advertise the proposal. The City, however, did not consider it necessary to advertise the proposal.

b. Consultation with Government Agencies
Nil

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

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

d. Policy
State Planning Policy 3.1 Residential Design Codes

<table>
<thead>
<tr>
<th>R-Codes</th>
<th>Required (Deemed to Comply)</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
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<tbody>
<tr>
<td>R-Coding</td>
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<tr>
<td>6.1</td>
<td>Context</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.1.1</td>
<td>Building Size</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C1</td>
<td>Development complies with the maximum plot ratio requirements set out in Table 4.</td>
<td>As per PP3.2.4, there is no maximum RCoding for this site.</td>
<td>Slight increase from 0.74 to 0.79. This is comparable to R60 which is considered appropriate within a District Centre.</td>
</tr>
</tbody>
</table>

6.1.4 Lot Boundary Setbacks

| C4.2     | In areas coded R80–R160 and/or R-AC, the development complies with minimum lot boundary setback requirements as set out in Table 5 subject to any additional measures in other elements of the R-Codes; and if applicable: | 4 | Northern Boundary: 6.5m Eastern Boundary: 6.713m | Yes |
|          | i. the wall has a zero setback where it abuts an existing or simultaneously constructed wall of equal or greater proportions; or | | | |

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 JULY 2015

PRESIDING MEMBER
### R-Codes

<table>
<thead>
<tr>
<th>Required (Deemed to Comply)</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>ii. a wall built to one side boundary has a maximum height and average height as set out in Table 4 and a maximum length of two-thirds the length of this boundary.</td>
<td></td>
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#### 6.1.5 Open Space

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Compliance</th>
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</thead>
<tbody>
<tr>
<td>C5 Development complies with minimum open space set out in Table 4 (refer to Figure Series 6).</td>
<td>Yes</td>
</tr>
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</table>

| Percentage | | |
|------------|------------|
| 45%        | 66%, increased from 53% |

#### 6.3 Site Planning and Design

##### 6.3.1 Outdoor Living Areas

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Compliance</th>
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<tbody>
<tr>
<td>C1 Each unit is to be provided with at least one balcony or equivalent accessed directly from a habitable room with a minimum area of 10m² and a minimum dimension of 2.4m.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

| Minimum | Balconies have a minimum area of 10m² with a minimum dimension of 2.9m. Additional rear courtyards provided to each dwelling. This has been decreased from 14m² area and 3.5m dimension. However, still compliant. | |
| 10m²    | 2.9m       |

##### 6.3.3 Parking

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Compliance</th>
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<tbody>
<tr>
<td>C3.1 The following minimum number of on-site car parking spaces is provided per dwelling:</td>
<td>No</td>
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</table>

<table>
<thead>
<tr>
<th></th>
<th>Location A</th>
<th>Location B</th>
</tr>
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<tbody>
<tr>
<td>Small (&lt;75m² or 1 br)</td>
<td>0.75</td>
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</tr>
<tr>
<td>Medium (75-100m²)</td>
<td>1</td>
<td>1.25</td>
</tr>
<tr>
<td>Large (&gt;110m²)</td>
<td>1.25</td>
<td>1.5</td>
</tr>
<tr>
<td>Visitor car parking spaces (per dwelling)</td>
<td>0.25</td>
<td>0.25</td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The proposed modifications to the dwelling floor plans have resulted in an increase to the plot ratio area. 33 of the dwellings are now of a plot ratio area that attracts a higher car parking ratio under the R-Codes. This application does not propose to increase the number of on-site car bays.</td>
</tr>
</tbody>
</table>

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 JULY 2015

PRESIDING MEMBER
### R-Codes

<table>
<thead>
<tr>
<th>R-Codes</th>
<th>Required (Deemed to Comply)</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>A = within:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 800m of a train station on a high frequency rail route, measured in a straight line from the pedestrian entry to the train station platform to any part of a lot; or</td>
<td></td>
<td>See detailed parking assessment in the Planning Assessment section of this report.</td>
<td></td>
</tr>
<tr>
<td>• 250m of a high frequency bus route, measured in a straight line from along any part of the route to any part of a lot.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B = not within the distances outlined in A above.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 6.3.4 Design of Car Parking Spaces

C4.1 Car parking spaces and manoeuvring areas designed and provided in accordance with AS2890.1 (as amended).  

<table>
<thead>
<tr>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

#### 6.3.5 Vehicular Access

C5.3 Driveways designed for two way access to allow for vehicles to enter the street in forward gear where:

- the driveway serves five or more dwellings;
- the distance from a car space to street alignment is 15m or more; or
- the public street to which it connects is designated as a primary distributor, district distributor or integrated arterial road.

<table>
<thead>
<tr>
<th>Two Way Access Required</th>
<th>5.5m wide vehicular access, sufficient for two way access as per AS2890.1, has been provided.</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 6.4 Building Design

##### 6.4.1 Visual Privacy

C1.1 Major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level and overlook any part of any other residential property behind its street setback line are:

- set back, in direct line of sight within the cone of vision, from the lot boundary, a minimum distance as prescribed in the table below (refer Figure Series 10):  

<table>
<thead>
<tr>
<th>6m setback for balconies</th>
<th>Northern boundary balconies are set back 6.5m from property boundary; Southern and Western Balconies are separated from surrounding lots by road reserves.</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 JULY 2015

PRESIDING MEMBER
### R-Codes

<table>
<thead>
<tr>
<th>Types of habitable rooms/active habitable spaces</th>
<th>Location</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Required</strong> (Deemed to Comply)</td>
<td><strong>Setback for areas coded R50 or lower</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Provided</strong></td>
<td><strong>Setback for areas coded higher than R50</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Major openings to bedrooms and studies</th>
<th>4.5m</th>
<th>3m</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Major openings to habitable rooms other than bedrooms and studies</th>
<th>6m</th>
<th>4.5m</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Unenclosed outdoor active habitable spaces</th>
<th>7.5m</th>
<th>6m</th>
</tr>
</thead>
</table>

This has been increased from 6m to 6.5m.

### 6.4.3 Dwelling Size

<table>
<thead>
<tr>
<th>C3.2</th>
<th>The development does not contain any dwellings smaller than 40m² plot ratio area.</th>
<th>Minimum size of 57m².</th>
<th>Yes</th>
</tr>
</thead>
</table>

State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP4.2)
The purpose of SPP4.2 *inter alia* is to specify broad planning requirements for the planning and development of new activity centres in Perth and Peel.

**Clause 5.1 - Activity Centre Hierarchy**
Baldivis is identified as a 'District Centre' under the Activity Centres Hierarchy in SPP4.2. District Centres have a greater focus on servicing the daily and weekly needs of residents. Their relatively smaller scale catchment enables them to have a greater local community focus and provide services, facilities and job opportunities that reflect the particular needs of their catchments. The proposed development is consistent with the planned activity centre hierarchy.

**Baldivis Activity Centre Structure Plan (BACSP)**
The BACSP is a strategic planning document prepared to fulfil the requirements of SPP4.2 as outlined above. The BACSP provides a strategic framework for the Centre and informs and guides changes to the IDGP and the Baldivis Town Centre Policy. It was adopted by Council in July 2012 and endorsed by the WAPC in December 2012. The proposal is considered to be consistent with the BACSP.

**Planning Policy 3.2.4 - Baldivis Town Centre (PP3.2.4)**
PP3.2.4 provides guidance on development of land within the Baldivis Town Centre, based on land use, movement network, urban design, and specific precinct considerations. The proposed development is considered to be consistent with the provisions of PP3.2.4 as outlined below.
**Integrated Development Guide Plan (IDGP)**

PP3.2.4 contains an IDGP for the Baldivis Town Centre. The purpose of the IDGP is to illustrate building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative carparking layouts and any rights of way or access easements required, and any other information required by the Council. The approved IDGP is shown in Figure 13.

![Subject Site](image)

14. Approved IDGP

The proposal is consistent with the IDGP.

**Requirements**

PP3.2.4 includes general requirements as well as specific precinct requirements applying to development. These requirements are outlined below, along with comments on compliance with these requirements.

<table>
<thead>
<tr>
<th>Policy Requirements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential development shall meet the</td>
<td>An assessment against the R Codes has been supplied as part of this application.</td>
<td>Yes</td>
</tr>
<tr>
<td>requirements of the Residential Design Codes,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>except where otherwise specified by Town</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planning Scheme No.2 and/or this Policy.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban Design</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Variety and articulation of street front</td>
<td>The development continues to propose articulated facades to the street frontages,</td>
<td>Yes</td>
</tr>
<tr>
<td>building facades will be encouraged to avoid</td>
<td>with varying setbacks and staggered units, as well as using a variety of materials</td>
<td></td>
</tr>
<tr>
<td>monotony and to break up the horizontal</td>
<td>and colours. This creates a visually interesting and legible façade;</td>
<td></td>
</tr>
<tr>
<td>scale of contiguous building frontages.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policy Requirements</td>
<td>Planning Comments</td>
<td>Compliance</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------</td>
<td>------------</td>
</tr>
<tr>
<td><strong>Precinct Requirements</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Transition Precinct</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building frontages must abut the road reserve boundary as generally illustrated on the Integrated Development Guide Plan.</td>
<td>The proposal is generally compliant with the IDGP.</td>
<td>Yes</td>
</tr>
<tr>
<td>Broad façades or blank walls must be ‘broken down’ to create variety and interest through architectural design elements, blank walls facing roads and public parkland is not acceptable.</td>
<td>The development continues to propose articulated facades to the street frontages, with varying setbacks and staggered units, as well as using a variety of materials and colours. This creates a visually interesting and legible façade.</td>
<td>Yes</td>
</tr>
<tr>
<td>Full streetscape works shall be provided by the subdivider. Where the adjoining verge has not already been streetscaped, developers will be required to contribute the full cost of streetscape works in the public streets immediate adjoining their development site. These shall generally include pavements, kerb-side parking, streets trees, lighting and furniture.</td>
<td>Verge treatments including a footpath, are recommended as conditions if the application were to be approved.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Planning Policy 3.3.14 – Bicycle Parking and End-of-Trip Facilities (PP3.3.14)

No changes have been proposed in this regard. The proposal remains compliant with PP3.3.14.

e. **Financial**

Nil

f. **Legal and Statutory**

**Metropolitan Region Scheme (MRS)**

The subject lot is zoned ‘Urban’ under the MRS.

The subject lot abuts a road reserved as an ‘Other Regional Road’ under the MRS. The original proposal was referred to the Department of Planning for comment, however, as none of the proposed changes affect the Road Reservation, the amended proposal was not referred.

**Town Planning Scheme No. 2 (TPS2)**

*Clause 3.2 - Zoning Table*

The subject site is zoned ‘District Town Centre’ under TPS2. The proposed use of ‘Multiple Dwellings’ is a use that is not permitted (D), unless the Council has exercised its discretion by granting Planning Approval.

*Clause 4.5 - District Town Centre Zone*

**Objective**

The objective of the zone is to establish a clear and concise statement of planning and main street principles to guide the development of ‘Main Street’ Town Centres having due regard to the objectives and principles outlined within a prepared District Town Centre Policy, and supported by any other Plan or Policy that the Council may adopt from time to time as a guide to future development within the Zone.
As is highlighted in the assessment of the proposal against the provisions of Planning Policy 3.2.4 - Baldivis Town Centre, the proposal is considered to be consistent with the objective of the District Town Centre Zone.

**Special Application of Residential Design Codes**

Clause 4.5.5 of TPS2 states that in order to encourage residential development consistent with the precinct policies established by the Policies, and subject to Clause, 4.1.3(c) of the Scheme, the Council may exercise its discretion in respect of the Residential Design Codes in relation to: car parking; street and side setbacks; distances between buildings in different occupancies on the same lot; and open space.

It is noted that a specific Residential Design Coding has not been applied to the District Town Centre Zone under TPS2. As such it is considered appropriate to defer to the density requirements of the applicable Baldivis Town Centre Planning Policy (PP3.2.4) which is a minimum density R20 for the Northern Precinct and a minimum density of R30 for the Transition Precinct. There is no maximum density for either Precinct.

As is highlighted in the assessment of the proposal against the provisions of State Planning Policy 3.1 Residential Design Codes (RCodes), the proposal is considered to be consistent with the design principles of the RCodes.

**Clause 4.15 - Carparking**

Parking Requirements & Provision

Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table No.3 of TPS2.

A full assessment of the car parking requirements and provision is contained within the Comments Section of this report.

**Clause 6.6 - Matters to be considered by the Council**

Clause 6.6 outlines the matters to which Council is to give due regard when considered relevant to an application. Where relevant, these have been discussed in the Comments section.

**g. Risk**

**Risk Implications of Implementing Officer Recommendation**

Nil

**Risk Implications of Not Implementing Officer Recommendation**

Nil

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**Comments**

**Carparking**

**TPS Requirement**

Pursuant to Clause 4.6.3 of TPS2, car parking is to be provided in accordance with Clause 4.15.1.1 TPS2 and Table 3 of TPS2.

<table>
<thead>
<tr>
<th>Use</th>
<th>Number</th>
<th>Rate</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Small (&lt;75m²)</td>
<td>18</td>
<td>1 bay per Unit</td>
<td>18</td>
</tr>
<tr>
<td>Residential Medium (75-110m²)</td>
<td>33</td>
<td>1.25 bays per Unit</td>
<td>41.25 (42)</td>
</tr>
</tbody>
</table>
Under the parking provision of TPS2, the proposed development requires the provision of 60 parking spaces plus 13 visitor bays.

Parking Provision

The development proposes 55 on site car bays inclusive of four visitor bays. There are nine on-street car bays within Nairn Drive directly adjacent to the subject site. This application proposes to include the on-street car bays in the calculation for visitor parking. This is considered to be acceptable in terms of the BACSP which permits on-street parking spaces to contribute towards the parking required for adjoining lot. As such a total of 64 bays have been provided for the development. This is a shortfall of 9 bays or 12%. The following is considered to be justification for the shortfall:

- The number of dwellings has not increased from the original proposal;
- The type and size (in terms of number of bedrooms and bathrooms) has not been altered;
- The amended application continues to provide 1 car bay per dwelling as per the approved development;
- The site is located within an Activity Centre. The BACSP states that whilst Baldivis currently has limited access to public transport, this by no means should prevent the centre taking place in accordance with transit oriented development principles;
- The Baldivis Activity Centre has been set up for the provision of enhanced public transport, including a Bus Rapid Transit link for the area as identified in the State Government’s Public Transport for Perth 2031 Masterplan;
- At maturity, the entire Baldivis Activity Centre will be within comfortable walking distance to a bus stop. The BACSP identifies a bus stop approximately 100 south of this development. It also identifies a main street on the edge of the site. This meets the design principle that seeks adequate parking in accordance with the projected need related to the proximity to public transport; and
- The 33 dwellings are only 1m² or 2m² over the 75m² threshold for a higher parking ratio. This is considered marginal in the context of the above points, which address the design principles of the R-Codes.

Conclusion

The proposed amendment to the approval generally consistent with SPP4.2, the R Codes, the BACSP, TPS2 and PP3.2.4. For these reasons it is recommended for approval.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPT the Responsible Authority Report for the proposed Amendment to the Planning Approval for the Multiple Dwelling Development Lot 153 Nairn Drive, Baldivis contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:
That the Metro South-West JDAP resolve to:

1. **Approve** that the DAP Application reference DAP/15/00727 as detailed on the DAP Form 2 dated 13 May 2015 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;

2. **Approve** the DAP Application reference DAP/15/00727 as detailed on the DAP Form 2 dated 13 May 2015 and accompanying Site and Ground Floor Plan (Drawing No. DA1.01, Rev E dated 11.5.15), First Floor Plan (Drawing No.DA2.01, Rev D, dated 8.5.15); Second Floor Plan (Drawing No.DA2.02, Rev D, dated 8.5.15); Roof Plan (Drawing No. DA2.03, Rev C, dated 7.5.15); Elevations (Drawing No. DA3.01, Rev D, dated 8.5.15); Unit Types (Drawing No. DA6.01, Rev E, dated 8.5.15); and Perspective Plan (Drawing No. DA11.02, Rev C, dated 7.5.15) in accordance with the provisions of the Town Planning Scheme No.2 and the Metropolitan Region Scheme, for the proposed Multiple Dwelling development at Lot 153 Nairn Drive, Baldivis subject to the following conditions:

   1. Clothes drying areas (excluding electric clothes dryers) must be designated for each Multiple Dwelling, to be screened from public view in accordance with the R-Codes, prior to applying for a Building Permit, and implemented as such for the duration of the development.

   2. An enclosed, lockable storage area of not less than 4m² in area, with a minimum dimension of 1.5m and located within the same building as their respective dwellings, being designed for each multiple dwelling, prior to applying for a Building Permit, and implemented as such for the duration the development.

   3. Above-ground meter boxes must not be located in a street setback area at any time.

   4. Materials, sea containers, goods or bins must not be stored within the carpark at any time.

   5. Arrangements being made to the satisfaction of the City of Rockingham for the payment of contributions towards the Administration and Community Infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, prior to works commencing.

   6. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.

   7. All stormwater generated by the development shall be designed to be contained on-site and certified by a suitably qualified hydraulic consultant, prior to the issue of a Building Permit. The design shall be implemented and maintained for the duration of the development.

   8. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to issue of a Building Permit.

      (a) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;

      (b) Any lawns to be established;

      (c) Any natural landscape areas to be retained;

      (d) Those areas to be reticulated or irrigated; and

      (e) The street setback area and all verge areas.

   The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.

   9. The carpark must:

      (a) provide a minimum of 55 parking spaces;

      (b) be designed in accordance with User Class 1A of the Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to issue of a Building Permit;
(c) include Four (4) visitor carparking spaces clearly marked/signposted as visitor spaces and connected to the development via a 1.2m wide continuous accessible path of travel prior to occupation of the development, and must be retained and maintained in good condition at all times.

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

(e) have lighting installed, prior to the occupation of the development; and

(f) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

Carpark spaces dedicated to people with disabilities, the spaces must be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work.

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

10. Nine (9) on-street car parking spaces must be provided for visitor parking along the Nairn Drive slip road. The parking must be designed in accordance with the High Turnover Use Category of the Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupation of the development.

Prior to the occupation of the development a footpath must be constructed linking the visitor bays on the Nairn Drive slip road to the vehicular access point on Sherry Street to the specifications and satisfaction of the City of Rockingham.

11. Six (6) short-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.

12. Fencing nominated on the approved plan must be 50% visually permeable above 1.2 metres prior to applying for a Building Permit, and must be retained and maintained in good condition at all times.

13. Prior to applying for a Building Permit the applicant must submit details of the eastern boundary wall for approval to the satisfaction of the City of Rockingham.

14. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to issue of a Building Permit:

(a) the location of bin storage areas and bin collection areas;

(b) details of screening of the bins from view from the street;

(c) the expected volume of waste to be disposed of;

(d) the number, volume and type of bins, and the type of waste to be placed in the bins;

(e) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;

(f) frequency of bin collections; and

(g) the bin storage area drainage details.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development and maintained at all times.
15. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham’s satisfaction prior to applying for a Building Permit.

Advice Notes

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

2. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City of Rockingham.

3. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City’s Building Services in this regard.

4. With respect to Condition 8, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.

5. With regard to condition 10, the footpath is required in order to provide a continuous path of travel from the on street visitor bays to the units fronting Sherry Street. In accordance with Clause 8.3.3 (x) of Planning Policy 3.2.4 - Baldivis Town Centre, developers are required to contribute the full cost of streetscape works in the public streets immediate adjoining their development site. These shall generally include pavements, kerbside parking, streets trees, lighting and furniture.

