City of Rockingham
Planning Services Committee Meeting Minutes
Monday 17 September 2012

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<table>
<thead>
<tr>
<th></th>
<th>Date and Time of Next Meeting</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>20.</td>
<td>Closure</td>
<td>118</td>
</tr>
</tbody>
</table>
1. Declaration of Opening

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

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

2.1 Councillors

Cr Richard Smith  
Cr Chris Elliott  
Cr Leigh Liley  
Cr Lorraine Dunkling (Deputy for Cr Hill)

2.2 Executive

Mr John Pearson  A/Chief Executive Officer  
Mr Bob Jeans  Director Planning and Development Services  
Mr John Woodhouse  Director Legal Services and General Counsel  
Mr Peter Ricci  Project Manager Keralup  
Mr Jeff Bradbury  A/Manager Strategic Planning and Environment  
Mr Richard Rodgers  Manager Building Services (until 4.25pm)  
Mr Mike Ross  Manager Statutory Planning  
Mr Rod Fielding  Manager Health Services (until 4.25pm)  
Ms Melinda Wellburn  PA to Director Planning and Development Services

Members of the Public: 4  
Press: 1

2.3 Apologies:  
Cr Allan Hill

2.4 Approved Leave of Absence:  Nil

3. Responses to Previous Public Questions Taken on Notice

Nil

4. Public Question Time

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

4.1 Mr Stephan Stanham, 21B Percival Place, Baldivis - SPE-025/12 - Proposed Structure Plan (Adoption)

The Chairperson invited Mr Stanham to present his questions to the Planning Services Committee. Mr Stanham asked the following questions:
1. Will vegetation be retained along the Sixty Eight Road frontage.
   
   Mr Bradbury advised that wherever possible existing vegetation will be retained along the road reserves and within the Structure Plan area.

2. Who is the developer in case the underground water supply is affected during subdivision works?
   
   Mr Bradbury advised that the provision of a Local Water Management Strategy is a requirement of subdivision approval. He further advised that should Mr Stanham’s water supply be affected, he should contact the Department of Water, as it is the custodian for the supply of water.

3. Will native animals/kangaroos be relocated or culled?
   
   Mr Bradbury advised that a Fauna Relocation Plan is a requirement of subdivision approval.

4.15pm - Cr Leigh Liley left the Planning Services Committee meeting.

4.2 Mr Justin Hansen and Mr Frank Arangio, Development Planning Strategies (DPS) - SPE-024/12 - Proposed Structure Plan ('West Karnup') - Adoption

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

1. Do Conditions 1-4 need to be resolved prior to the Structure Plan being submitted to the Western Australian Planning Commission for approval?

   Mr Bradbury advised that the City has to be satisfied with the Structure Plan layout prior to it being submitted to the Commission. Mr Jeans reiterated Mr Bradbury’s advice.

4.19pm - Cr Leigh Liley returned to the Planning Services Committee meeting.

4.3 Mr Justin Hansen and Mr Frank Arangio, Development Planning Strategies - SPE-022/12 - Proposed Structure Plan ('Spires Estate') - Consent to Advertise

1. Is there any reason why Lot 5 was excluded from the proposed Structure Plan?

   Mr Bradbury advised that Lot 5 was not included as the City had received an email from Mr Sheldon Day, DPS, on the 2nd August 2012, stating that DPS was not representing the owners of Lot 5.

4.21pm There being no further questions the Chairperson closed Public Question Time.

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

Moved Cr Liley, seconded Cr Dunkling:

That Council CONFIRM the Minutes of the Planning Services Committee Meeting held on 20 August 2012, as a true and accurate record.