6. All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.

Committee Recommendation

Moved Cr Elliott, seconded Cr Pease:

That Council ADOPT the Responsible Authority Report for the proposed Amendment to the Planning Approval for the Multiple Dwelling Development Lot 153 Nairn Drive, Baldivis contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

“that the Metro South-West JDAP resolve to:

1. Approve that the DAP Application reference DAP/15/00727 as detailed on the DAP Form 2 dated 13 May 2015 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;

2. Approve the DAP Application reference DAP/15/00727 as detailed on the DAP Form 2 dated 13 May 2015 and accompanying Site and Ground Floor Plan (Drawing No. DA1.01, Rev E dated 11.5.15); First Floor Plan (Drawing No.DA2.01, Rev D, dated 8.5.15); Second Floor Plan (Drawing No.DA2.02, Rev D, dated 8.5.15); Roof Plan (Drawing No. DA2.03, Rev C, dated 7.5.15); Elevations (Drawing No. DA3.01, Rev D, dated 8.5.15); Unit Types (Drawing No. DA6.01, Rev E, dated 8.5.15); and Perspective Plan (Drawing No. DA11.02, Rev C, dated 7.5.15) in accordance with the provisions of the Town Planning Scheme No.2 and the Metropolitan Region Scheme, for the proposed Multiple Dwelling development at Lot 153 Nairn Drive, Baldivis subject to the following conditions:

1. Clothes drying areas (excluding electric clothes dryers) must be designated for each Multiple Dwelling, to be screened from public view in accordance with the R-Codes, prior to applying for a Building Permit, and implemented as such for the duration of the development.
2. An enclosed, lockable storage area of not less than 4m² in area, with a minimum dimension of 1.5m and located within the same building as their respective dwellings, being designed for each multiple dwelling, prior to applying for a Building Permit, and implemented as such for the duration the development.

3. Above-ground meter boxes must not be located in a street setback area at any time.

4. Materials, sea containers, goods or bins must not be stored within the carpark at any time.

5. Arrangements being made to the satisfaction of the City of Rockingham for the payment of contributions towards the Administration and Community Infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, prior to works commencing.

6. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.

7. All stormwater generated by the development shall be designed to be contained on-site and certified by a suitably qualified hydraulic consultant, prior to the issue of a Building Permit. The design shall be implemented and maintained for the duration of the development.

8. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to issue of a Building Permit.
   (a) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (b) Any lawns to be established;
   (c) Any natural landscape areas to be retained;
   (d) Those areas to be reticulated or irrigated; and
   (e) The street setback area and all verge areas.
   The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.

9. The carpark must:
   (a) provide a minimum of 55 parking spaces;
   (b) be designed in accordance with User Class 1A of the Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to issue of a Building Permit;
   (c) include Four (4) visitor carparking spaces clearly marked/signposted as visitor spaces and connected to the development via a 1.2m wide continuous accessible path of travel prior to occupation of the development, and must be retained and maintained in good condition at all times.
   (d) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
   (e) have lighting installed, prior to the occupation of the development; and
   (f) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

Carpark spaces dedicated to people with disabilities, the spaces must be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work.

The carpark must comply with the above requirements for the duration of the development.
10. Nine (9) on-street car parking spaces must be provided for visitor parking along the Nairn Drive slip road. The parking must be designed in accordance with the High Turnover Use Category of the Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupation of the develop.

Prior to the occupation of the development a footpath must be constructed linking the visitor bays on the Nairn Drive slip road to the vehicular access point on Sherry Street to the specifications and satisfaction of the City of Rockingham.

11. Six (6) short-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.

12. Fencing nominated on the approved plan must be 50% visually permeable above 1.2 metres prior to applying for a Building Permit, and must be retained and maintained in good condition at all times.

13. Prior to applying for a Building Permit the applicant must submit details of the eastern boundary wall for approval to the satisfaction of the City of Rockingham.

14. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to issue of a Building Permit:

   (a) the location of bin storage areas and bin collection areas;
   (b) details of screening of the bins from view from the street;
   (c) the expected volume of waste to be disposed of;
   (d) the number, volume and type of bins, and the type of waste to be placed in the bins;
   (e) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
   (f) frequency of bin collections; and
   (g) the bin storage area drainage details.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development and maintained at all times.

15. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham’s satisfaction prior to applying for a Building Permit.

Advice Notes

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

2. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City of Rockingham.

3. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City’s Building Services in this regard.

4. With respect to Condition 8, the applicant and owner should liaise with the City of Rockingham’s Parks Services to confirm requirements for landscaping plans.
5. With regard to condition 10, the footpath is required in order to provide a continuous path of travel from the on street visitor bays to the units fronting Sherry Street. In accordance with Clause 8.3.3 (x) of Planning Policy 3.2.4 - Baldivis Town Centre, developers are required to contribute the full cost of streetscape works in the public streets immediate adjoining their development site. These shall generally include pavements, kerbside parking, streets trees, lighting and furniture.

6. All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.

Committee Voting – 5/0

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

<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
### Planning and Development Services

#### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-044/15 Joint Development Assessment Panel Application - Mixed Use Development (90 Residential Apartments and 4 Commercial Tenancies)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2015.00000110</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Design Management Group Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>WA Land Authority</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mrs Erika Dawson, Projects Officer</td>
</tr>
<tr>
<td></td>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 June 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 302 (No.1) Empress Corner (cnr Flinders Lane) Rockingham</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>2,697m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Primary Centre Waterfront Village</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Responsible Authority Report</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
</tr>
<tr>
<td></td>
<td>3. Site Plan</td>
</tr>
<tr>
<td></td>
<td>4. Ground Floor Plan</td>
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<td>5. First Floor Plan</td>
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<td></td>
<td>6. Podium Floor Plan</td>
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<td></td>
<td>7. Third Floor Plan</td>
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<tr>
<td></td>
<td>8. Fourth Floor Plan</td>
</tr>
<tr>
<td></td>
<td>9. Fifth, Sixth and Seventh Floor Plan</td>
</tr>
<tr>
<td></td>
<td>10. Roof Plan</td>
</tr>
<tr>
<td></td>
<td>11. South West Elevation</td>
</tr>
<tr>
<td></td>
<td>12. South East Elevation</td>
</tr>
</tbody>
</table>
13. North East Elevation  
14. North West Elevation  
15. Streetscape Perspective (1)  
16. Streetscape Perspective (2)  
17. Rockingham Strategic Metropolitan Centre Boundary  
18. Rockingham Strategic Metropolitan Centre Sector Boundary  
19. Region Centre Concept Plan  
20. Regional Centre Framework Plan  
21. Regional Centre Height and Density Overlay  
22. Waterfront Village Indicative Development Plan  
23. Residential Density Overlay  
24. Building Height Overlay  
25. Frontage Type Overlay  
26. Village Green Precinct Boundary

1. Location Plan
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for a mixed use development, comprising ninety multiple dwellings and four commercial tenancies at Lot 302 (No.1) Empress Corner (cnr Flinders Lane), Rockingham.

Background

The subject site has historically been used as an informal carparking area, and no formal development applications have previously been received for the site.

The City has recognised the significance of the historic beachfront centre, and has responded to future growth in the area by defining the role and function of the centre. The intent of the beachfront centre is to primarily fulfil the function of an urban village within the Metropolitan Centre, providing a rare urban waterfront lifestyle opportunity.

The City has prepared various Planning Policies over the years to facilitate the development of the centre into a high quality urban village, the most recent being Planning Policy No.3.2.5 - Development Policy Plan - Waterfront Village Sector, which provides a detailed planning vision and policy framework for the Sector based on the concept of a sustainable, medium to high density urban village arranged around a central, high frequency transit spine.

The applicant, on behalf of the WA Land Authority (the owner), has been liaising with the City to provide a development application that meets the intent and vision of the centre, which is the subject of this report.
Details

The proposal involves the development of an eight storey mixed use building comprising of the following:

- Ninety multiple dwellings, including:
  - Twelve 1 bed x 1 bathroom;
  - Eighteen 1 bedroom x 1 bathroom x study;
  - Forty-eight 2 bedroom x 2 bathroom;
  - Twelve 3 bedroom x 2 bathroom;

- Four ground floor commercial tenancies including:
  - One 64m² Office tenancy fronting Flinders Lane;
  - One 59m² Office tenancy fronting Flinders Lane;
  - One 52m² Office tenancy fronting Flinders Lane; and
  - One 119m² Office tenancy fronting both Flinders Lane and Empress Corner;

- Swimming pool, lounge and barbeque area on a second floor podium level;

- Two levels of carparking, including:
  - 65 parking spaces on the ground floor, including one bay for people with disability and 3 tandem bays, accessed from Empress Corner; and
  - 87 parking spaces on the first floor, including 21 tandem bays, accessed via a ramp from Flinders Lane;

- Bicycle Parking; and

- Associated dwelling storage and bin store areas.
3. Site Plan
4. Ground Floor Plan
6. Podium Floor Plan (Second Floor)
7. Third Floor Plan
8. Fourth Floor Plan
9. Fifth, Sixth and Seventh Floor Plan
10. Roof Plan
11. South West Elevation
12. South East Elevation
13. North East Elevation
14. North West Elevation
15. Streetscape Perspective (1)
16. Streetscape Perspective (2)
a. **Consultation with the Community**
   The City has the discretion, pursuant to TPS2, to advertise the proposal. The City, however, did not consider it necessary to advertise the proposal as it complies with relevant Policy and TPS2.

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**
   **State Planning Policy 2.6 - State Coastal Planning Policy (SPP2.6)**
   SPP2.6 provides guidance for development decision making within the coastal zone (areas within 300m of the horizontal shoreline datum), including managing development and land use change and protecting and conserving coastal values. The objectives of SPP2.6 are to:
   
   * "ensure that the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria;*
   
   * ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities;*
   
   * provide for public coastal foreshore reserves and access to them on the coast; and*
   
   * protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance."

   The following is an assessment against the relevant policy measures of SPP2.6:

<table>
<thead>
<tr>
<th>Policy Measure</th>
<th>Comment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development and Settlement</td>
<td>The proposed development is consistent with the Centre Plan for the Rockingham Strategic Metropolitan Centre, which is the overarching strategic document pertaining to the proposal. This is further discussed in the Local Policies section of this report.</td>
<td>Yes</td>
</tr>
<tr>
<td>Policy Measure</td>
<td>Comment</td>
<td>Compliance</td>
</tr>
<tr>
<td>---------------</td>
<td>---------</td>
<td>------------</td>
</tr>
<tr>
<td>Development and Settlement</td>
<td>Ensure that when selecting a development location, regard is given to infrastructure capacity and where possible, existing infrastructure be upgraded and improved.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ensure that use of the coast, including the marine environment, for recreation, conservation, tourism, commerce, industry, housing, ocean access and other appropriate activities, is sustainable and located in suitable areas.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Avoid significant and permanent negative impacts on the environment, either on or off site.</td>
<td></td>
</tr>
<tr>
<td>Water Resources and Management</td>
<td>Development on or near the coast should maintain or restore pre-existing or desirable environmental flows and hydrological cycles within foreshore reserves. Development on or near the coast should not discharge any waste or stormwater that could significantly degrade the coastal environment, including the coastal foreshore reserve, coastal waters and marine ecosystems.</td>
<td>All stormwater must be contained on-site.</td>
</tr>
<tr>
<td>Building Height Limits</td>
<td>The provisions of this part of the policy apply to all development within 300 metres of the horizontal shoreline datum, but do not apply to industrial or resource development, transport, telecommunications and engineering infrastructure, and Port Works and Facilities (as defined by the Port Authorities Act 1999).</td>
<td>The subject site is located approximately 245m from the shoreline, and therefore the provisions of SPP2.6 are applicable.</td>
</tr>
<tr>
<td></td>
<td>Maximum height limits should be specified as part of controls outlined in a local planning scheme and/or structure plan, in order to achieve outcomes which respond to the desired character, built form and amenity of the locality.</td>
<td>Maximum height limits are specified in Planning Policy 3.2.5 - Development Policy Plan - Waterfront Village Sector (PP3.2.5). The total height of the building is 33.8m/8 storeys. PP3.2.5 permits a maximum height of 30m/8 storeys. The overall height of the building excluding the wall concealing the lift shaft on the roof is 28.4m, which complies with PP3.2.5.</td>
</tr>
</tbody>
</table>
The proposed development complies with the requirements of SPP2.6

**State Planning Policy 3.1 - Residential Design Codes (R-Codes)**

The following is an assessment of the proposed development against the requirements of the R-Codes not dealt by *Development Planning Policy 3.2.5 - Waterfront Village Sector*.

<table>
<thead>
<tr>
<th>Required (Deemed-to Comply Provision)</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1.3 Street Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C3.2 Balconies located entirely within the property boundary.</td>
<td>All balconies are located entirely within the property boundary.</td>
<td>Yes</td>
</tr>
<tr>
<td>6.2.2 Street Walls &amp; Fences</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C2 Front fences within the primary street setback area that are visually permeable to 1.2m above natural ground level.</td>
<td>No street walls or fences are proposed.</td>
<td>Yes</td>
</tr>
<tr>
<td>6.2.3 Sight Lines</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C3 Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect (refer to Figure Series 9).</td>
<td>No walls are proposed adjacent to the street.</td>
<td>Yes</td>
</tr>
<tr>
<td>6.3.1 Outdoor Living Areas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C1 Each unit is to be provided with at least one balcony or equivalent accessed directly from a habitable room with a minimum area of 10m² and a minimum dimension of 2.4m.</td>
<td>Balconies of between 18m² and 40m² which meet the minimum dimensions have been provided.</td>
<td>Yes</td>
</tr>
<tr>
<td>6.3.3 Parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C3.1 The following minimum number of on-site car parking spaces is provided per dwelling:</td>
<td>6 Large, 48 Medium and 36 Small type Multiple Dwellings are provided. The site is in Location A.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Required (Deemed-to Comply Provision)</td>
<td>Provided</td>
<td>Compliance</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>----------</td>
<td>------------</td>
</tr>
<tr>
<td>Small (&lt;75m² or 1 br)</td>
<td>0.75</td>
<td>1</td>
</tr>
<tr>
<td>Medium (75-100m²)</td>
<td>1</td>
<td>1.25</td>
</tr>
<tr>
<td>Large (&gt;110m²)</td>
<td>1.25</td>
<td>1.5</td>
</tr>
<tr>
<td>Visitor car parking spaces (per dwelling)</td>
<td>0.25</td>
<td>0.25</td>
</tr>
</tbody>
</table>

A = within:
800m of a train station on a high frequency rail route, measured in a straight line from the pedestrian entry to the train station platform to any part of a lot; or
250m of a high frequency bus route, measured in a straight line from along any part of the route to any part of a lot.
B = not within the distances outlined in A above.

C3.2 In addition to the above, one bicycle space to each three dwellings for residents; and one bicycle space to each ten dwellings for visitors, designed in accordance with AS2890.3 (as amended).

6.3.4 Design of Car Parking Spaces

C4.1 Car parking spaces and manoeuvring areas designed and provided in accordance with AS2890.1 (as amended).

The dimension of carparking bays is in accordance with AS2890.1, however, the aisle width is required to be increased by approximately 200mm. A condition of Planning Approval requiring car parking spaces to be provided in accordance with AS2890.1 (as amended) is recommended.

As assessment of the Bicycle Parking Requirements is contained within the Local Policies section of this report. Yes
### 6.3.5 Vehicular Access

<table>
<thead>
<tr>
<th>C5.2</th>
<th>Access to on-site car parking spaces to be provided:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- where available from a right-of-way available for the lawful use to access the relevant lot and which is adequately paved and drained from the property boundary to a constructed street;</td>
</tr>
<tr>
<td></td>
<td>- from a secondary street where a right-of-way does not exist, or</td>
</tr>
<tr>
<td></td>
<td>- from the primary street frontage where no secondary street or right-of-way exists.</td>
</tr>
</tbody>
</table>

Access is provided via Empress Corner and Flinders Lane. Access via both street frontages is considered acceptable as it meets the Design Principles in that it is safe in use and does not detract from the streetscape. The use of two access points is considered to increase the functionality of access to the development.

Yes

<table>
<thead>
<tr>
<th>C5.3</th>
<th>Driveways designed for two way access to allow for vehicles to enter the street in forward gear where:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- the driveway serves five or more dwellings;</td>
</tr>
<tr>
<td></td>
<td>- the distance from a car space to street alignment is 15m or more; or the public street to which it connects is designated as a primary distributor, district distributor or integrated arterial road.</td>
</tr>
</tbody>
</table>

Access has been designed for two way vehicle movements; however, the aisles must be increased in width to comply with AS2890.1 (as amended). A condition of Planning Approval requiring compliance with AS2890.1 (as amended is recommended in this respect.

Yes. The aisle width is required to be increased by approximately 200mm.

<table>
<thead>
<tr>
<th>C5.4</th>
<th>Driveways to be adequately paved and drained.</th>
</tr>
</thead>
</table>

Access will be adequately paved and drained.

Yes

### 6.3.6 Site Works

<table>
<thead>
<tr>
<th>C6.1</th>
<th>Excavation or filling between the street and building, or within 3m of the street alignment, whichever is the lesser, shall not exceed 0.5m, except where necessary to provide for pedestrian or vehicle access, drainage works or natural light for a dwelling.</th>
</tr>
</thead>
</table>

Between 0.1m and 0.5m is required.

Yes
### Required (Deemed-to Comply Provision) vs Provided

<table>
<thead>
<tr>
<th>Provision</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>C6.2 Excavation or filling within a site and behind a street setback line limited by compliance with building height limits and building setback requirements.</td>
<td>Yes</td>
</tr>
<tr>
<td>The total height of the building is 8 storeys, which is compliant with PP3.2.5.</td>
<td></td>
</tr>
<tr>
<td>The amount of filling proposed is minimal and is required to create a level site.</td>
<td></td>
</tr>
</tbody>
</table>

| C6.3 Subject to clause 6.3.6 C6.2, all excavation or filling behind a street setback line and within 1m of a lot boundary shall not be more than 0.5m above the natural ground level at the lot boundary except where otherwise stated in a local planning policy or local development plan. | N/A        |
| See C6.1 above.                                                          |            |

### 6.3.8 Stormwater Management

<table>
<thead>
<tr>
<th>Provision</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>All water draining from roofs, driveways, communal streets and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.</td>
<td></td>
</tr>
<tr>
<td>All stormwater must be contained and disposed of on site.</td>
<td>Noted</td>
</tr>
</tbody>
</table>

### 6.4.1 Visual Privacy

<table>
<thead>
<tr>
<th>Provision</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level and overlook any part of any other residential property behind its street setback line are:</td>
<td>Yes - the proposed development achieves the Design Principles of the R-Codes.</td>
</tr>
<tr>
<td>i. set back, in direct line of sight within the cone of vision, from the lot boundary, a minimum distance as prescribed in the table below (refer Figure Series 10):</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Types of habitable rooms/active habitable spaces</th>
<th>Location</th>
<th>Setback for areas coded R50 or lower</th>
<th>Setback for areas coded higher than R50</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major openings to bedrooms and studies</td>
<td>4.5m</td>
<td>3m</td>
<td></td>
</tr>
</tbody>
</table>
A setback of 2.4m has been provided to balconies on the eastern side of the building, in lieu of the 6m required. This variation is considered acceptable as only overlooking of an adjacent public carpark occurs, which is identified to remain as such in PP3.2.5.