Committee Voting – 4/0

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

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

   **4.22pm** 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**

   **4.23pm** 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 Services Information Bulletin – September 2012**

    Health Services
    1. Health Services Team Overview
    2. Human Resource Update
    3. Project Status Reports
       3.1 FoodSafe
       3.2 Industrial and Commercial Waste Monitoring
       3.3 Community Health & Wellbeing Plan
       3.4 Healthy Communities Initiative
       3.5 Health Promotion
       3.6 Mosquito Control Program
       3.7 Ocean Water Sampling
    4. Information Items
       4.1 Mosquito-Borne Disease Notifications
       4.2 Food Recalls - August 2012
       4.3 Food Premises Inspections
       4.4 Public Building Inspections
       4.5 Outdoor Public Event Approvals - August 2012
       4.6 After Hours Noise & Smoke Nuisance Complaint Service
       4.7 Complaint - Information
       4.8 Building Plan Assessments
       4.9 Septic Tank Applications
       4.10 Demolitions
       4.11 Swimming Pool and Drinking Water Samples
       4.12 Rabbit Processing
       4.13 Hairdressing & Skin Penetration Premises
       4.14 Family Day Care
       4.15 Update On Zelda’s/Vibe Nightclub

    Building Services
    1. Building Services Team Overview
    2. Human Resource Update
    3. Project Status Reports
    4. Information Items
       4.1 Private Swimming Pool and Spa Inspection Program
       4.2 Monthly Building Licence Approvals - (All Building Types)
4.3 Occupancy Permits  
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 Provisional Approval  
4.10 Building Approval Certificates for Unauthorised Building Works  
4.11 Monthly Caravan Park Site Approvals

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

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

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

4.1 Metropolitan Region Scheme Amendment - Strategic Regional Centre - Review of Air Quality Buffer – Activity Centre North (Area 3; Sector 5) (LUP/1416)

4.2 Liveable Cities Grant - Lot 359 Goddard, Market & McNicholl Streets and Marks Place, Rockingham City Centre

4.3 Lots 401 and Lot 404 Civic Boulevard, Rockingham City Centre

**Committee Recommendation**

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

Committee Voting – 4/0

4.26pm - Mr Richard Rodgers, Manager Building Services and Mr Rod Fielding, Manager Health Services left the Planning Services Committee meeting.
### 12. Agenda Items

**Strategic Planning and Environment**

#### Planning Services
**Strategic Planning & Environment Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-020/12 Tender T12/13-35 - Preparation of the Karnup District Structure Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>T12/13-35</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td></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>
</tr>
<tr>
<td></td>
<td>Mr Bruce Foster, Contracts Coordinator</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>17th September 2012</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
</tr>
<tr>
<td>Site:</td>
<td>Area bounded by Paganoni Road to the south; Fletcher Road/Stakehill Road/Nairn Drive to the west; Sixty Eight Road to the north; and Baldivis Road/Stakehill Road/Kwinana Freeway to the east</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>Approximately 2,300 hectares</td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Figure 1 - Extract from draft Outer Perth and Peel Sub-Regional Strategy (2010) showing the &quot;BA11&quot;, &quot;KA1&quot;, &quot;KA5&quot; and &quot;KA6&quot; urban investigation areas which form the Karnup District Structure Plan area</td>
</tr>
<tr>
<td></td>
<td>2. Draft Karnup District Structure Plan area</td>
</tr>
</tbody>
</table>

#### Purpose of Report

To provide the Council with details of the Tenders received for *Tender T12/13-35 - Preparation of the Karnup District Structure Plan*, to document the results of the tender assessment and make recommendations regarding award of the tender.
Background

In August 2010, the Western Australian Planning Commission released the draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy* for public comment. The Strategy identified significant proportions of land within Karnup and southern Baldivis as potentially accommodating urban land uses in the short to medium term (between one and ten years time). The urban potential of this land has been earmarked since the release of the South West Corridor Structure Plan in 1993 (see Figure 1).

The cell proposed to accommodate urban development is currently occupied by various land uses and is in multiple ownership. It contains a large number of 'Special Rural' lots and it is understood that various parties are already seeking to assemble land to realise an urban potential.