<table>
<thead>
<tr>
<th>Required (Deemed-to Comply Provision)</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major openings to habitable rooms other than bedrooms and studies</td>
<td>6m</td>
<td>4.5m</td>
</tr>
<tr>
<td>Unenclosed outdoor active habitable spaces</td>
<td>7.5m</td>
<td>6m</td>
</tr>
</tbody>
</table>

or;

ii. are provided with permanent screening to restrict views within the cone of vision from any major opening or an unenclosed outdoor active habitable space.

6.4.1 Visual Privacy 6.4.1

C1.2 Screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height, at least 75 per cent obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property.

Note:

i. Where the subject site and an affected adjoining site are subject to a different R-Codes, the setback distance is determined by reference to the lower density code.

ii. Line of sight setback distances shall be measured by application of the cone of vision set out in Figure Series 10.

iii. Line of sight setback distances include the width of any adjoining right-of-way, communal street or battleaxe leg or the like.

iv. These provisions apply to adjoining sites only where that land is zoned to allow for residential development.

N/A, see Clause C1.1 above. N/A
### 6.4.2 Solar Access for Adjoining Sites

<table>
<thead>
<tr>
<th>C2.2</th>
<th>Where a development site shares its southern boundary with a lot, and that lot is bound to the north by another lot(s), the limit of shading for the development site set out in clause 6.4.2 C2.1 shall be reduced proportionate to the percentage of the affected property's northern boundary that the development site abuts (refer to Figure 11b).</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The subject site shares its southern boundary with a road reserve.</td>
</tr>
<tr>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Note:** This context site area refers to the surface of the adjoining lot and is measured without regard to any building on it but taking into account its natural ground level.

### 6.4.3 Dwelling Size

<table>
<thead>
<tr>
<th>C3.1</th>
<th>Development that contains more than 12 dwellings are to provide diversity in unit types and sizes as follows: minimum 20 per cent 1 bedroom dwellings, up to a maximum of 50 per cent of the development; and minimum of 40 per cent 2 bedroom dwellings; and</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6 Large, 48 Medium and 36 Small type Dwellings are provided. This equates to 40% 1 bedroom dwellings and 53% 2 bedroom dwellings.</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C3.2</th>
<th>The development does not contain any dwellings smaller than 40m² plot ratio area.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Dwelling sizes range from 50m² to 113m².</td>
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<tr>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

### 6.4.5 External Fixtures

<table>
<thead>
<tr>
<th>C5.1</th>
<th>Solar collectors installed on the roof or other parts of buildings.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No solar collectors are proposed.</td>
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<tr>
<td></td>
<td>N/A</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>C5.2</th>
<th>Television aerials of the standard type, essential plumbing vent pipes above the roof line and external roof water down pipes.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No television aerials or external water down pipes are proposed to be visible from the street.</td>
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<tr>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

| C5.3 | Other external fixtures provided they are:  
  i. not visible from the primary street;  
  ii. are designed to integrate with the building; or  
  iii. are located so as not to be visually obtrusive |
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td></td>
<td>No external fixtures are proposed to be visible from the street.</td>
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<tr>
<td></td>
<td>Yes</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>C5.4</th>
<th>Antennae, satellite dishes and the like not visible from the street.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Fixtures are required to be screened from view of the street.</td>
</tr>
<tr>
<td></td>
<td>Noted</td>
</tr>
</tbody>
</table>
### 6.4.6 Utilities and Facilities

| C6.1 | An enclosed, lockable storage area, constructed in a design and material matching the building/dwelling where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5m and an internal area of at least 4m² shall be provided for each multiple dwelling. | A total of 90 storage areas have been provided. 7 of the storage areas for the 1 x 1 units only achieve an area of 3.75m² in lieu of the 4m² required. This variation is considered acceptable as the storerooms are conveniently located for residents and are able to be secured and managed, which meets the Design Principles. | Partial. See explanation. |
| C6.2 | Where rubbish bins are not collected from the street immediately adjoining a dwelling, there shall be provision of a communal pick-up area or areas which are:  
  i. conveniently located for rubbish and recycling pick-up;  
  ii. accessible to residents;  
  iii. adequate in area to store all rubbish bins; and  
  iv. fully screened from view from the primary or secondary street. | Residential and commercial bin storage areas have been proposed on the ground floor level, adjacent Empress Corner. | Yes |
| C6.3 | Clothes-drying areas screened from view from the primary or secondary street. | No clothes-drying facilities are shown on the plans. Clothes-drying facilities must be screened from view of the street. | Noted |
Rockingham Strategic Metropolitan Centre Plan (Centre Plan)

Under ‘Statement of Planning Policy 4.2 - Activity Centres for Perth and Peel’ (August 2010), the WAPC requires the City of Rockingham to prepare and maintain an endorsed Activity Centre Structure Plan (Centre Plan) to guide the development of public and private property within the Rockingham Strategic Metropolitan Centre.

In 2006, the City commissioned a review of its 1995 Development Policy Plan with the goal of producing a new Centre Plan that would cover the full extent of the area to be serviced by the Rockingham City Centre Transit System (RCCTS).

The scope of the Centre Plan project covers an area of almost 600 hectares between the Rockingham Train Station and Rockingham Beach and includes the area covered by the existing Central City Area zone in the Metropolitan Region Scheme. The location of the Centre Plan planning envelope is shown in Figure 17.

17. Rockingham Strategic Metropolitan Centre Boundary

Stage 1 of the Centre Plan Review laid down an overall Concept Plan that addressed the priority issues of a better connected access and movement network and a land use pattern based on contemporary 'Main Street' and 'Transit Oriented Development' principles. A Framework Plan translated the Concept Plan into a general arrangement of legible street blocks, built form and public space.

The overall Centre Plan area was divided into 11 Sectors (refer to Figure 18) as follows:

- City Centre
- Waterfront Village
- Smart Village (South)
- Smart Village (North)
- Northern Gateway
In February 2008, following an extensive consultation process, the City of Rockingham endorsed the long term planning framework and transport network recommendations for the Strategic Metropolitan Centre, as proposed in the Stage 1 Report.

Stage 2 of the Centre Plan Review updated the 1995 Development Policy Plan (DPP) for the City Centre Sector, with a revised Indicative Development Plan and related Precinct Policies and Guidelines. The Council endorsed the Stage 2 Final Reports in September 2009.

In November 2009, the WAPC Statutory Planning Committee considered the Stage 2 Final Reports on the Review of the Rockingham Strategic Metropolitan Centre and resolved to endorse the documents as an appropriate Centre Plan to guide future planning and development.

**Planning Context – Approved Centre Plan**

The 2009 Centre Plan sets the broad planning framework for the Strategic Metropolitan Centre and provides general direction for the detailed planning investigations to follow, i.e. the preparation of Development Policy Plans (DPP’s) for each Sector.

The Centre Plan developed a ‘Vision’ to guide planning and development of the Centre:

“The vision is for a modern, distinctly coastal centre offering a wide range of mixed uses including retail, commercial, office, civic, residential, education and recreation within an accessible and highly inter-connected, urban-scaled townscape,
comprising a major activity centre and related urban villages based on ‘Main Street’ principles.”

In addition, the Centre Plan laid out a series of guiding ‘planning and development’ principles covering:

- Built Form and Urban Design
- Access and Parking
- Public Domain
- Land Uses
- Safety and Security
- Sustainability

**Regional Centre Concept Plan**

An overall Concept Plan (refer to Figure 19) was developed in conjunction with the preparation of Access and Movement Network options. The Concept Plan sets out generalised land uses, with the local public transit system (i.e. the Rockingham City Centre Transit System) the focus of an intensified corridor of mixed-use development between the City Centre, education campuses and the beachfront.

The Concept Plan envisages the:

- ongoing development of commercial and retail land in the core of the City Centre;
- development of two new Smart Villages (north and south of Dixon Road);
- creation of a ‘main street’ mixed use activity corridor along the route of the transit system; and
- intensification of residential development (densities and built form) along the coastal route of the transit system.

![Regional Centre Concept Plan](image.png)
Transit Oriented Development (TOD) Potential

The approved Activity Centre Plan applied sustainable development principles to land development and redevelopment options, with particular emphasis on the TOD potential of land within the Centre.

The Centre Plan committed to achieving the vision of a fixed route, streetcar transit system as the focus of a corridor of high intensity, mixed-use development between the rail station and the beachfront.

The Activity Centre planning envelope was divided into eleven sectors (refer to Figure 19), to enable the TOD potential of each Sector to be assessed.

With respect to TOD potential of the Waterfront Village Sector, the Centre Plan states:

“Sector 2 - Waterfront Village

The Waterfront Village will continue with its transformation into a regionally significant beachfront hub with further redevelopment of under-utilised land and lower density properties. A vibrant mix of medium to high density residential and short-stay apartments, hospitality focused retail, offices and urban waterfront recreation uses will combine to make this a priority destination on the Rockingham coastline.”

Regional Centre Framework Plan

The approved Centre Plan presented a Framework Plan (refer to Figure 20), covering the 600 hectare Strategic Centre planning envelope, to illustrate a generalised arrangement of built form, movement networks, public and private spaces, which was consistent with the strategic arrangement of generalised land use functions, as shown on the Concept Plan.

The Framework Plan:

- recognises the potential for transit oriented development in each Sector;
- builds on the adopted Access and Movement Network;
- illustrates a long term (greater than 10 years) view of development and redevelopment; and
- provides a platform for detailed master planning (ie. DPP’s) of each Sector.
Residential Density and Height

A ‘Residential Density and Height’ overlay plan (refer to Figure 21) was prepared in conjunction with the Regional Centre Framework Plan. In respect of Residential Density, the overlay plan is designed to:

- guide the density of development, generally in accordance with the ‘Planning and Development Principles’ and the TOD framework, as described in the Centre Plan;
- distribute residential density in response to the land use functions, amenity and levels of mixed-use anticipated in each Sector; and
- Locate high density residential development within 250 metres of the transit route, concentrated in the core of the City Centre, and along the central spine of the Smart Village, Northern Waterfront and Waterfront Village Sectors.

Building Height is proposed to increase as development gets closer to the central transit route and also activity generators such as the core the City Centre, the Smart Village ‘main street’, the coast and beachfront. The Centre Plan provided further guidance with respect to the profile of building bulk and scale, in relation to public streets and spaces.

Frontage Type

A ‘Frontage Type’ overlay plan was also prepared with the Regional Centre Framework Plan, in accordance with consolidated ‘main street’ principles, to generally require buildings to frame, address and activate the street network.
The Frontage Plan illustrates an orderly arrangement of frontage types in ‘main street’ and mixed-use areas, based on the common principle that buildings to all streets, major laneways and public spaces should be activated.

At least four Frontage Types are envisaged, with building frontages positioned (from the street boundary) and managed (level of required activation) according to the required streetscape character.

**Planning Policy 3.2.5 - Development Policy Plan - Waterfront Village Sector (PP3.2.5)**

**Waterfront Village Sector**

The Waterfront Village Sector is one of eleven within the Rockingham Strategic Centre (see Figure 18).

**Indicative Development Plan**

An Indicative Development Plan (IDP) (see Figure 22) has been prepared for the Waterfront Village Sector, which illustrates a more detailed interpretation of the Centre Plan. The IDP identifies residential apartments over public carpark. The subject site is on a separate title to the adjacent public carpark. The proposal is consistent with the IDP as it provides residential apartments.

22. Waterfront Village Indicative Development Plan
Residential Density

PP3.2.5 provides a Residential Density Overlay (see Figure 23) which is intended to manage the density of development in accordance with the planning principles and adopted Transit Orientated Development model of the Centre Plan.

The subject site has a preferred residential density of 100-200 dwellings per hectare. The proposed development provides the equivalent of 333 dwellings per hectare, which is above the maximum of 200 dwellings per hectare prescribed in the density range. Given the proximity of the site to the transit route, this variation is considered acceptable as it does not adversely affect the site and its surrounds by virtue of the overall scale of the development and the development is otherwise compliant with the required elements and building height development controls of PP3.2.5.
Building Height

PP3.2.5 provides a Building Height Overlay (BHO) (see Figure 24) to the IDP, which permits building heights generally increasing in height in proximity to transit routes and activity generators.

Its intent is to ensure the building height provisions of the planning policy are generally consistent with the transit orientated development height provisions of the public advertised and Council and WAPC adopted Centre Plan.

The building heights of the BHO balance the sustainability advantages of high density mixed use development with the orderly and proper planning of the height and massing of buildings.

The subject site has a maximum building height of 30m/8 storeys. The proposed development is 33.8m/8 storeys in height. The overall height of the building excluding the wall concealing servicing equipment on the roof is 28.4m, which complies with PP3.2.5. The 3.8m variation is considered minor as it is only a small portion of the building used to conceal servicing equipment and does not constitute an additional storey.
Frontage Types

PP3.2.5 provides a Frontage Type Overlay (see Figure 25) has been formulated in accordance with consolidated 'Main Street' development principles that require buildings to frame, address and activate an interconnected hierarchical street network.

The proposed development requires Type 2 Frontage Type to Flinders Land and Type 3 Frontage to Empress Corner. The requirements of the frontage types are as follows:-

Type 2:
A medium level of frontage activation with secondary retail, customer oriented offices, small scale commercial tenancies and residential lobbies at ground level and a 2 to 3 storey façade positioned at the streetfront boundary. At the ground level, buildings should address the street with a primary business entrance and a commercial façade that is transparent over at least 60% of the area of the facade.

Type 3:
A moderate level of frontage activation with a mix of small scale commercial tenancies and residential apartments at ground level and a 2 to 3 storey façade positioned behind a 2 metre, green landscaped setback. At the ground level, the facades of mixed use buildings would address the street with a commercial shopfront, primary business entrance and/or residential entry lobby that is transparent over at least 60% of the area of the facade. The ground level of Village residential units would address the street with a façade that is transparent over at least 30% of its area.

The proposed development fronting Flinders Lane provides a façade that is transparent for 84.5% of the ground floor area of the façade, which meets the required minimum of 60%. The proposed development fronting Empress Corner provides 43.84% transparency of the ground floor façade area, which does not meet the 60% transparency requirement. This variation is considered acceptable as activation of the Empress Corner frontage is still achieved due to an access way to the development via Empress Corner and the majority of one of the commercial tenancies having its frontage to Empress Corner. The location of the access way on this frontage is also limitation to achieve the required transparency of glazing, as no building occurs over the access way. This variation is also considered acceptable as the City’s Waste Services require services to be located adjacent the street for ease of collection, and the bin store areas have been located as such to this frontage.

A nil setback to the development has been provided to Flinders Lane, which achieves the requirement for the façade to be positioned at the streetfront boundary. A nil setback to the development has also been proposed to Empress Corner, in lieu of a 2m landscaped setback area. This variation is considered acceptable as there is a 6-7m wide verge area from the lot boundary to Empress Corner, which provides adequate space to provide a landscaped area to the development from the street. It is recommended that a condition of Planning Approval be included requiring this area to be landscaped by the applicant.
Precincts

The Waterfront Village Sector Precinct Boundaries Plan divides the Waterfront Village Sector into seven precincts, which provide a more detailed explanation of the desired future character, preferred uses and required elements of development which each of the Precincts. The subject site is located within the Village Green Precinct (see Figure 26).
The following is an assessment against the provisions of PP3.2.5 for the Village Green Precinct:

<table>
<thead>
<tr>
<th>Desired Future Character</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The transformation of properties along the eastern side of Flinders Lane will continue with high density residential apartments being developed on sites close to the Village Square.</td>
<td>The proposed development provides high density residential apartments.</td>
<td>Yes</td>
</tr>
<tr>
<td>The remaining wedge of property between the car park site and the corner of Patterson Road and Kent Street warrants redevelopment to a higher density that is commensurate with its strategic proximity to the main attractions of the Waterfront Village.</td>
<td>The subject site is currently vacant, and the proposal is to develop the subject site to a high density which is compliant with the desired future character of the site.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Preferred Uses</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The preferred uses within the Village Green Precinct are as follows:- • retail • arts and entertainment • eating and drinking places • short-stay accommodation • offices and commercial • recreation • multiple dwellings/residential • civic and community • leisure</td>
<td>The proposed development provides a mix of residential multiple dwellings and office space.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Required Elements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Precinct is to be developed as a quality, mixed use area, framed by generally contiguous, streetfront buildings which address the street with a mix of tenancies in a manner consistent with contemporary ‘Main Street’ principles.</td>
<td>The proposed development provides a mix of residential multiple dwellings and four contiguous ground floor office tenancies. The development is considered to be consistent with Main Street principles.</td>
<td>Yes</td>
</tr>
<tr>
<td>Buildings are to be located, configured and activated to frame and address street frontages, laneways and other public spaces in a way that is generally consistent with the Precinct Concept Plan and relevant ‘Frontage Types’ as indicated in Section 3.7.</td>
<td>The proposed development provides a nil setback and activation to the street via office tenancies to both Flinders Lane and Empress Corner. The proposed development fronting Flinders Lane provides a façade that is transparent for 84.5% of the ground floor area of the façade, which meets the required minimum of 60%.</td>
<td>Yes to Flinders Lane. Partial to Empress Corner - see explanation.</td>
</tr>
<tr>
<td>Policy Requirements</td>
<td>Planning Comments</td>
<td>Compliance</td>
</tr>
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<tr>
<td>The proposed development fronting Empress Corner provides 43.84% transparency of</td>
<td>The proposed development fronting Empress Corner provides 43.84% transparency of the ground floor façade area, which does not achieve the 60% requirement. This variation is considered acceptable as activation of the Empress Corner frontage is still achieved due to an access way to the development via Empress Corner and the majority of one of the commercial tenancies having its frontage to Empress Corner. The location of hydrants, an access way and servicing equipment to Empress Corner is required for the functionality of the building.</td>
<td></td>
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<tr>
<td>the ground floor façade area, which does not achieve the 60% requirement. This</td>
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<tr>
<td>variation is considered acceptable as activation of the Empress Corner frontage is</td>
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<tr>
<td>still achieved due to an access way to the development via Empress Corner and the</td>
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<tr>
<td>majority of one of the commercial tenancies having its frontage to Empress Corner.</td>
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<tr>
<td>The location of hydrants, an access way and servicing equipment to Empress Corner</td>
<td></td>
<td></td>
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<tr>
<td>is required for the functionality of the building.</td>
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</tr>
<tr>
<td>Building frontages are to be activated in all cases and the preferred ground floor</td>
<td>The proposed development provides an activated streetfront to Flinders Lane and Empress corner by virtue of office tenancies at ground level and access driveways.</td>
<td>Yes</td>
</tr>
<tr>
<td>uses along Kent Street are retail or commercial.</td>
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<tr>
<td>Consistent with Figure 3.2 ‘Residential Density’, residential development within</td>
<td>The proposed development provides a mix of dwelling sizes and achieves a density of 333 dwellings per hectare, which is greater than the preferred residential density. The increase in density is not considered to adversely affect the site and its surrounds by virtue of the overall scale of the development and the development is otherwise compliant with the required elements and building height development controls of PP3.2.5.</td>
<td>Yes, the proposed development exceeds the density requirements - see explanation.</td>
</tr>
<tr>
<td>the Precinct is to be developed to accommodate a balanced mix of dwelling sizes at</td>
<td></td>
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<tr>
<td>preferred densities ranging from 100 to 200 dwellings per hectare, with a minimum</td>
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<td>density of 80 dwellings per hectare in any development which includes a residential</td>
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<tr>
<td>component.</td>
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<tr>
<td>Building height, upper level setbacks, side setbacks etc are to be determined by</td>
<td>The propose development achieves a 2 storey parapet height to the street. Overshadowing will occur to the road reserve and a small portion of the undeveloped side setback of Lot 802. No residential properties or public open spaces will be impacted by overshadowing.</td>
<td>Yes</td>
</tr>
<tr>
<td>reference to Sections 3.4 - 3.7 and 4.2.5, Figures 3.3, 3.3.1 and 3.3.3 and are</td>
<td></td>
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<tr>
<td>to present a minimum 2 storey (6.0m) or equivalent parapet height to the street or</td>
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<tr>
<td>relevant public space. The scale and massing of buildings are to be designed to</td>
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<tr>
<td>minimise overshadowing of adjoining residential properties and public spaces.</td>
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<tr>
<td>Policy Requirements</td>
<td>Planning Comments</td>
<td>Compliance</td>
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<tr>
<td>Notwithstanding the constraints imposed by the high water table, ground floor levels should match the adjacent level of public footpath wherever a medium to high level of frontage activation is indicated on the ‘Frontage Types’ plan in Section 3.7. In other situations, ground floor levels should not exceed 1.0m in height above the level of the adjacent public footpath.</td>
<td>The ground floor level matches the adjacent site levels. There is currently no footpath adjacent the Empress Corner frontage.</td>
<td>Yes</td>
</tr>
<tr>
<td>Car parking is to be provided in accordance with Clauses 4.15, 4.16 and Table 4 of Town Planning Scheme No.2, refer to Appendix 1.</td>
<td>Carparking has been provided in accordance with TPS2.</td>
<td>Yes</td>
</tr>
<tr>
<td>Car parking is not permitted between the road reserve boundary and building frontages.</td>
<td>All carparking is located behind building frontages.</td>
<td>Yes</td>
</tr>
<tr>
<td>Off-street car parking is to be located behind, under or over ground floor, streetfront buildings or alternatively, no closer than 20 metres to the streetfront boundary in the case of land identified in the IDP for future building development.</td>
<td>All carparking is located behind building frontages.</td>
<td>Yes</td>
</tr>
<tr>
<td>To complement the City’s townscape objectives for the Waterfront Village, the massing, articulation and facade treatments of all development will be required to adhere to a quality, urban waterfront aesthetic. The basic building finishes should favour materials which complement the colours and textures of the Rockingham coastal landscape to the satisfaction of the City.</td>
<td>The articulation and façade treatments of the proposed development are considered consistent with a quality, urban waterfront aesthetic and are considered to complement existing apartment developments within the precinct.</td>
<td>Yes</td>
</tr>
<tr>
<td>Corrugated steel (whether painted or not) or similar wall cladding, face brickwork, reflective glass and curtain-walling will not be permitted.</td>
<td>No corrugated steel, face brickwork or reflective glass and curtain-walling are proposed.</td>
<td>Yes</td>
</tr>
<tr>
<td>Policy Requirements</td>
<td>Planning Comments</td>
<td>Compliance</td>
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<tr>
<td>The frontage of any building is to incorporate and maintain the required area of transparent facade with suitably glazed shopfronts, windows and doors, consistent with the applicable ‘Frontage Types’ set down in Section 3.7.</td>
<td>The proposed development fronting Flinders Lane provides a facade that is transparent for 84.5% of the ground floor area of the facade, which meets the required minimum of 60%. The proposed development fronting Empress Corner provides 43.84% transparency of the ground floor facade area, which does not meet the 60% transparency requirement. This has been further explained in the Policy section of this report.</td>
<td>Yes to Flinders Lane. Partial compliance to Flinders Lane. See further explanation in the Policy section of this report.</td>
</tr>
<tr>
<td>Variety and high design standards will be encouraged in the fit-out, awning treatments, signage and private street furniture attached to individual premises. Where appropriate, the City will encourage businesses to use the widened and upgraded public footpaths for streetside dining, subject to private street furniture meeting design and quality standards acceptable to the City.</td>
<td>No streetside dining or private street furniture is proposed. A signage strategy is recommended should the proposed development be approved.</td>
<td>N/A</td>
</tr>
<tr>
<td>Any subdivision application is to be prepared in conjunction with an Integrated Development Guide Plan (IDGP), to be prepared by or on behalf of the land owner. The IDGP should illustrate three dimensional building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative car parking layouts and any rights of way or access easements required. In general, a rectilinear subdivision pattern will be preferred with a minimum lot size of 2,200m2 to allow for a simple and cohesive layout.</td>
<td>No subdivision is proposed.</td>
<td>N/A</td>
</tr>
<tr>
<td>In lieu of the normal landscaping requirements of the Scheme, developers may be required to contribute to the cost of streetscape and/or landscape works within the public domain in the general vicinity of their development site.</td>
<td>A Landscaping Plan is required to be submitted and approved by the City for works in the street verges.</td>
<td>Noted</td>
</tr>
<tr>
<td>Policy Requirements</td>
<td>Planning Comments</td>
<td>Compliance</td>
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</tr>
<tr>
<td><strong>Building Height Development Controls</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Height:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street front:-&lt;br&gt;Minimum 6.0m or 2 storeys,&lt;br&gt;maximum 12.5m or 3 storeys&lt;br&gt;within 3.5m street setback,&lt;br&gt;maximum 19.0m between 3.5m&lt;br&gt;and 6.0m street setback.</td>
<td>A nil setback for building to a height of 7m has been provided.&lt;br&gt;A 3m setback has been provided thereafter to a 33.8m height.&lt;br&gt;The overall height of the building excluding the wall concealing the lift shaft on the roof is 28.4m, which complies with PP3.2.5. The minor variation in height to a small portion of the building is not considered to add to building bulk and is therefore considered acceptable.</td>
<td>Yes</td>
</tr>
<tr>
<td>Remainder of site:&lt;br&gt;Maximum 30.0m within 300 metres of coastline and 45.0m or 12 storeys beyond 300 metres from coastline - subject to Sections 4.2.5 (b), (c) and (d).</td>
<td>The site is within 300m of the coastline. A maximum height of 33.8m has been provided.&lt;br&gt;The overall height of the building excluding the lift shaft on the roof is 28.4m, which complies with PP3.2.5. The variation is considered minor as it is only a small portion of the building and does not constitute an additional storey.</td>
<td>Yes - see explanation.</td>
</tr>
<tr>
<td>Ground floor to first floor:-&lt;br&gt;Minimum 3.6m with a minimum floor to ceiling height clearance of 3.0m.</td>
<td>A floor to ceiling height of 3.55m has been provided with a floor to ceiling height of 2.7m.&lt;br&gt;This variation is considered acceptable as the floor to ceiling height variation is minor in nature and a commercial operation can still occur within a tenancy with a floor to ceiling height of 2.7m under the requirements of Building Code of Australia.</td>
<td>No - see explanation.</td>
</tr>
<tr>
<td>Front Setbacks:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nil at streetfront to 12.5m high,&lt;br&gt;3.5m thereafter to 19.0m high,&lt;br&gt;6m thereafter. Refer to R-codes for solar access to properties on the southern side of Patterson Road.</td>
<td>A nil setback for building to a height of 7m has been provided.&lt;br&gt;A 3m setback has been provided thereafter to a 33.8m height.&lt;br&gt;The proposed variations to the required setbacks and related height and massing along Flinders Lane is not considered to detrimentally impact the streetscape of the Precinct as variations to street setbacks have previously been approved for adjacent developments.</td>
<td>Partial - see explanation.</td>
</tr>
</tbody>
</table>
Building Height Development Controls

Side Setbacks:

| Nil to 2 or 3 storey podium height. Minimum 4.0m above podium height. | A 5.2m setback has been provided to the development (with the exception of a carpark exhaust fan room) to the northern side boundary. A nil setback to all other side boundaries has been provided, which is considered acceptable given the subject site is a corner site and is adjacent a public carpark on the eastern side. | Yes |

Planning Policy 3.3.14 - Bicycle Parking and End-of-Trip Facilities (PP3.3.14)

PP3.3.14 aims to facilitate the appropriate provision of secure, well designed and effective on site bicycle parking and end-of-trip facilities to encourage the use of bicycles as a means of transport and access to and within the City.

Bicycle Parking

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Required</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Short Term</td>
<td>Long Term</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rate</td>
<td>Amount</td>
<td>Rate</td>
</tr>
<tr>
<td>Multiple Dwellings</td>
<td>1/10 - dwellings</td>
<td>9</td>
<td>1/3 dwellings</td>
</tr>
<tr>
<td>Office (288m² NLA)</td>
<td>1/500m² NLA</td>
<td>1</td>
<td>1/200m² NLA</td>
</tr>
<tr>
<td>Total Required</td>
<td></td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Total Provided</td>
<td></td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

The proposed development provides a bicycle cage to the rear of the ground floor carpark but does not specify the amount of bicycles that can be accommodated within this area.

The provision of 10 short term parking bay in accordance with AS 2890.3 - Bicycle Parking Facilities and Austroads Part 14 - Bicycles is required, being the total number of short term bays required for the office component of the development. It is not considered necessary to provide the 32 long term bays required for the multiple dwellings given each dwelling will have a store area to store bicycles if required. The location of the short term bays should be relocated in the road reserve adjacent to the building as is permitted by PP3.3.14, to ensure the parking bays are easily accessible and placed in public view.

End-of-Trip Facilities

<table>
<thead>
<tr>
<th>Number of Long Term Parking Spaces Required</th>
<th>Rate</th>
<th>Amount</th>
<th>Number of showers provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>32</td>
<td>4 (two male, two female) plus additional showers at the rate of 2 showers (one male, one female) for every 10 long term parking spaces after 20 provided thereafter.</td>
<td>4 (two male, two female) showers and change facilities.</td>
<td>1 shower and change room has been provided in each office tenancy (4 in total).</td>
</tr>
</tbody>
</table>
Given showers are provided in each multiple dwelling, only showers to service the office component of the proposed development is recommended. The applicant has proposed 4 showers (one in each office tenancy) which meets the required amount.

The proposed development is compliant with PP3.3.4. The applicant is required to provide 10 short term bicycle parking bays and ensure end-of-trip facilities are designed in accordance with PP3.3.14.

e. Financial

Nil

f. Legal and Statutory

Rockingham Town Planning Scheme No. 2 (TPS2)

Clause 3.2 - Zoning Table

The subject site is zoned ‘Primary Centre Waterfront Village’ under TPS2. The proposed uses are interpreted as ‘Multiple Dwelling’ and ‘Office’, which are ‘D’ uses, which means that the use is not permitted unless the local government has exercised its discretion by granting Planning Approval.

Clause 4.3.2 - Objectives of the Primary Centre

The subject site is located within the Primary Centre as defined by Clause 4.3.1 of TPS2, which forms part of the Rockingham Strategic Metropolitan Centre. The proposed development is considered to be consistent with the Objectives of the Primary Centre which are:

(a) to establish a people orientated, mixed use Primary Centre through the development of urban scaled, inner city housing, which will allow people to live within walking distance of work, shops and a wide range of social and community activities;

(b) to create a series of connected villages and precincts with distinctly inner-city characteristics and a level of amenity that encourages consolidated, medium to high density residential development between the City Centre and Rockingham Beach along a fixed route transit system;

(c) to foster the provision of a balanced and diverse mix of uses within the Primary Centre which will contribute to the development of an active and interesting character in the public and private domain of the Primary Centre;

(d) to encourage and facilitate sustainable economic growth and employment self sufficiencies in the Primary Centre;

(e) to promote the Rockingham Primary Centre as the preferred location for investment in higher order public and employment generating infrastructure, to foster employment self sufficiency and to reduce travel distances for employees living in the region;

(f) to foster the development of a credible and legible Primary Centre which possesses a diversity of activities through its built form and public spaces, framed around a legible public street pattern, with generally contiguous and active building frontages positioned at the street front boundary;

(g) to facilitate efficient access to the Primary Centre and between the various social and economic activities within it (the Primary Centre), through the accommodation of pedestrian, cycle, public transport and private vehicles in a manner which supports the development of a consolidated, pedestrian-oriented urban environment;

(h) to create a permeable, well connected network of public streets, laneways, arcades and public spaces that provide high quality linkages, particularly for pedestrians, to support the full range of Primary Centre activities;

(i) to provide a range of activities in the Primary Centre, which will encourage people to mix and create a strong sense of community;

(j) to create high quality public spaces to foster community use and interaction and to create a sense of place and public ownership;
(k) to create a street-based transit system, with closely spaced stops, which will encourage a highly utilised public transport system;

(l) to develop the Rockingham Primary Centre to offer a high standard of amenity and urban design, planned according to transit oriented development principles around a fixed route public transport system;

(m) to provide an appropriate land use pattern, which will sustain a fixed route public transport system that encourages mixed use development, higher density residential development and employment patterns;

(n) to facilitate generally contiguous development along a fixed transit route that offers multiple choices in lifestyle and convenience, focused on the public transport alignment;

(o) to develop the Rockingham Primary Centre in accordance with the Western Australian Planning Commission Activity Centre hierarchy, to ensure a long-term and integrated approach by public authorities to the planning economic and social infrastructure; and

(p) to develop the Rockingham Primary Centre to provide a similar level of services and functions to the Perth Central Business District.

Clause 4.3B - Primary Centre Waterfront Village Zone

Clause 4.3B provides the Objectives, Residential Design Code requirements and Minimum Residential Density requirements of the Primary Centre Waterfront Village as outlined below.

Clause 4.3B.1 - Objectives of the Zone

The subject site is zoned 'Primary Centre Waterfront Village' under TPS2. The objectives of the Primary Centre Waterfront Village Zone are as outlined below:-

"(a) to promote contemporary waterfront residential and accommodation, commercial, tourism and recreational activities, which serves local residents and visitors alike, in accordance the Development Policy Plan for the Waterfront Village Sector;

(b) to maximise the potential of the northerly coastal aspect, sheltered beach and shady parkland of the Waterfront through appropriate quality built form and site responsive architecture;

(c) to achieve appropriate land use and built form outcomes, including a range of medium to high density housing, within a walkable catchment of the central public transit system;

(e) to provide contiguous, activated street front development;

(f) to promote active day and night time retail and social environments;

(g) to encourage vibrant and diverse uses which promote the Waterfront as a destination;"

The proposed development is considered to be consistent with the objectives of the Primary Centre Waterfront Village zone.

Clause 4.3B.2 - Residential Design Codes (R-Codes)

Clause 4.3B.2 outlines provisions relating to residential development in the Primary Centre Waterfront Village Zone as outlined below:-

"(a) Where residential development is proposed the R-AC0 density code of Residential Design Codes is to apply.

(b) In order to encourage residential development within the Primary Centre Waterfront Village Zone, consistent with the urban design objectives for individual Precincts set out in the Policy or other adopted Policies, the Council may exercise its discretion in respect to the Residential Design Codes provisions."

By virtue of Table No.4 of the R-Codes, the R-AC0 density code requires assessment against the development requirements of a local structure plan or local development plan.
The applicable local development plan is *Planning Policy 3.2.5 - Development Policy Plan - Waterfront Village Sector (PP3.2.5).*

As assessment against the relevant provisions of the R-Codes not dealt with by PP3.2.5 is contained within the Policy section of this report.

**Clause 4.3B.3 - Minimum Residential Density**

A minimum density of 1 dwelling per 180m² of land area for all development for the purpose of grouped or multiple dwellings is required by Clause 4.3B.3 in the Primary Centre Waterfront Village Zone. Based on a site area of 2,697m², a minimum of 15 dwellings is required. The development provides a total of 90 dwellings. This exceeds the minimum density requirements.

**Clause 4.15 - Carparking**

Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table 3 of TPS2. The carparking requirement for Multiple Dwellings is as per the Residential Design Codes (R-Codes).

Clause 4.15.2.1 of TPS2 also requires, for development other than development for any of the purposes dealt with by the R-Codes, not less than 60% of the minimum number of carparking bays required by TPS2 be provided in the form of cash-in-lieu payment to the Council.

The visitor allocation as per the Residential Design Codes must also be provided in the form of cash-in-lieu payment to the Council. The number of parking spaces provided on-site must also be reduced by the number of parking spaces provided through the cash-in-lieu contribution.

As assessment of the proposed carparking against the requirements of TPS2 is provided below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Table No.3 Requirement</th>
<th>Bays Required</th>
<th>Cash-in-Lieu Requirement</th>
<th>Total Required On-Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple Dwellings</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 large (&gt;110m²)</td>
<td>1.25 per dwelling*</td>
<td>8</td>
<td>nil</td>
<td>8</td>
</tr>
<tr>
<td>48 medium (75-110m²)</td>
<td>1 per dwelling*</td>
<td>48</td>
<td>nil</td>
<td>48</td>
</tr>
<tr>
<td>36 small (&lt;75m² or 1 bedroom)</td>
<td>0.75 per dwelling*</td>
<td>27</td>
<td>nil</td>
<td>27</td>
</tr>
<tr>
<td>Visitor Parking</td>
<td>0.25 per dwelling</td>
<td>23</td>
<td>23</td>
<td>0</td>
</tr>
<tr>
<td>Office</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>119m² NLA</td>
<td>1 bay per 40m² NLA</td>
<td>3</td>
<td>1.74</td>
<td>2</td>
</tr>
<tr>
<td>64m² NLA</td>
<td>1 bay per 40m² NLA</td>
<td>2</td>
<td>0.96</td>
<td>1</td>
</tr>
<tr>
<td>59m² NLA</td>
<td>1 bay per 40m² NLA</td>
<td>2</td>
<td>0.88</td>
<td>2</td>
</tr>
<tr>
<td>52m² NLA</td>
<td>1 bay per 40m² NLA</td>
<td>2</td>
<td>0.78</td>
<td>2</td>
</tr>
<tr>
<td>Total Required</td>
<td>115</td>
<td></td>
<td>27.36</td>
<td>87</td>
</tr>
<tr>
<td>Total Provided On-Site</td>
<td>152</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Carparking requirements are based on Location A as per Clause C3.1 of the R-Codes.
The applicant is required to provide a total of 87 bays on site and 27.36 bays in the form of cash-in-lieu payment to the Council.

The plans show a total of 152 bays, however, 24 spaces are in a tandem formation. The tandem bays are only considered suitable to service single dwellings, as using the bays for more than one dwelling or commercial land uses results in a lack of functionality and accessibility of the bays. Excluding the tandem bays, which are only to be used for single dwellings, 128 bays are available on site, and therefore the amount of carparking available on site meets the requirements for the development regardless of the proposed tandem bays.

g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

Comments

The City sought advice from its Urban Design Consultant (Max Margetts & Associates) with respect to the proposed development, which provided the following advice:

"Background

The proposed development is subject to publicly advertised and adopted provisions of Town Planning Scheme No.2 and Planning Policy No. 3.2.5.

The formulation of PP 3.2.5 included detailed consideration of urban design issues that contribute to the management of built form outcomes within the context of high density urban renewal.

It was recognized for example, that the earlier ‘Building Height Model’ which was adopted over a confined area of the Waterfront Village by the Council in 2003, needed to be updated and expanded in scope and reach to address the whole of the Waterfront Village Sector as defined by the wider WAPC endorsed Centre Plan.

The updated Waterfront Village Development Policy Plan also needed to assess the positive and negative impacts of completed development within the Sector, including completed apartment towers along Rockingham Beach Road.

High residential densities and mixed use outcomes are generally consistent with the primary objective of transit oriented development, as generally advocated in Policy.

The massing of built form was also factored into the Policy, with taller buildings gradually stepping back from street front boundaries as they rise above podium height to maintain amenity and a sense of pedestrian scale within activated streetscapes.

These considerations were factored into the detail of Sections 3.5, 3.6, 3.7 and 4.2 of PP 3.2.5 and have direct application to the proposed development.

Compliance with Planning Policy 3.2.5 – Waterfront Village Development Policy Plan

Under the DPP, relevant "Planning and Development Principles" are listed in Section 2.2. "Relevant Residential and Mixed Use Building Typologies” are referred to in Section 3.3. "Residential Density”, "Building Height” and "Frontage Types” are referred to in Sections 3.5, 3.6 and 3.7. More specific requirements for development on the subject site are covered by the "Village Green Precinct Policy” in Section 4.2, “Required Elements” and “Development Controls” are referred to in Sections 4.2.4 and .2.5.

Reference is made to these provisions as necessary in the following commentary.

Section 2.2 Planning and Development Principles

Section 2.2.1 Built Form & Urban Design

The proposal complies with the intent of a number of the Built Form and Urban Design Principles but does not satisfy the requirement for "buildings to address the street and……provide interest and interaction between buildings and pedestrians at street level” (i.e. street front activation) along the Empress Corner frontage.
Section 2.2.4 Land Uses
The proposal satisfies the mixed use intent of the Policy.

Section 3.3 Relevant Residential and Mixed Use Building Typologies
Section 3.3 of the Policy states,

- “High density residential developments (including mixed use) should predominantly take the form of street framing developments preferably with internal landscaped courtyards located over basement and/or off-street car parking areas. Developments over 4 storeys in height should generally be sited on 2-3 storey podiums, with upper floors setback from the street front building line of the podium and set back from the adjoining lot boundaries.”

The proposed development is generally consistent with the mixed use building typology referred to in the Policy.

Section 3.5 Residential Density
The proposed development would exceed the Preferred Residential Density of 100-200 dwellings per hectare, but given the proximity of the site to the transit route this would only be of concern if the resulting built form failed to materially comply with associated detailed guidelines described in Section 4 of the Policy.

Section 3.6 Building Height
The overall 8 storey height of the proposed development would comply with the Policy. However, the height of the building within areas covered by upper floor setbacks from Flinders Lane and Empress Court (ie. the massing of the building) would exceed the height limits specified in the Policy.

The Building Height provisions of the Policy, “…..balance the urban sustainability advantages of high density, mixed use development with the orderly management of height and massing of buildings within the following (relevant) parameters:

(a) Maintain a 2 to 3 storey building profile to a maximum height of 12.5 metres along all street frontages with building height above 3 storeys to be setback as specified in the Precinct Policies.

(b) Locate development over 19.0 metres (5 storeys) in height on 2-3 storey podiums, with upper floors setback a minimum of 6.0m from the street front building line of the podium and separated from adjoining buildings to maintain vistas, solar access and an appropriate level of visual permeability.

(g) Ensure that new development falls within the maximum building height limits depicted on Figure 3.3 (of the Waterfront Village DPP)………”

The setbacks from Flinders Lane and Empress Corner and related height and massing of the residential floor levels above 12.5 metres in height within those setback areas would not comply with either the second part of Section 3.6 (a) or Section 3.6 (b).

However, the 0-2.5 metre variation to required setbacks and related height and massing along Flinders Lane is not considered significant in the townscape context of a site facing onto the expanse of the Village Green. We note that recent approvals for nearby apartment developments on Lots 801 and 802 Flinders Lane have been approved with variations to required setbacks and related massing.

The more significant variation to required setbacks and related height and massing along Empress Corner could also be accepted on the grounds that Empress Corner functions more like a laneway between adjoining buildings and the overall space between apartment towers on both sides of the road would comfortably exceed the minimum 8.0 metre spatial separation required under Section 4.2.5(c) of the Policy.

Section 3.7 Frontage Types
The proposed ground level frontage treatment to Flinders Lane would comply with the Type 2, medium activation and glazing requirements of the Policy.
The proposed ground floor interface with Empress Corner is more problematic, with no setback proposed to a predominantly blank walled façade, when the DPP requires a Type 3, moderately activated (ie minimum 30% glazed) frontage behind a 2 metre setback.

The blank walled treatment of the Empress Corner frontage at street level is a significant CPTED issue given the high likelihood that pedestrians will walk between Village attractions (including late night clubs, bars, cafes and restaurants) and the Kent Street-Empress Court public car park via the Empress Corner footpath.

**Section 4.2 Village Green Precinct Policy**

**Section 4.2.4 Required Elements**

The proposed development would comply with much of the intent of Sections 4.2.4 (a), (c), (e), (i), (j) and (k) of the Policy, with the main issue of concern being the proposed blank walled frontage treatment to Empress Corner. This is at odds with the specific wording of Sections 4.2.4 (a), (b), (c) and (i) of the Policy.

**Section 4.2.5 Development Controls – Village Green Precinct**

The upper floor setbacks and related building height and massing of the proposed development do not comply with the Policy, however the variations are not considered to be significant in the immediate townscape context.

**Discussion & Conclusion**

The proposal is for an 8 storey, mixed use development in a part of the Waterfront Village where high density development would be appropriate as long as it is generally consistent with the required built form and townscape provisions of the Policy.

In this instance, the proposed development would satisfy the fundamental objectives and intent of the Policy with the exception of the proposed blank walled treatment of the ground level frontage to Compress Corner.

This aspect of the proposed design does not comply with either the intent or specific wording of the Policy with regard to frontage treatments and is not satisfactory from a CPTED perspective. The design should be modified to adequately address this issue.”

**Frontage Requirements**

Following advice received from City Officers and the Urban Design Consultant, the applicant submitted revised plans extending the area of commercial tenancy to Empress Corner to address the ground floor frontage type concerns raised. Whilst the 60% ground floor transparency requirement has not been achieved (the proposed development fronting Empress Corner provides 43.84% transparency of the ground floor façade area), this variation is considered acceptable as activation of the Empress Corner frontage is still achieved due to an access way to the development from Empress Corner and the majority of one of the commercial tenancies having its frontage to Empress Corner.

A nil setback to the development has also been proposed to Empress Corner, in lieu of a 2m landscaped setback area. This variation is considered acceptable as there is a 6-7m wide verge area from the lot boundary to Empress Corner, which provides adequate space to provide a landscaped area to the development from the street. It is recommended that a condition of Planning Approval be included requiring this area to be landscaped by the applicant.

The City is satisfied that the design of the proposed development meets the intent of PP3.2.5 and has addressed concerns regarding CPTED principles.

**Waste Disposal**

Bin Stores have been provided for the commercial and residential components of the proposed development, however, specific details as to the storage and disposal of waste have not yet been provided. Should the application be approved, it is recommended a condition be imposed requiring the preparation and implementation of a Waste Management Plan.

**Street Verandahs**

There is an encroachment of the verandah to a maximum of 4m into the road reserve extending on the southern and eastern portions of the site. The City supports this encroachment, as it is consistent with PP3.2.5 to provide verandahs and awnings over pedestrian thoroughfares to provide shelter.
Approval for encroachments over the road reserve is required under the Local Government (Miscellaneous Provision) Act 1960, and will need to comply with the City of Rockingham’s Street Verandah Local Law 2000. Should the application be approved, the applicant should be advised of these requirements.

**Conclusion**

The proposed mixed-use development is compliant with TPS2 and Policy Requirements.

The proposed development complies with the intent and objectives of the Village Green Precinct and the Waterfront Village Sector and is considered a desirable and suitable addition to the Precinct.

It is recommended that the SWJDAP conditionally approve the application for the proposed Mixed Use Development (90 Multiple Dwellings and 4 Offices).

### Voting Requirements

Simple Majority

#### Officer Recommendation

That Council **ADOPT** the Responsible Authority Report for the proposed Mixed Use Development at Lot 302 (No.1) Empress Corner, Rockingham, contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

*That the Metro South-West JDAP resolve to:*

**APPROVE** DAP Application reference DAP/15/00781 and accompanying plans:

- Site Plan, Drawing No.A01.02 REV C, dated 22.04.2015;
- Overshadowing Plan, Drawing No.A01.03 REV B, dated 22.04.2015;
- Ground Floor Plan, Drawing No.A02.01 REV E, dated 06.05.2015;
- First Floor Plan, Drawing No.A02.02 REV C, dated 22.04.2015;
- Podium Floor Plan, Drawing No.A02.03 REV C, dated 22.04.2015;
- Third Floor Plan, Drawing No.A02.04 REV C, dated 22.04.2015;
- Fourth Floor Plan, Drawing No.A02.05 REV C, dated 22.04.2015;
- Fifth Floor Plan, Drawing No.A02.06 REV C, dated 22.04.2015;
- Sixth Floor Plan, Drawing No.A02.207 REV C, dated 22.04.2015;
- Seventh Floor Plan, Drawing No.A02.08 REV C, dated 22.04.2015;
- Roof Plan, Drawing No.A02.09 REV C, dated 22.04.2015;
- Landscaping Plan, Drawing No.A02.10 REV A, dated 22.04.2015;
- Elevations Plan, Drawing No.A03.01 REV E, dated 06.05.2015;
- Elevations Plan, Drawing No.A03.02 REV C, dated 22.04.2015; and
- Sections Plan, Drawing No.A04.01 REV B, dated 22.04.2015

in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

**Conditions**

1. Arrangements being made to the satisfaction of the City of Rockingham for the payment of contributions towards the Administration and Community Infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, prior to works commencing.
2. It must be demonstrated to the City of Rockingham that the service vehicles required by the development can manoeuvre around the site (geometry and height). Plans demonstrating this access must be submitted to and be approved by the City of Rockingham prior to applying for a Building Permit.
3. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:-
   (i) the location of bin storage areas and bin collection areas;
   (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
   (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
   (iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development and maintained at all times.

4. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.

5. All stormwater generated by the development shall be designed to be contained of on-site and certified by a suitably qualified hydraulic consultant, prior to the application for a Building Permit. The design shall be implemented and maintained for the duration of the development.

6. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit.
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) The street setback area and all verge areas including landscaping, paving and reticulation.

The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.

7. The carpark must:
   (i) provide a minimum of 87 parking spaces;
   (ii) be designed in accordance with User Class 1 for Offices and 1A for Multiple Dwellings of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   (iii) include one car parking space dedicated to people with disabilities designed in accordance with User Class 4 of Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009. Design for access and mobility, Part 1: General Requirements for access—New building work;
   (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
   (v) have lighting installed, prior to the occupation of the development; and
   (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

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

8. A cash contribution being provided for 27.36 car parking spaces in accordance with clause 4.15.2.1 of Town Planning Scheme No.2, with the calculation of the cash contribution being in accordance with clause 4.15.6.2 of Town Planning Scheme No.2, must be provided to the City, prior to applying for a Building Permit.
9. Ten (10) short-term bicycle parking space must be provided for the development in the road reserve adjacent the proposed commercial tenancies. The parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, approved by the City of Rockingham prior to applying for a Building Permit, and constructed prior to occupancy of the development. The bicycle parking space must be retained and maintained in good condition at all times.

10. Four (4) secure hot-water shower, change room and clothing lockers must be provided for the development in accordance with the plans submitted. It must be designed in accordance with Planning Policy 3.3.14 - Bicycle Parking and End-of-Trip Facilities, approved by the City prior to applying for a Building Permit, and constructed prior to occupancy of the development. The showers and change rooms and lockers must be retained and maintained in good condition at all times.

11. Clothes drying facilities (excluding electric clothes dryers) shall be screened from view of Kent Street, Flinders Lane and Empress Corner.

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

13. In accordance with the requirements of Planning Policy 3.2.5 – Development Policy Plan - Waterfront Village Sector, entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Flinders Lane and Empress Corner, at all times.

14. Public or customer access to the commercial tenancies must be from Flinders Lane or Empress Corner.

15. Above-ground meter boxes must not be located in a street setback area at any time.

16. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham’s satisfaction prior to applying for a Building Permit.

17. Materials, sea containers, goods or bins must not be stored within the carpark at any time.

18. A Final Acoustic Assessment must be prepared which demonstrates that the completed development complies with the Environmental Protection (Noise) Regulations 1997, and including the following information, to the satisfaction of the City, prior to the occupation of the development:

(i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;

(ii) tonality, modulation and impulsiveness; and

(iii) confirm the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City of Rockingham.

2. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

3. The installation of security cameras linked to the City of Rockingham’s security camera surveillance system should be considered, to provide surveillance of the proposed facility and public areas adjacent to the development.
4. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.

5. With respect to Condition 6, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.

6. All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.

7. The development (awnings) must comply with the Street Verandahs Local Law 2000 relating to encroachments into the road reserve. The applicant and owner should liaise with the City's Building Services in this regard.

Committee Recommendation

Moved Cr J Smith, seconded Cr Whitfield:

That Council ADOPT the Responsible Authority Report for the proposed Mixed Use Development at Lot 302 (No.1) Empress Corner, Rockingham, contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

“That the Metro South-West JDAP resolve to:

APPROVE DAP Application reference DAP/15/00781 and accompanying plans:

- Site Plan, Drawing No.A01.02 REV C, dated 22.04.2015;
- Overshadowing Plan, Drawing No.A01.03 REV B, dated 22.04.2015;
- Ground Floor Plan, Drawing No.A02.01 REV E, dated 06.05.2015;
- First Floor Plan, Drawing No.A02.02 REV C, dated 22.04.2015;
- Podium Floor Plan, Drawing No.A02.03 REV C, dated 22.04.2015;
- Third Floor Plan, Drawing No.A02.04 REV C, dated 22.04.2015;
- Fourth Floor Plan, Drawing No.A02.05 REV C, dated 22.04.2015;
- Fifth Floor Plan, Drawing No.A02.06 REV C, dated 22.04.2015;
- Sixth Floor Plan, Drawing No.A02.207 REV C, dated 22.04.2015;
- Seventh Floor Plan, Drawing No.A02.08 REV C, dated 22.04.2015;
- Roof Plan, Drawing No.A02.09 REV C, dated 22.04.2015;
- Landscaping Plan, Drawing No.A02.10 REV A, dated 22.04.2015;
- Elevations Plan, Drawing No.A03.01 REV E, dated 06.05.2015;
- Elevations Plan, Drawing No.A03.02 REV C, dated 22.04.2015; and
- Sections Plan, Drawing No.A04.01 REV B, dated 22.04.2015

in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. Arrangements being made to the satisfaction of the City of Rockingham for the payment of contributions towards the Administration and Community Infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, prior to works commencing.

2. It must be demonstrated to the City of Rockingham that the service vehicles required by the development can manoeuvre around the site (geometry and height). Plans demonstrating this access must be submitted to and approved by the City of Rockingham prior to applying for a Building Permit.
3. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:
   (i) the location of bin storage areas and bin collection areas;
   (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
   (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
   (iv) frequency of bin collections.
All works must be carried out in accordance with the Waste Management Plan, for the duration of development and maintained at all times.

4. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.

5. All stormwater generated by the development shall be designed to be contained on-site and certified by a suitably qualified hydraulic consultant, prior to the application for a Building Permit. The design shall be implemented and maintained for the duration of the development.

6. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit.
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) The street setback area and all verge areas including landscaping, paving and reticulation.
The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.

7. The carpark must:
   (i) provide a minimum of 87 parking spaces;
   (ii) be designed in accordance with User Class 1 for Offices and 1A for Multiple Dwellings of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   (iii) include one car parking space dedicated to people with disabilities designed in accordance with User Class 4 of Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
   (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
   (v) have lighting installed, prior to the occupation of the development; and
   (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.
The car park must comply with the above requirements for the duration of the development.

8. A cash contribution being provided for 27.36 car parking spaces in accordance with clause 4.15.2.1 of Town Planning Scheme No.2, with the calculation of the cash contribution being in accordance with clause 4.15.6.2 of Town Planning Scheme No.2, must be provided to the City, prior to applying for a Building Permit.
9. Ten (10) short-term bicycle parking space must be provided for the development in the road reserve adjacent the proposed commercial tenancies. The parking spaces must be designed in accordance with AS2890.3—1993, *Parking facilities, Part 3: Bicycle parking facilities*, approved by the City of Rockingham prior to applying for a Building Permit, and constructed prior to occupancy of the development. The bicycle parking space must be retained and maintained in good condition at all times.

10. Four (4) secure hot-water shower, change room and clothing lockers must be provided for the development in accordance with the plans submitted. It must be designed in accordance with *Planning Policy 3.3.14 - Bicycle Parking and End-of-Trip Facilities*, approved by the City prior to applying for a Building Permit, and constructed prior to occupancy of the development. The showers and change rooms and lockers must be retained and maintained in good condition at all times.

11. Clothes drying facilities (excluding electric clothes dryers) shall be screened from view of Kent Street, Flinders Lane and Empress Corner.

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

13. In accordance with the requirements of *Planning Policy 3.2.5 – Development Policy Plan - Waterfront Village Sector*, entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Flinders Lane and Empress Corner, at all times.

14. Public or customer access to the commercial tenancies must be from Flinders Lane or Empress Corner.

15. Above-ground meter boxes must not be located in a street setback area at any time.

16. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham’s satisfaction prior to applying for a Building Permit.

17. Materials, sea containers, goods or bins must not be stored within the carpark at any time.

18. A Final Acoustic Assessment must be prepared which demonstrates that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*, and including the following information, to the satisfaction of the City, prior to the occupation of the development:

   (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;

   (ii) tonality, modulation and impulsiveness; and

   (iii) confirm the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

**Advice Notes**

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City of Rockingham.

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3. The installation of security cameras linked to the City of Rockingham’s security camera surveillance system should be considered, to provide surveillance of the proposed facility and public areas adjacent to the development.
4. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.

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6. All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.

7. The development (awnings) must comply with the Street Verandahs Local Law 2000 relating to encroachments into the road reserve. The applicant and owner should liaise with the City's Building Services in this regard.”

Committee Voting – 5/0

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

<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer’s Recommendation</th>
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<tbody>
<tr>
<td>Not Applicable</td>
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## Engineering and Parks Services

### Procurement and Projects Services

<table>
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<tbody>
<tr>
<td>File No:</td>
<td>CPR/322</td>
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<tr>
<td>Risk Register No:</td>
<td>126</td>
<td></td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Gary Rogers, Manager Procurement and Project Services</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr John Pearson, Director Corporate Services</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>27 May 2013 (EP-041/13)</td>
<td></td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>28 October 2014 (EP-037/14)</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
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<tr>
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<tr>
<td>Site:</td>
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<td>Lot Area:</td>
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<td>MRS Zoning:</td>
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<tr>
<td>Attachments:</td>
<td>1. Revised Concept Design Plans</td>
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<td></td>
<td>a) Concept Option 3 Layout SK928</td>
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<tr>
<td></td>
<td>b) Concept Option 3 General Arrangement SK928</td>
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<td></td>
<td>2. Beach Profile Survey Sheets 1-3</td>
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<td></td>
<td>3. Aerial Image of Mersey Point Location</td>
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<td></td>
<td>4. Mersey Point erosion and accretion of vegetation line</td>
<td></td>
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<td></td>
<td>5. Tourism WA offer of $500,000 funding</td>
<td></td>
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<tr>
<td>Maps/Diagrams:</td>
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### Purpose of Report

To seek Council’s approval to construct the Mersey Point Jetty.