Figure 1 - Extract from draft *Outer Perth and Peel Sub-Regional Strategy* (2010) showing the "BA11", "KA1", "KA5" and "KA6" urban investigation areas which form the Karnup District Structure Plan area.
District Structure Plans are strategic structure plans intended to be prepared over land either not yet zoned for urban purposes or over land where fragmented land ownership requires a framework to guide the coordination of land uses and infrastructure.

The Council has endorsed the North and South Baldivis District Structure Plans to guide the preparation of Structure Plans and Comprehensive Development Plans (prepared under Town Planning Scheme No.1) within Baldivis in the years 2000 for North Baldivis and 2004 for South Baldivis. Since its inception, these District Structure Plans are considered to have been successful instruments in providing a co-ordinated approach for the preparation of Local Structure Plans.

More recently, the Council has responded to District Structure Plan proposals lodged by private developers, however, it has been recognised that the best planning outcome will be achieved if the City leads this District Structure Plan process.

In this context, the City is taking a proactive approach in preparing a District Structure plan to provide greater certainty to future rezoning processes and long term planning for the Karnup and southern Baldivis Districts, in consultation with the community and stakeholder groups.

The site is bounded by Paganoni Road to the south, Fletcher Road/Stakehill Road/Nairn Drive to the west, Sixty Eight Road to the north, and Baldivis Road/Stakehill Road/Kwinana Freeway to the east (see Figure 2).

The Karnup District Structure Plan area is approximately 2,300 hectares. Within this area, approximately 400 hectares of land on the southern side of Stakehill Road is zoned “Urban Deferred” and another large tract of land (approximately 130 hectares) wedged between the Urban Deferred area and the Kwinana Freeway is reserved as “Parks and Recreation” under the Metropolitan Region Scheme. The balance of the Karnup District Structure Plan area is zoned “Rural” and “Special Rural” in the Town Planning Scheme No.2 and currently forms part of Planning Unit No.2 under the City's Rural Land Strategy.

The Karnup District Structure Plan is a strategic structure plan which will provide guidance to more detailed planning regarding:

- Land use;
- Employment;
- Residential density targets;
- Education facilities;
- Coordination of roads and community infrastructure;
- Location and distribution of regional and district open space; and
- The location of primary infrastructure networks.

The District Structure Plan will also:
- Provide strategic land use framework to guide and coordinate the future development of the structure plan area;
- Co-ordinate the provision and planning for district infrastructure and facilities;
- Provide more detailed information on and resolutions to outstanding regional and district land use and planning issues; and
- Guide and inform developer contribution arrangements for common infrastructure and facilities.

The Karnup District Structure Plan will set out the strategic direction to the long-term land use planning and development consistent with State Planning Policies and which is economically, socially and environmentally sustainable.

As part of the District Structure Plan's preparation, the City will collaborate with the Department of Planning in determining an appropriate urban footprint. This will take into account the Department of Planning's Strategic Review of the region determining land suitable for conservation under the Federal Government's environmental protection legislation.

The City has already commissioned consultants to prepare a District Water Management Strategy for Karnup and portions of Baldivis. The District Water Management Strategy is expected to be completed in draft by late 2012.

Tender T12/13-35 was advertised in the West Australian on Saturday, 21st July 2012 and closed at 2.00pm, Wednesday, 15th August 2012; tenders were publicly opened immediately after the closing time.

**Details**

**Tender Summary**

The works undertaken within the tender are divided into four primary tasks as follows:
- Task 1 Stakeholder Groups Consultation;
- Task 2 Community Engagement/Consultation;
- Task 3 Development of Management Strategies including Implementation Plan; and
- Task 4 Preparation and Formal Consideration of the Karnup District Structure Plan.

The works required for each task is summarised below:

**Task 1 – Stakeholder Groups Consultation**

As an important step in the process, the consultant will be required to collaborate with relevant departments within the City to identify priorities in achieving a vision for Karnup and its relevance to the development of Karnup District. A Stakeholder Reference Group will be established for this purpose, comprising of the appointed consultant, the City's project officer, representatives from the Department of Planning and major landowners.