4.45pm - The Committee commenced discussion on the Report and sought clarification on the various funding sources for the construction of the jetty. The matter was deferred for further discussion later in the meeting. Refer page 252.
## Purpose of Report

Provide Council with details of the tenders received for Tender T15/16-02 Period supply of herbicide and pesticide services for turf, horticultural, conservation, kerbline and footpath treatments, document the results of the tender assessment and make recommendations regarding award of the tender.

## Background

Tender T15/16-02 Period supply of herbicide and pesticide services for turf, horticultural, conservation, kerbline and footpath treatments was advertised in the West Australian on Saturday, 4 April 2015. The Tender closed at 2.00pm, Wednesday, 22 April 2015 and was publicly opened immediately after the closing time.

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### Reference No & Subject:

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-021/15</th>
<th>Tender T15/16-02 – Period supply of herbicide and pesticide services for turf, horticultural, conservation, kerbline and footpath treatments</th>
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<tr>
<td>File No:</td>
<td>T15/16-02</td>
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<td>Risk Register No:</td>
<td>51</td>
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<tr>
<td>Proponent/s:</td>
<td>Mr Adam Johnston, Manager Parks Operations</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>15 June 2015</td>
<td></td>
</tr>
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<td>Other Contributors:</td>
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<td></td>
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<td>Date of Committee Meeting:</td>
<td>15 June 2015</td>
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<tr>
<td>Attachments:</td>
<td>Schedule of Rates for Tender T15/16-02</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
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</tbody>
</table>
Details

The type of works to be undertaken under the contract shall include:
Supply and apply and/or supply and delivery herbicide and pesticide services for the control of various weed and pests within turf, horticultural and conservation areas plus the treatment of kerblines, footpaths and paved median islands for weed and grass control.

The period of the contract shall be from the date of award for 36 months.

Tender submissions were received from the following:

<table>
<thead>
<tr>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sprayking WA Unit Trust trading as Sprayking WA Pty Ltd</td>
</tr>
<tr>
<td>Website Weed &amp; Pest WA Pty Ltd</td>
</tr>
<tr>
<td>Turf Master Pty Ltd trading as Turf Master Facility Management</td>
</tr>
<tr>
<td>Sanpoint Pty Ltd trading as LD Total</td>
</tr>
<tr>
<td>Gemlodge Pty Ltd trading as Cobey Maintenance Services</td>
</tr>
</tbody>
</table>

A panel comprising of the Manager Parks Operations, Turf Management Coordinator and Larkhill Curator undertook tender evaluations.

Evaluation of the tender, in accordance with the advertised tender assessment criteria, produced the following weighted scores:

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Level of Service</th>
<th>Understanding Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sprayking WA Pty Ltd</td>
<td>34.0</td>
<td>34.0</td>
<td>29.3</td>
<td>27.2</td>
<td>90.5</td>
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<td>Website Weed &amp; Pest WA Pty Ltd</td>
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<td>35.0</td>
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<td>Turf Master Facility Management</td>
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<td>39.3</td>
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<td>19.1</td>
<td>84.4</td>
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<td>LD Total</td>
<td>30.6</td>
<td>30.6</td>
<td>15.7</td>
<td>18.3</td>
<td>64.6</td>
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<tr>
<td>Cobey Maintenance Services</td>
<td>17.7</td>
<td>17.7</td>
<td>10.3</td>
<td>8.9</td>
<td>36.9</td>
</tr>
</tbody>
</table>

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
   **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**

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**

Operational expenditure will be in accordance with Parks maintenance budgets. Annual expenditure is expected to be approximately $230,000.

**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 $100,000 unless sub regulation (2) states otherwise’.

**g. Risk**

**Risk Implications of Implementing Officer Recommendation**

Nil

**Risk Implications of Not Implementing Officer Recommendation**

High:

- Non compliance with applicable legislation.

**Comments**

Following consideration of the submissions in accordance with the tender assessment criteria, most companies assessed demonstrated varying capacity to undertake the works. The submission received from Sprayking WA Pty Ltd is considered the best value to the City having provided competitive pricing and displaying a good understanding of tender requirements they are therefore recommended as the preferred tenderer.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council ACCEPT the tender submitted from Sprayking WA Unit Trust trading as Sprayking WA Pty Ltd, 420 Nicholson Road, Forrestdale, Western Australia for Tender T15/16-02 – Period supply of herbicide and pesticide services for turf, horticultural, conservation, kerbline and footpath treatments in accordance with the tender documentation for the contract period being from the date of award for a period of 36 months.

**Committee Recommendation**

Moved Cr Pease, seconded Cr Elliott:

That Council ACCEPT the tender submitted from Sprayking WA Unit Trust trading as Sprayking WA Pty Ltd, 420 Nicholson Road, Forrestdale, Western Australia for Tender T15/16-02 – Period supply of herbicide and pesticide services for turf, horticultural, conservation, kerbline and footpath treatments in accordance with the tender documentation for the contract period being from the date of award for a period of 36 months.

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
Parks Operations

Reference No & Subject: EP-022/15 Tender T15/16-08 – Period maintenance of various reserves and streetscape areas in Kennedy Park, Port Kennedy

File No: T15/16-08
Risk Register No: 51
Proponent/s: Mr Adam Johnston, Manager Parks Operations
Author: Mr Adam Johnston, Manager Parks Operations
Other Contributors: 
Date of Committee Meeting: 15 June 2015
Previously before Council: 
Disclosure of Interest: 
Nature of Council’s Role in this Matter: Executive

Site: Kennedy Park, Port Kennedy
Lot Area: 
LA Zoning: 
MRS Zoning: 
Attachments: 1. Schedule of Rates for Tender T15/16-08 2. Kennedy Park site reference map
Maps/Diagrams: 

Purpose of Report

Provide Council with details of the tenders received for Tender T15/16-08 – Period maintenance of various reserves and streetscape areas in Kennedy Park, Port Kennedy, document the results of the tender assessment and make recommendations regarding award of the tender.

Background

Tender T15/16-08 – Period maintenance of various reserves and streetscape areas in Kennedy Park, Port Kennedy was advertised in the West Australian on Saturday, 2 May 2015. The Tender closed at 2.00pm, Wednesday, 20 May 2015 and was publicly opened immediately after the closing time.
Details

The type of works to be undertaken under the contract shall include:

Maintenance of various reserves and streetscape areas in Kennedy Park, Port Kennedy, inclusive of turf maintenance, garden maintenance, reticulation maintenance, weed control and arboriculture works. The period of the contract shall be from the date of award for 60 months.

Tender submissions were received from the following:

<table>
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<tbody>
<tr>
<td>Gemlodge Pty Ltd trading as Cobey Maintenance Services</td>
</tr>
<tr>
<td>Skyline Landscape Services Group Pty Ltd trading as Skyline Landscape Services (WA)</td>
</tr>
<tr>
<td>A J Morley Family Trust &amp; The J &amp; L Troiano Family Trust trading as Lochness Landscape Service</td>
</tr>
<tr>
<td>Sanpoint Pty Ltd trading as LD Total</td>
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<tr>
<td>Landscape and Maintenance Solutions Pty Ltd</td>
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<td>ADD Business Group Pty Ltd</td>
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A panel comprising of the Manager Parks Operations, Acting Contracts Coordinator and Acting Contracts Officer undertook tender evaluations.

Evaluation of the tender, in accordance with the advertised tender assessment criteria, produced the following weighted scores:

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</tr>
</thead>
<tbody>
<tr>
<td>Cobey Maintenance Services</td>
<td>30</td>
<td>22.9</td>
<td>30.0</td>
<td>30.0</td>
<td>82.9</td>
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<tr>
<td>Lochness Landscape Service</td>
<td>40</td>
<td>25.0</td>
<td>31.3</td>
<td>25.5</td>
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</table>

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

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

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

Operational expenditure will be in accordance with the Engineering and Parks maintenance budgets. Annual expenditure for these works is anticipated to be $109,500; current 2014/2015 annual expenditure is approximately $120,000.

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 $100,000 unless sub regulation (2) states otherwise’.

g. Risk

Risk Implications of Implementing Officer Recommendation

Nil

Risk Implications of Not Implementing Officer Recommendation

High:

* Non compliance with applicable legislation.

Comments

Following consideration of the submissions in accordance with the tender assessment criteria most companies assessed demonstrated varying capacity to undertake the works, Cobey Maintenance Services is considered the best value having submitted competitive pricing and a good overall level of service and understanding of tender requirements they are therefore recommended as the preferred tenderer.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ACCEPT the tender submitted from Gemlodge Pty Ltd trading as Cobey Maintenance Services, 37 Roscoe Street, Henderson, Western Australia for Tender T15/16-08 – Period maintenance of various reserves and streetscape areas in Kennedy Park, Port Kennedy in accordance with the tender documentation for the contract period being from the date of award for a period of 60 months.
Committee Recommendation

Moved Cr Elliott: seconded Cr J Smith:
That Council ACCEPT the tender submitted from Gemlodge Pty Ltd trading as Cobey Maintenance Services, 37 Roscoe Street, Henderson, Western Australia for Tender T15/16-08 – Period maintenance of various reserves and streetscape areas in Kennedy Park, Port Kennedy in accordance with the tender documentation for the contract period being from the date of award for a period of 60 months.

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
5.04pm - Matter continued from page 243.

### Engineering and Parks Services

#### Procurement and Projects Services

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<td>Mr Gary Rogers, Manager Procurement and Project Services</td>
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<td>Author:</td>
<td>Mr John Pearson, Director Corporate Services</td>
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<tr>
<td>Lot Area:</td>
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<td>LA Zoning:</td>
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<td></td>
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</table>
| Attachments:            | 1. Revised Concept Design Plans  
                          |   c) Concept Option 3 Layout SK928  
                          |   d) Concept Option 3 General Arrangement SK928  
                          | 2. Beach Profile Survey Sheets 1-3  
                          | 3. Aerial Image of Mersey Point Location  
                          | 4. Mersey Point erosion and accretion of vegetation line  
                          | 5. Tourism WA offer of $500,000 funding |
| Maps/Diagrams:          |                                                               |

### Purpose of Report

To seek Council's approval to construct the Mersey Point Jetty.
### Background

Due to the accretion occurring at the site, and the deteriorated condition of the jetty requiring ongoing maintenance and coastal management works, the options in respect to the existing jetty and its possible replacement have been presented to Council in previous reports at the May 2013 and October 2014 meetings of Council. These reports included a summarised history of the existing jetty and provided detail of upgrades to the jetty that have occurred since 1978, due to the site accretion and deterioration of the jetty structure, and how the ownership of the jetty was transferred from the Public Works Department to the City in 1987.

Following the May 2013 report to Council on this matter, meetings were held with the Department of Parks and Wildlife (DPaW) and the operators of Rockingham Wild Encounters Pty Ltd to discuss and consider options in respect to the existing jetty structure and its possible replacement.

In summary the issues raised and discussed at these meetings included the following:

- The possible gifting of the existing jetty from the City to DPaW;
- Demolition of the existing jetty and the construction of a new jetty at a location north of the present jetty's location;
- Demolition of the existing jetty and reinstatement of the beach to its natural state;
- Possible funding options in respect to existing and new infrastructure; and
- Shoalwater Islands Marine Park Management Plan.

The outcomes of these meetings were detailed in the report on this matter to the October 2014 meeting of Council. This report also presented concept designs and cost estimates for a new jetty along with possible funding arrangements, including the introduction of a fee to be applied to all users of the commercial ferry and boat tour service operating from the Mersey Point Jetty.

It was resolved that Council refer this item to a future Councillor Information Workshop for further information.

### Details

Subsequent to the October 2014 Council Report, the design and associated costs of the proposed new jetty were reconsidered, on the basis that the design brief continues to ensure that any new jetty structure maintains a design life of 50 years, and that the jetty meet its primary objective in providing for the operation of a commercial ferry and boat tour service.

As a result, the jetty design and layout was modified to enable a single pile jetty deck and double pile berthing area at 63 metres in length with a deck span of 1.8 metres. The jetty will be elevated to allow sand movement along the beach and will be ramped at 1:20 with landings at 10 metre intervals to provide for universal access.

The jetty structure will consist of steel piles with concrete headstock and deck. The structure will include coastal protection with buried rock protection, and will include a connecting access path from the car park to the commencement of the jetty deck.

Due to the need to keep the deck level at no more than 1.5 metres above normal sea level to accommodate loading and unloading of passengers, the jetty piles will be required to accommodate significant uplift pressures, caused as a result of high tides and storm events and anticipated rising sea levels during the life of the jetty.

The proposed location of the jetty is approximately 150 metres north of the existing jetty location to an area of beach that is significantly more stable than the present jetty location. Beach profile surveys have been undertaken over the last two years at this location and these surveys have indicated that the proposed new jetty location has remained stable; whereas the location of the existing jetty continues to be dynamic.

There has also been further consideration in respect to the possibility of the City implementing a cost recovery process through imposition of a fee for passengers utilising the jetty as part of the commercial ferry and boat tour operations conducted by Rockingham Wild Encounters Pty Ltd. Based upon visitor numbers and information received from the commercial operators it is estimated that the ferry operator conveys approximately 90,000 to 100,000 passengers from the Mersey Point Jetty annually.
This ferry and boat tour service within the Shoalwater Islands Marine Park is conducted through an exclusive licence agreement between DPaW and Rockingham Wild Encounters Pty Ltd.

It is the officers view that with appropriate legal instruments the City may impose a fee or charge for admission to certain property and to impose that fee on, or with respect to, each person admitted to the property.

The imposition of such a fee should be on the basis it is clearly stated in a local law.

At the Councillor Information Workshop held on 12 May 2015 the costs for the revised jetty design option were estimated at $1,681,600 ex GST. The City has now received advice in a letter dated 4 May 2015 from Ms Stephanie Buckland, CEO Tourism Western Australia that the Board of Tourism WA has approved an grant of $500,000 in funding to be made to the City as a contribution towards the costs associated with the redevelopment of the Mersey Point Jetty on the basis that the City provides a matching financial contribution to the project (attachment).

**Implications to Consider**

a. **Consultation with the Community**
   
   Consultation with the operators of the ferry service and boat tours has previously taken place.

b. **Consultation with Government Agencies**
   
   Consultation was also undertaken with the DPaW, previous consultation was undertaken with the Department of Transport in respect to the Mersey Point to Port Kennedy Coastal Study Report.

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

   **Aspiration A:** Tourism Life Style

   **Strategic Objective:** Coastal Facilities - A range of quality and contemporary leisure tourism facilities including a ‘major brand’ hotel, marinas, boat ramps, jetties, boardwalks and foreshore parks that contribute to the City’s reputation as the premier metropolitan coastal tourism destination

d. **Policy**

   Not Applicable

e. **Financial**

   Currently the City receives income of $1,131 per annum per vessel as a jetty licence fee.

   During 2013/2014 financial year the City spent approximately $35,000 in maintenance and excavation of the existing jetty and approximately $60,000 in the 2014/2015 budget for maintenance, and the replacement of an outer jetty pile in April 2015.

   The construction of a new jetty is budgeted to cost $1,681,600. This has not been included in the adopted City of Rockingham Business Plan.

   An offer of funding to the value of $500,000 has been received from Tourism WA for the construction of a new jetty subject to the City providing matching contributions. Assuming the City agrees to contribute $500,000 towards the project the funding from Tourism WA can be accepted.

   It is proposed to implement a Local Law that will allow the City to charge a fee for access to the jetty. This charge is likely to be applied to the commercial operator and will allow the City to recoup the unfunded cost of capital, approximately $681,600 and ongoing operating costs of the jetty for the duration of the jetty’s life.

   This is anticipated to be approximately 75 cents per passenger.
f. Legal and Statutory


In accordance with Section 6(16) of the Local Government Act 1995 – A local government may impose a fee or charge for any goods or service it provides or proposes to provide. Subsection 2(a) states a fee or charge may be imposed when providing use of or allowing admission to any property, facility wholly or partly owned, controlled, managed or maintained by the local government.

A Jetties Local Law will be required to be developed to provide the necessary legal basis for the City to manage the use of the Jetty and general provisions related to access and use, including the provision of a fee.

g. Risk

Risk Implications of Implementing Officer Recommendation

High

- The existing exclusive ferry service licence is issued to Rockingham Wild Encounters Pty Ltd by DPaW and the City has no control over the term and conditions of the exclusive licence.
- The City’s ability to recoup capital and operational costs associated with the jetty would be dependent on the continued operation of a commercial ferry service utilising the Mersey Point Jetty.

Risk Implications of Not Implementing Officer Recommendation

Nil

Comments

The jetty is located in an area of dynamic coastline which has over the last 60 years accreted approximately 60 metres i.e. one metre per year. There have been three extensions to the jetty undertaken by the City since the jetty was gifted to the City in 1987. The jetty access or boardwalk area is therefore comprised of the former jetty which is now buried under the accreted beach area.

Constant sand build up along the boardwalk together with the shoreline accretion requires ongoing management and maintenance by the City. The accretion at the site results in the jetty being only suitable for shallow draft vessels and will not accommodate parallel berthing by the ferry.

The beach access to the jetty is via previous original jetty structures largely buried by the sand accretion. The dynamics of the coast and accretion trends result in rapid changes to the position of the shoreline. Therefore to maintain access to navigable waters the existing jetty would need to be further extended in the near future.

As the older sections of the jetty that now forms the access path to the jetty are buried, the condition of these timbers is difficult to fully assess. Without significant maintenance of the beach and jetty structure the jetty will quickly become unusable. It should also be noted that the current boardwalk and jetty access do not provide for universal access to the jetty.

During the last summer season the end of one of the main piles snapped due to heavy and constant vessel impacts for berthing, further compromising the integrity of the jetty structure. The top end of the pile was replaced. In addition in April this year the City was required to install a new outer pile for the continued berthing of the ferry at the jetty.

As the responsible entity of the jetty there are ongoing risks to the City with continued use of the jetty in its current state. Some of these risks are mitigated through ongoing management and maintenance strategies, however, such risks include:

- Impeded pedestrian access to jetty via boardwalk;
- Limited berthing capacity of the jetty;
- Structural integrity of the buried boardwalk timbers;
- Dilapidated condition of the jetty structure.
It therefore remains that the City must continue to provide a high level of ongoing maintenance whilst the jetty remains operational, and ongoing future access cannot be guaranteed. A dilapidation report undertaken by the City in 2012 indicated that the structure should be replaced by 2017.

Structural integrity inspections have been undertaken on the existing jetty and it is proposed that regular structural integrity inspections and ongoing beach excavations continue, until such time as the jetty is considered to be unsuitable for its current purpose.

From discussions held with DPaW it is understood that as part of an exclusive licensing agreement between DPaW and Rockingham Wild Encounters Pty Ltd, to operate a commercial ferry service in the Marine Park, DPaW receive a percentage of the gross receipts from the ferry service operators and this income is utilised to assist in meeting the management costs associated with the Penguin Island infrastructure.

Should Council agree to the construction of a replacement jetty at Mersey Point the jetty would be relocated to an area of beach that is more stable. The design and approval process is proposed to commence in 2015/2016 with construction to commence during the 2016/2017 financial year.

Due to the type and location of the infrastructure and taking into account maintenance costs associated with the City’s other coastal infrastructure it is estimated that there would be an average general maintenance cost of $30,000 required annually over the design life of the jetty.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVE** the construction of a new jetty to replace the existing jetty at Mersey Point to the value of $1,681,600 subject to:

1. The City allocating $500,000 towards the cost of construction;
2. Approval being obtained from the Department of Parks and Wildlife for the location and construction of the proposed new jetty;
3. Confirmation being received from the Department of Parks and Wildlife that any existing and future exclusive ferry and boat tour service licence issued to operate within the Shoalwater Islands Marine Parks would include a requirement for the operator to use the replacement Mersey Point Jetty; and
4. A Local Law being adopted for the City to collect a fee, enabling the City to recoup an estimated $681,600 plus annual maintenance from users of the jetty.

**Committee Recommendation**

Moved Cr Elliott, seconded Cr Pease:

That Council:

1. **APPROVE** the construction of a new jetty to replace the existing jetty at Mersey Point based upon the following contribution model:
   (i) City contribution of $500,000;
   (ii) Tourism WA contribution of $500,000; and
   (iii) City funds $681,600 on a cost recovery basis in line with clause 4.
2. Approval being obtained from the Department of Parks and Wildlife for the location and construction of the proposed new jetty;
3. Confirmation being received from the Department of Parks and Wildlife that any existing and future exclusive ferry and boat tour service licence issued to operate within the Shoalwater Islands Marine Parks would include a requirement for the operator to use the replacement Mersey Point Jetty; and
4. A Local Law being adopted for the City to collect a fee, enabling the City to recoup an estimated $681,600 plus annual maintenance from users of the jetty.

Committee Voting – 5/0

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

To clarify the various funding sources for the construction of the jetty.

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Purpose of Report

Provide Council with details of the tenders received for Tender T15/16-09 – Period maintenance of various reserves and streetscape areas in Baldivis North, document the results of the tender assessment and make recommendations regarding award of the tender.

## Background

Tender T15/16-09 – Period maintenance of various reserves and streetscape areas in Baldivis North was advertised in the West Australian on Saturday, 2 May 2015. The Tender closed at 2.00pm, Wednesday, 20 May 2015 and was publicly opened immediately after the closing time.
Details

The type of works to be undertaken under the contract shall include:

Maintenance of various reserves and streetscape areas in Baldivis North and The Chase estates, inclusive of turf maintenance, garden maintenance, reticulation maintenance, weed control and arboriculture works. The period of the contract shall be from the date of award for 48 months.

Tender submissions were received from the following:

<table>
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<tr>
<th>Company</th>
<th>Max. Points</th>
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<tr>
<td>Skyline Landscape Services Group Pty Ltd trading as Skyline Landscape Services (WA)</td>
<td>22.9</td>
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<tr>
<td>Gemlodge Pty Ltd trading as Cobey Maintenance Services</td>
<td>18.8</td>
</tr>
<tr>
<td>A J Morley Family Trust &amp; The J &amp; L Troiano Family Trust trading as Lochness Landscape Service</td>
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<td>Sanpoint Pty Ltd trading as LD Total</td>
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<td>Total Eden Pty Ltd trading as Landscape Australia</td>
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<td>Brent Byford trading as Property Maintenance Services WA</td>
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<td>ADD Business Group Pty Ltd</td>
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A panel comprising of the Manager Parks Operations, Acting Contracts Coordinator and Acting Contracts Officer undertook tender evaluations.

Evaluation of the tender, in accordance with the advertised tender assessment criteria, produced the following weighted scores:

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
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<tbody>
<tr>
<td>Cobey Maintenance Services</td>
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<td>Skyline Landscape Services (WA)</td>
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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

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

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

Operational expenditure will be in accordance with the Engineering and Parks maintenance budgets. Annual expenditure for these works is anticipated to be $192,640; current 2014/2015 annual expenditure is approximately 177,000.

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 $100,000 unless sub regulation (2) states otherwise’.

g. Risk

Risk Implications of Implementing Officer Recommendation

Nil

Risk Implications of Not Implementing Officer Recommendation

High:

• Non compliance with applicable legislation.

Comments

Following consideration of the submissions in accordance with the tender assessment criteria most companies assessed demonstrated varying capacity to undertake the works, Cobey Maintenance Services is considered the best value having submitted competitive pricing and a good overall level of service and understanding of tender requirements they are therefore recommended as the preferred tenderer.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ACCEPT the tender submitted from Gemlodge Pty Ltd trading as Cobey Maintenance Services, 37 Roscoe Street, Henderson, Western Australia for Tender T15/16-09 – Period maintenance of various reserves and streetscape areas in Baldivis North in accordance with the tender documentation for the contract period being from the date of award for a period of 48 months.
Committee Recommendation

Moved Cr J Smith, seconded Cr Elliott:

That Council ACCEPT the tender submitted from Gemlodge Pty Ltd trading as Cobey Maintenance Services, 37 Roscoe Street, Henderson, Western Australia for Tender T15/16-09 – Period maintenance of various reserves and streetscape areas in Baldivis North in accordance with the tender documentation for the contract period being from the date of award for a period of 48 months.

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

Provide Council with details of the tenders received for Tender T15/16-10 – Period maintenance of various reserves and streetscape areas in Rivergum’s Estate, document the results of the tender assessment and make recommendations regarding award of the tender.

### Background

Tender T15/16-10 – Period maintenance of various reserves and streetscape areas in Rivergum’s Estate was advertised in the West Australian on Saturday, 2 May 2015. The Tender closed at 2.00pm, Wednesday, 20 May 2015 and was publicly opened immediately after the closing time.

### Details

The type of works to be undertaken under the contract shall include:

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<th>Tender T15/16-10 – Period maintenance of various reserves and streetscape areas in Rivergum’s Estate</th>
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<td>Risk Register No:</td>
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<td>Proponent/s:</td>
<td>Mr Adam Johnston, Manager Parks Operations</td>
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<td>Disclosure of Interest:</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<td>Site:</td>
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<td>Lot Area:</td>
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<td>2. Rivergums site reference map</td>
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<tr>
<td>Maps/Diagrams:</td>
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Maintenance of various reserves and streetscape areas in Rivergum’s Estate, inclusive of turf maintenance, garden maintenance, reticulation maintenance, weed control and arboriculture works. The period of the contract shall be from the date of award for 36 months.

Tender submissions were received from the following:

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<th>Company Name</th>
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<td>Horizon West Landscape &amp; Irrigation Pty Ltd trading as Horizon West</td>
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<tr>
<td>Cobey Maintenance Services</td>
<td>22.9</td>
<td>30</td>
<td>30.7</td>
<td>30.0</td>
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<td>LD Total</td>
<td>23.9</td>
<td>33.8</td>
<td>30</td>
<td>22.6</td>
<td>80.3</td>
</tr>
<tr>
<td>Lochness Landscape Service</td>
<td>23.6</td>
<td>30.7</td>
<td>24.8</td>
<td>79.1</td>
<td></td>
</tr>
<tr>
<td>Skyline Landscape Services (WA)</td>
<td>19.5</td>
<td>28.3</td>
<td>29.8</td>
<td>77.6</td>
<td></td>
</tr>
<tr>
<td>Landscape Australia</td>
<td>18.8</td>
<td>18.3</td>
<td>14.5</td>
<td>51.6</td>
<td></td>
</tr>
<tr>
<td>Horizon West</td>
<td>18.7</td>
<td>10.7</td>
<td>12.2</td>
<td>41.6</td>
<td></td>
</tr>
<tr>
<td>ADD Business Group Pty Ltd</td>
<td>14.2</td>
<td>13.3</td>
<td>6.1</td>
<td>33.6</td>
<td></td>
</tr>
</tbody>
</table>

### 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

   **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

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

Operational expenditure will be in accordance with the Engineering and Parks maintenance budgets. Annual expenditure for these works is anticipated to be $119,882; current 2014/2015 annual expenditure is approximately $98,780.

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 $100,000 unless sub regulation (2) states otherwise’.

g. Risk

Risk Implications of Implementing Officer Recommendation

Nil

Risk Implications of Not Implementing Officer Recommendation

High:

- Non compliance with applicable legislation.

Comments

Following consideration of the submissions in accordance with the tender assessment criteria most companies assessed demonstrated varying capacity to undertake the works, Cobey Maintenance Services is considered the best value having submitted competitive pricing and a good overall level of service and understanding of tender requirements they are therefore recommended as the preferred tenderer.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ACCEPT the tender submitted from Gemlodge Pty Ltd trading as Cobey Maintenance Services, 37 Roscoe Street, Henderson, Western Australia for Tender T15/16-10 – Period maintenance of various reserves and streetscape areas in Rivergum’s Estate in accordance with the tender documentation for the contract period being from the date of award for a period of 36 months.

Committee Recommendation

Moved Cr Elliott, seconded Cr J Smith:

That Council ACCEPT the tender submitted from Gemlodge Pty Ltd trading as Cobey Maintenance Services, 37 Roscoe Street, Henderson, Western Australia for Tender T15/16-10 – Period maintenance of various reserves and streetscape areas in Rivergum’s Estate in accordance with the tender documentation for the contract period being from the date of award for a period of 36 months.

Committee Voting – 5/0
<table>
<thead>
<tr>
<th>The Committee's Reason for Varying the Officer's Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer's Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
Engineering and Parks Services
Parks Operations

Reference No & Subject: EP-025/15
Tender T15/16-11 – Period maintenance various reserves and streetscape areas in Baldivis West

File No: T15/16-11
Risk Register No: 51
Proponent/s: Mr Adam Johnston, Manager Parks Operations
Author: Mr Adam Johnston, Manager Parks Operations
Other Contributors: 
Date of Committee Meeting: 15 June 2015
Previously before Council: 
Disclosure of Interest: 
Nature of Council’s Role in this Matter: Executive

Site: Baldivis West
Lot Area: 
LA Zoning: 
MRS Zoning: 
Attachments: 1. Schedule of Rates for Tender T15/16-11
2. Baldivis West site reference map – Settlers Hills
3. Baldivis West site reference map – The Ridge
4. Baldivis West site reference map – Evermore Heights

Maps/Diagrams: 

Purpose of Report
Provide Council with details of the tenders received for Tender T15/16-11 – Period maintenance various reserves and streetscape areas in Baldivis West, document the results of the tender assessment and make recommendations regarding award of the tender.

Background
Tender T15/16-11 – Period maintenance various reserves and streetscape areas in Baldivis West was advertised in the West Australian on Saturday, 2 May 2015. The Tender closed at 2.00pm, Wednesday, 20 May 2015 and was publicly opened immediately after the closing time.
Details

The type of works to be undertaken under the contract shall include:

Maintenance of various reserves and streetscape areas in Settlers Hills, Evermore and The Ridge estates inclusive of turf maintenance, garden maintenance, reticulation maintenance, weed control and arboriculture works. The period of the contract shall be from the date of award for 48 months.

Tender submissions were received from the following:

<table>
<thead>
<tr>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gemlodge Pty Ltd trading as Cobey Maintenance Services</td>
</tr>
<tr>
<td>A J Morley Family Trust &amp; The J &amp; L Troiano Family Trust trading as Lochness Landscape Service</td>
</tr>
<tr>
<td>Sanpoint Pty Ltd trading as LD Total</td>
</tr>
<tr>
<td>Skyline Landscape Services Group Pty Ltd trading as Skyline Landscape Services (WA)</td>
</tr>
</tbody>
</table>

A panel comprising of the Manager Parks Operations, Acting Contracts Coordinator and Acting Contracts Officer undertook tender evaluations.

Evaluation of the tender, in accordance with the advertised tender assessment criteria, produced the following weighted scores:

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>LD Total</td>
<td>26.1</td>
<td>36.0</td>
<td>23.9</td>
<td>86.0</td>
</tr>
<tr>
<td>Cobey Maintenance Services</td>
<td>22.9</td>
<td>32.0</td>
<td>30</td>
<td>84.9</td>
</tr>
<tr>
<td>Lochness Landscape Service</td>
<td>25.1</td>
<td>31.7</td>
<td>25.1</td>
<td>81.9</td>
</tr>
<tr>
<td>Skyline Landscape Services (WA)</td>
<td>18.8</td>
<td>30.0</td>
<td>25.2</td>
<td>74.0</td>
</tr>
</tbody>
</table>

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
   **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
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
Operational expenditure will be in accordance with the Engineering and Parks maintenance budgets. Annual expenditure for these works is anticipated to be $788,528; current 2014/2015 expenditure is approximately $650,000.

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 $100,000 unless sub regulation (2) states otherwise’.

g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
High:
• Non compliance with applicable legislation.

Comments
Following consideration of the submissions in accordance with the tender assessment criteria all companies assessed demonstrated varying capacity to undertake the works. The submission received from LD Total is considered the best value having provided a comprehensive submission that clearly detailed the understanding of tender requirements and level of service methodology and are therefore recommended as the preferred tenderer.

Voting Requirements
Simple Majority

Officer Recommendation
That Council ACCEPT the tender submitted from Sanpoint Pty Ltd trading as LD Total, 64 Mill Point Road, South Perth, Western Australia for Tender T15/16-11 – Period maintenance various reserves and streetscape areas in Baldivis West in accordance with the tender documentation for the contract period being from the date of award for a period of 48 months.

Committee Recommendation
Moved Cr Whitfield, seconded Cr J Smith:
That Council ACCEPT the tender submitted from Sanpoint Pty Ltd trading as LD Total, 64 Mill Point Road, South Perth, Western Australia for Tender T15/16-11 – Period maintenance various reserves and streetscape areas in Baldivis West in accordance with the tender documentation for the contract period being from the date of award for a period of 48 months.

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

Provide Council with details of the tenders received for Tender T15/16-13 – Period pruning of street trees in the vicinity of power lines, general tree pruning, tree removals and stump grinding, document the results of the tender assessment and make recommendations regarding award of the tender.

Background

Tender T15/16-13 – Period pruning of street trees in the vicinity of power lines, general tree pruning, tree removals and stump grinding was advertised in the West Australian on Saturday, 2 May 2015. The Tender closed at 2.00pm, Wednesday, 20 May 2015 and was publicly opened immediately after the closing time.
Details

The type of works to be undertaken under the contract shall include:
Pruning of street trees in the vicinity of power lines, general tree pruning, tree removals and stump grinding. The period of the contract shall be from the date of award for 60 months.

Tender submissions were received from the following:

<table>
<thead>
<tr>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beaver Tree Services Aust Pty Ltd</td>
</tr>
<tr>
<td>D &amp; TL Barker Nominees Pty Ltd trading as WA TreeWorks</td>
</tr>
<tr>
<td>Cosmag Pty Ltd trading as Kennedys Tree Services</td>
</tr>
<tr>
<td>Radiant Nominees Pty Ltd trading as Trees Need Tree Surgeons</td>
</tr>
<tr>
<td>Tree Care WA Pty Ltd ATF Ussheridan Trust trading as Tree Care</td>
</tr>
<tr>
<td>Don's Tree Service Pty Ltd</td>
</tr>
</tbody>
</table>

A panel comprising of the Manager Parks Operations, Acting Parks Operations Coordinator and Horticultural Coordinator undertook tender evaluations.

Evaluation of the tender, in accordance with the advertised tender assessment criteria, produced the following weighted scores:

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beaver Tree Services Aust Pty Ltd</td>
<td>30.0</td>
<td>40.0</td>
<td>22.9</td>
<td>92.9</td>
</tr>
<tr>
<td>WA TreeWorks</td>
<td>23.7</td>
<td>25.7</td>
<td>26.4</td>
<td>75.8</td>
</tr>
<tr>
<td>Kennedys Tree Services</td>
<td>22</td>
<td>30.3</td>
<td>17.8</td>
<td>70.1</td>
</tr>
<tr>
<td>Tree Care</td>
<td>21.7</td>
<td>30.0</td>
<td>17.1</td>
<td>68.8</td>
</tr>
<tr>
<td>Trees Need Tree Surgeons</td>
<td>21.3</td>
<td>26.0</td>
<td>19.5</td>
<td>66.8</td>
</tr>
<tr>
<td>Don's Tree Service Pty Ltd</td>
<td>17.7</td>
<td>25.7</td>
<td>12.2</td>
<td>55.6</td>
</tr>
</tbody>
</table>

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
   **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**

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**

Operational expenditure will be in accordance with the Engineering and Parks maintenance budgets. Annual expenditure will be approximately $570,000 based on historical expenditure.

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 $100,000 unless sub regulation (2) states otherwise’.

g. **Risk**

**Risk Implications of Implementing Officer Recommendation**

Nil

**Risk Implications of Not Implementing Officer Recommendation**

High:
- Non compliance with applicable legislation.

**Comments**

Following consideration of the submissions in accordance with the tender assessment criteria most companies assessed demonstrated varying capacity to undertake the works. The submission received from Beaver Tree Services Aust Pty Ltd is considered the best value having provided a very comprehensive submission which clearly detailed their understanding of the tender and level of service requirements and are therefore recommended as the preferred tenderer.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council ACCEPT the tender submitted from Beaver Tree Services Aust Pty Ltd, 48 Brant Road, Kelmscott, Western Australia for Tender T15/16-13 – Period pruning of street trees in the vicinity of power lines, general tree pruning, tree removals and stump grinding in accordance with the tender documentation for the contract period being from the date of award for a period of 60 months.

**Committee Recommendation**

**Moved Cr Whitfield, seconded Cr Pease:**

That Council ACCEPT the tender submitted from Beaver Tree Services Aust Pty Ltd, 48 Brant Road, Kelmscott, Western Australia for Tender T15/16-13 – Period pruning of street trees in the vicinity of power lines, general tree pruning, tree removals and stump grinding in accordance with the tender documentation for the contract period being from the date of award for a period of 60 months.

Committee Voting – 5/0
<table>
<thead>
<tr>
<th>The Committee's Reason for Varying the Officer's Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer's Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
Purpose of Report

Provide Council with details of the tenders received for Tender T15/16-14 – Period maintenance of various reserves and streetscape areas in the City of Rockingham, document the results of the tender assessment and make recommendations regarding award of the tender.

Background

Tender T15/16-14 – Period maintenance of various reserves and streetscape areas in the City of Rockingham was advertised in the West Australian on Saturday, 2 May 2015. The Tender closed at 2.00pm, Wednesday, 20 May 2015 and was publicly opened immediately after the closing time.

Details

The type of works to be undertaken under the contract shall include:
• Maintenance of various reserves and streetscape areas in the City of Rockingham, inclusive of
turf maintenance, garden maintenance, reticulation maintenance, weed control and
arboretum works. The period of the contract shall be from the date of award for 36 months.

Tender submissions were received from the following:

<table>
<thead>
<tr>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gemlodge Pty Ltd trading as Cobey Maintenance Services</td>
</tr>
<tr>
<td>A J Morley Family Trust &amp; The J &amp; L Troiano Family Trust trading as</td>
</tr>
<tr>
<td>Lochness Landscape Service</td>
</tr>
<tr>
<td>Turf Master Pty Ltd trading as Turf Master Facility Management</td>
</tr>
</tbody>
</table>

A panel comprising of the Manager Parks Operations, Acting Contracts Coordinator and Acting Contracts Officer undertook tender evaluations.

Evaluation of the tender, in accordance with the advertised tender assessment criteria, produced the following weighted scores:

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Level of Service</th>
<th>Understanding Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cobey Maintenance Services</td>
<td>30</td>
<td>23.7</td>
<td>29.0</td>
<td>30.0</td>
<td>82.7</td>
</tr>
<tr>
<td>Lochness Landscape Service</td>
<td>23.9</td>
<td>23.3</td>
<td>16.2</td>
<td>69.1</td>
<td></td>
</tr>
<tr>
<td>Turf Master Facility Management</td>
<td>26.0</td>
<td>23.3</td>
<td>19.7</td>
<td>69.0</td>
<td></td>
</tr>
</tbody>
</table>

**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
   **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**
   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**
   Operational expenditure will be in accordance with the Engineering and Parks operations
   maintenance budgets. Annual expenditure for these works is anticipated to be $122,500;
   current annual expenditure is approximately $219,500.
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 $100,000 unless sub regulation (2) states otherwise’.

g. **Risk**

**Risk Implications of Implementing Officer Recommendation**

Nil

**Risk Implications of Not Implementing Officer Recommendation**

High:
- Non compliance with applicable legislation.

**Comments**

Following consideration of the submissions in accordance with the tender assessment criteria all companies assessed demonstrated varying capacity to undertake the works, Cobey Maintenance Services is considered the best value having submitted competitive pricing and a good overall understanding of tender requirements they are therefore recommended as the preferred tenderer.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ACCEPT** the tender submitted from Gemlodge Pty Ltd trading as Cobey Maintenance Services, 37 Roscoe Street, Henderson, Western Australia for Tender T15/16-14 – Period maintenance of various reserves and streetscape areas in the City of Rockingham in accordance with the tender documentation for the contract period being from the date of award for a period of 36 months.

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Elliott:

That Council **ACCEPT** the tender submitted from Gemlodge Pty Ltd trading as Cobey Maintenance Services, 37 Roscoe Street, Henderson, Western Australia for Tender T15/16-14 – Period maintenance of various reserves and streetscape areas in the City of Rockingham in accordance with the tender documentation for the contract period being from the date of award for a period of 36 months.

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

Provide Council with details of the tenders received for Tender T14/15-87 – Period provision of poles and luminaires for public area lighting, document the results of the tender assessment and make recommendations regarding award of the tender.

Background

Tender T14/15-87 – Period provision of poles and luminaires for public area lighting was advertised in the West Australian on Saturday, 21 February 2015. The Tender closed at 2.00pm, Wednesday, 18 March 2015 and was publicly opened immediately after the closing time.

Details

The type of works to be undertaken under the contract shall include:

- Supply and delivery of light poles, complete with rag bolt assemblies, footing reinforcement cages and headframes where appropriate.
Supply and delivery of luminaires, complete with all accessories such as lamps, control gear, control gear trays and terminals.

All minor and incidental work and materials, specified or unspecified, which are required for completion of the goods to the true intent and meaning of the specification and to the entire satisfaction of the Principal.

The period of the contract shall be from the date of award for a period of 36 months.

Tender submissions were received from the following:

<table>
<thead>
<tr>
<th>Tenderer</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.D. Coote &amp; Co. (Sheetmetal) Pty Ltd</td>
</tr>
<tr>
<td>Highlux Pty Ltd</td>
</tr>
<tr>
<td>Lefroy Bay Pty Ltd trading as Galvanised Poles Australia</td>
</tr>
<tr>
<td>Hayman Industries Pty Ltd</td>
</tr>
<tr>
<td>EnergyIQ Pty Ltd trustee for Enigin Western Australia Trust trading as Enigin Western Australia</td>
</tr>
<tr>
<td>Australasian LED Pty Ltd</td>
</tr>
<tr>
<td>UAM Pty Ltd</td>
</tr>
<tr>
<td>Gerard Professional Solutions Pty Ltd</td>
</tr>
</tbody>
</table>

A panel comprising Manager Asset Services, Project Engineer and the Building Maintenance Contractor Officer undertook tender evaluations.

Evaluation of the tender, in accordance with the advertised tender assessment criteria, produced the following weighted scores:

SEPARABLE PORTION NO. 1 - SUPPLY AND DELIVERY OF LIGHT POLES

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Max. Points</td>
<td>30</td>
<td>20</td>
<td>100</td>
</tr>
<tr>
<td>Lefroy Bay Pty Ltd trading as Galvanised Poles Australia</td>
<td>29.7</td>
<td>19.3</td>
<td>43.1</td>
<td>92.1</td>
</tr>
<tr>
<td>A.D. Coote &amp; Co. (Sheetmetal) Pty Ltd</td>
<td>27.7</td>
<td>19.0</td>
<td>40.9</td>
<td>87.6</td>
</tr>
<tr>
<td>UAM Pty Ltd</td>
<td>10.2</td>
<td>7.3</td>
<td>41.2</td>
<td>58.7</td>
</tr>
</tbody>
</table>

SEPARABLE PORTION NO. 2 – SUPPLY AND DELIVERY OF LUMINAIRES - Items 5.3.2.1 and 5.3.2.2

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Max. Points</td>
<td>30</td>
<td>20</td>
<td>100</td>
</tr>
<tr>
<td>Gerard Professional Solutions Pty Ltd</td>
<td>29.7</td>
<td>18.0</td>
<td>45.4</td>
<td>93.1</td>
</tr>
<tr>
<td>Australasian LED Pty Ltd</td>
<td>25.8</td>
<td>16.3</td>
<td>22.0</td>
<td>64.1</td>
</tr>
<tr>
<td>EnergyIQ Pty Ltd trustee for Enigin Western Australia Trust trading as Enigin Western Australia</td>
<td>22.0</td>
<td>16.0</td>
<td>22.7</td>
<td>60.7</td>
</tr>
<tr>
<td>UAM Pty Ltd</td>
<td>10.2</td>
<td>7.3</td>
<td>49.4</td>
<td>66.9</td>
</tr>
<tr>
<td>Highlux Pty Ltd</td>
<td>27.0</td>
<td>19.0</td>
<td>18.3</td>
<td>64.3</td>
</tr>
<tr>
<td>Australasian LED Pty Ltd (Alternative)</td>
<td>25.5</td>
<td>16.3</td>
<td>20.2</td>
<td>62.0</td>
</tr>
</tbody>
</table>
The Contract rates will be subject to a price variation every twelve (12) months from the date of award. Such a price variation will be calculated in accordance with the variation in the Consumer Price Index (CPI) for Perth Western Australia for all groups for the 12 months preceding the last completed CPI quarter as at the date the price variation is due.

### Implications to Consider

<table>
<thead>
<tr>
<th>a.</th>
<th>Consultation with the Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>b.</td>
<td>Consultation with Government Agencies</td>
</tr>
<tr>
<td>c.</td>
<td>Strategic</td>
</tr>
</tbody>
</table>

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 A: Tourism Lifestyle
Strategic Objective: Safety, Appearance and Cleanliness - Attractive, appealing and welcoming foreshores, beaches and public spaces that are clean, safe and litter free.

Aspiration B: Strong Community
Strategic Objective: Building Capacity and Awareness - A healthy community that volunteers, embraces lifelong learning and cultural awareness, and is involved with a diverse range of vibrant and sustainable community, sporting, cultural and artistic organisations and pursuits.
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
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
Historically the level of expenditure for this contract is estimated to be $270,000 on average per annum.

Capital works expenditure will be in accordance with the City’s capital and operational maintenance budgets as allocated in the draft 2015/2016 to 2017/2018 budgets.

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 $100,000 unless sub regulation (2) states otherwise’.

g. Risk
Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
High
• Non-compliance with applicable legislation

Comments
The provision of lighting for public spaces such as busy road intersections, sports ovals and car parks is related to specific Australian Standards that cover the appropriate level of lighting to allow for safe operation and illumination, therefore it is important to replace these assets in the shortest timeframe possible. The City has an extensive network of lighting assets with over 40 different types of poles and over 80 variations of luminaires and globes types.
As a result, no tenderer was able to supply all of the listed items in the tender so the assessment panel considered it necessary to accept multiple suppliers. However each separately listed item will come from one supplier only. An emphasis will also be placed on developing a procurement strategy that reduces the number of variations in products over time.

Due to the requirements set out above, the tender was assessed on a separable portion basis; the following tenderers represent best value to the City and are recommended as the preferred tenderers for the nominated items below:

- **Galvanised Poles Australia** was assessed as capable of providing a high level of service and understanding of tender requirements, along with overall value for money. Lefroy Bay Pty Ltd trading as Galvanised Poles Australia is recommended for Separable Portion No. 1 - Supply and Delivery of Light Poles.
- **Gerard Professional Solutions Pty Ltd** was the only supplier to provide the best fit for current and future luminaire requirements. They offered both a high level of service and a good understanding of the tender requirements. Gerard Professional Solutions Pty Ltd is recommended for Separable Portion No. 2 – Supply and Delivery of Luminaires for items listed under sections 5.3.2.1 and 5.3.2.2.
- **Highlux Pty Ltd** was assessed as being capable of providing a suitable product relating to solar lighting. Highlux Pty Ltd is recommended for Separable Portion No. 2 – Supply and Delivery of Luminaires for items listed under section 5.3.2.3.
- **Hayman Industries Pty Ltd** was assessed as being able to provide a high level of service, understanding of tender requirements and best pricing. Hayman Industries Pty Ltd is recommended for Separable Portion No. 3 – Supply and Delivery of Column Light Poles.
- **Gerard Professional Solutions Pty Ltd** was the only supplier to provide the best fit for current and future luminaire requirements. They offered both a high level of service and understanding of tender requirements. Gerard Professional Solutions Pty Ltd is recommended for Separable Portion No. 4 – Supply and Delivery of Luminaires for Column Light Poles.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council:

1. **ACCEPT** the tender submitted from Lefroy Bay Pty Ltd trading as Galvanised Poles Australia, 45 Briggs Street, Welshpool, Western Australia for Separable Portion No. 1 - Supply and Delivery of Light Poles.
2. **ACCEPT** the tender submitted from Gerard Professional Solutions Pty Ltd, 96-112 Gow Street, Padstow, New South Wales for Separable Portion No. 2 – Supply and Delivery of Luminaires - Items 5.3.2.1 and 5.3.2.2.
3. **ACCEPT** the tender submitted from Highlux Pty Ltd, 1 Coast Road, West Swan, Western Australia for Separable Portion No. 2 – Supply and Delivery of Luminaires - Item 5.3.2.3.
4. **ACCEPT** the tender submitted from Hayman Industries Pty Ltd, 119 Airds Road, Minto, New South Wales for Separable Portion No. 3 – Supply and Delivery of Column Light Poles.
5. **ACCEPT** the tender submitted from Gerard Professional Solutions Pty Ltd, 96-112 Gow Street, Padstow, New South Wales for Separable Portion No. 4 – Supply and Delivery of Luminaires for Column Light Poles.

for Tender T14/15-87 – Period provision of poles and luminaires for public area lighting in accordance with the tender documentation for the contract period being from the date of award for a period of 36 months.
Committee Recommendation

Moved Cr Pease, seconded Cr J Smith:

That Council:

1. **ACCEPT** the tender submitted from Lefroy Bay Pty Ltd trading as Galvanised Poles Australia, 45 Briggs Street, Welshpool, Western Australia for Separable Portion No. 1 - Supply and Delivery of Light Poles.

2. **ACCEPT** the tender submitted from Gerard Professional Solutions Pty Ltd, 96-112 Gow Street, Padstow, New South Wales for Separable Portion No. 2 – Supply and Delivery of Luminaires - Items 5.3.2.1 and 5.3.2.2.

3. **ACCEPT** the tender submitted from Highlux Pty Ltd, 1 Coast Road, West Swan, Western Australia for Separable Portion No. 2 – Supply and Delivery of Luminaires - Item 5.3.2.3.

4. **ACCEPT** the tender submitted from Hayman Industries Pty Ltd, 119Airds Road, Minto, New South Wales for Separable Portion No. 3 – Supply and Delivery of Column Light Poles.

5. **ACCEPT** the tender submitted from Gerard Professional Solutions Pty Ltd, 96-112 Gow Street, Padstow, New South Wales for Separable Portion No. 4 – Supply and Delivery of Luminaires for Column Light Poles.

for Tender T14/15-87 – Period provision of poles and luminaires for public area lighting in accordance with the tender documentation for the contract period being from the date of award for a period of 36 months.

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
13. **Reports of Councillors**

Cr Whitfield reported that he had been approached by a lady at the Rockingham Hospital thanking the Council for the construction of a footpath from the hospital to the Rockingham Train Station.

14. **Addendum Agenda**

Nil

15. **Motions of which Previous Notice has been given**

**Planning Services**

**Planning and Development Services**

**Health Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>Notice of Motion – Dog Exercise Area in Baldivis</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>CUS/8-05</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>Cr Matthew Whitfield</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Michael Howes, Coordinator Ranger Services</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Peter Varris, Manager Governance and Councillor Support</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 June 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
</tbody>
</table>

**Site:**

**Lot Area:**

**Attachments:**

**Maps/Diagrams:**

**Purpose of Report**

To provide officer comment and advice on Cr Matthew Whitfield’s Notice of Motion seeking an increase in Dog Exercise Areas in the suburb of Baldivis.
Background

Cr Whitfield submitted the following motion for consideration at the June 2015 Council meeting.

“That Council DIRECT the CEO to increase the number of Dog Exercise Areas throughout the suburb of Baldivis to a number that the City feels adequately reflects the demand and need of the community”.

Cr Whitfield has provided the following comments in support of his Motion:

“For 15 months I have been stressing through various Committees that many residents of Baldivis have been complaining about the fact that unleashed dogs roam many of the parks in the suburb and that they have been frightened or have witnessed dog attacks or have been too scared to allow their children to play in those parks.

There are 116 dog exercise areas through the City of Rockingham and only two of those are in Baldivis.

Baldivis has over 4,000 registered dogs which is by far the largest dog owning suburb in the City.

<table>
<thead>
<tr>
<th>Suburb</th>
<th>No. of Dogs</th>
<th>No. of Dog Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hillman</td>
<td>387</td>
<td>3</td>
</tr>
<tr>
<td>Golden Bay</td>
<td>613</td>
<td>4</td>
</tr>
<tr>
<td>Singleton</td>
<td>642</td>
<td>4</td>
</tr>
<tr>
<td>Safety Bay</td>
<td>1,489</td>
<td>21</td>
</tr>
<tr>
<td>Rockingham</td>
<td>2,423</td>
<td>32</td>
</tr>
<tr>
<td>Baldivis</td>
<td>4,050</td>
<td>2</td>
</tr>
</tbody>
</table>

The City acknowledges that Baldivis would be the preferred location for the next proposed enclosed off leash area but that is at least 2 years away.

By increasing the number of gazetted dog exercise areas the large dog community would have more legal options open to them to enjoy, this would also assist with those in the community who are fearful of unleashed dogs as they would know clearly which parks and reserves are dog friendly and could then make the choice whether to frequent that park or not.

A fair equitable share of dog exercise areas needs to be made available throughout the City and 2 areas for 4,050 dogs is not currently equitable.”

Details

The suburb of Baldivis currently has two dog exercise areas for dog owners to legally exercise their dogs off leash. The suburb of Baldivis has rapidly increased in size and population but there has not been a corresponding increase in the number of dog exercise areas in the suburb.

In response to a change in the Dog Act 1976, Council at its meeting held 25 August 2014 resolved to declare dog exercise areas and prohibited dog exercise areas. This removed the need for the City of Rockingham to alter the Dogs Local Law 2000 in order to add and remove dog exercise areas and allowed the City to declare these areas via Council Resolution.

Implications to Consider

a. Consultation with the Community

No consultation has currently been conducted with regard to this proposal.
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.

d. Policy

Nil

e. Financial

Nil

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."

Any recommendation for increases or changes of designated dog exercise areas will need to be determined by Council by Absolute Majority and is unable to be delegated to the Chief Executive Officer in accordance with section 5.43 of the Local Government Act 1995 which states that a local government may not delegate to the CEO any power or duty that requires a decision of an Absolute Majority.

g. Risk

**Risk Implications of Implementing Officer Recommendation**

Nil

**Risk Implications of Not Implementing Officer Recommendation**

Nil

Comments

It is agreed that the suburb of Baldivis has an inadequate number of dog exercise areas. By increasing the number of dog exercise areas it will enable dog owners to legally exercise their dogs in these areas off leash. This will also enable residents without dogs to visit non-dog exercise parks and reserves, with a decreased risk of dogs being exercised off-leash.
A petition has also been recently received by the City from residents within Baldivis requesting an increase in the number of dog exercise areas.

An investigation and report will be required to identify appropriate locations and numbers of parks and reserves within Baldivis that may be suitable as declared dog exercise areas.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council *DIRECT* the Chief Executive Officer to prepare a report on suitable parks and reserves within Baldivis that can be considered for declaration as dog exercise areas.

**Notice of Motion from Cr Whitfield**

That Council *DIRECT* the CEO to increase the number of Dog Exercise Areas throughout the suburb of Baldivis to a number that the City feels adequately reflects the demand and need of the community.

**Committee Recommendation**

*Moved Cr Whitfield, seconded Cr Pease:*

That Council *DIRECT* the Chief Executive Officer to prepare a report on suitable parks and reserves within Baldivis that can be considered for declaration as dog exercise areas.

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

Reference No & Subject:

EP-029/15 Notice of Motion – Investigate the current need for an additional Public Ablution Facility within the Waterfront Village Precinct.

Proponent/s: Cr Allan Hill OAM JP

Author: Mr Chris Thompson, Director Engineering and Parks Services

Date of Committee Meeting: 15 June 2015

Previously before Council: 15 June 2015

Disclosure of Interest: Executive

Nature of Council’s Role in this Matter: Executive

Purpose of Report

To provide officer comment and advice on Cr Allan Hill’s notice of motion.

Background

Cr Allan Hill submitted the following motion for consideration at the June 2015 Council Meeting:

That Council:

1. **INVESTIGATE** if there is a current need for an additional Public Ablution Facility within the Waterfront Village Precinct

2. **CONSIDER** allocating funds within future Business Plan deliberations for the construction of a Public Ablution Facility.

Details

Currently public ablution facilities exist on the Rockingham Foreshore at Bell and Churchill Parks. No public facility is located close to the Village Green.
Implications to Consider

a. Consultation with the Community
   Extensive consultation is being undertaken in respect to the Rockingham Foreshore Masterplan and some comments may relate to the public ablution facilities.

b. Consultation with Government Agencies
   Nil

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:
   
   **Aspiration 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
   No monies are currently allocated within the City’s 10 year Business Plan.

f. Legal and Statutory
   Nil

g. Risk
   Risk Implications of Implementing Officer Recommendation
   Nil

   Risk Implications of Not Implementing Officer Recommendation
   Nil

Comments

Over the past ten years, significant emphasis has been on upgrading / replacing the public ablution facilities on the Rockingham Foreshore, particularly at Churchill and Bell Parks. During this time the Waterfront Village Precinct has developed significantly with the Village Green being the central focus on activity. An investigation will enable us to assess if there are any current or future needs for public ablution facilities in this area.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **DIRECT** the Chief Executive Officer to investigate if there is a need for an additional Public Ablution Facility within the Waterfront Village Precinct.

Notice of Motion from Cr Allan Hill

That Council:

1. **INVESTIGATE** if there is a current need for an additional Public Ablution Facility within the Waterfront Village Precinct.
2. **CONSIDER** allocating funds within future Business Plan deliberations for the construction of a Public Ablution Facility.

**Committee Recommendation**

Moved Cr J Smith, seconded Cr Pease:
That Council **DIRECT** the Chief Executive Officer to investigate if there is a need for an additional Public Ablution Facility within the Waterfront Village Precinct.

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 20 July 2015** 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**.