In consultation with the City’s Project Management Team and the Stakeholder Reference Group, the consultant will be required to deliver on the following requirements and responsibilities:

(i) Organising and conducting and/or attending meetings with the governance groups on a monthly basis based on an agreed agenda and timetable.

(ii) Preparation and finalisation of an overarching vision statement for the District Structure Plan which contributes towards:

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**CONFIRMED AT A PLANNING SERVICES MEETING**

**HELD ON MONDAY, 15 OCTOBER 2012**

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**PRESIDING MEMBER**
- Directions 2031 vision, “By 2031, Perth and Peel people will have created a world class liveable city; green, vibrant, more compact and accessible with a unique sense of place”; and

- The City’s Community Aspiration 11: Land-use and Development Control, “Planning for population growth to ensure that future development and land uses contribute to a sustainable city that provides for a genuinely desirable lifestyle”.

(iii) Prepare a Communication and Community Consultation Strategy.

(iv) Communicate by advertising the intent and context of the Karnup District Structure Plan, which also includes:

- Creation of a dedicated Karnup District Structure Plan webpage on the City of Rockingham website.

- Supporting the City’s Project Team to engage with the community through Social Media such as Facebook.

- Reporting to the City’s Project Management Team the feedback/comments received and its appropriate responses.

(v) Develop detailed scope for the preparation of the technical reports.

Task 2 - Community Engagement/Consultation

The consultant will be required to identify the community values and issues related to the Karnup district and capture the community's ideas and input during the preparation of the District Structure Plan. It is expected that the consultant will be required to conduct at least two community consultation/information sessions in order to ensure that the structure planning outcomes are soundly based with community support.

(i) Prepare consultation materials, for example flyers, posters, questionnaire depending on the audience.

(ii) Organising and conducting two community consultation/information programmes.

(iii) Reporting back the community feedback/comments received and its appropriate responses to the Governance Group and the City’s Project Management Team.

Task 3 - Development of the Management Strategies including Implementation Plan

The brief requires the consultant to undertake the assessments/studies listed below and provide the details including the scope of work of all sub-projects based on the assessments/studies in the Project Proposal.

<table>
<thead>
<tr>
<th>Technical Assessments / Studies</th>
<th>Key Elements</th>
<th>Agencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Assessment and Management Strategy, including context and constraints analysis</td>
<td>Land Form</td>
<td>KDSP Consultant</td>
</tr>
<tr>
<td></td>
<td>Soil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ground water</td>
<td></td>
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<tr>
<td></td>
<td>Surface Water</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Heritage</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Flora and Fauna</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Adjacent land use conflicts</td>
<td></td>
</tr>
<tr>
<td>Bushfire Hazard Assessment</td>
<td>Fire Protection</td>
<td>KDSP Consultant</td>
</tr>
<tr>
<td>Transport and Traffic Management Strategy, including context and constraints analysis</td>
<td>Public Transport</td>
<td>KDSP Consultant</td>
</tr>
<tr>
<td></td>
<td>Cycling</td>
<td></td>
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<tr>
<td></td>
<td>Pedestrian Access</td>
<td></td>
</tr>
<tr>
<td>Educational Facilities</td>
<td>Location, size, and distribution</td>
<td>KDSP Consultant</td>
</tr>
<tr>
<td>Open Space Plan, including context and constraints analysis</td>
<td>Regional and District Open Spaces</td>
<td>KDSP Consultant in coordination with the City’s Parks Operations Team and the City’s Community Infrastructure Planning Team</td>
</tr>
</tbody>
</table>
The City will be responsible for the preparation of the District Water Management Strategy, the Community Service and Facilities Strategy, and the Implementation Plan which are relevant to the preparation of the District Structure Plan. The consultant will incorporate the relevant aspects of these studies/plan within the District Structure Plan report.

**Task 4 - Preparation and Formal Consideration of the Karnup District Structure Plan**

Following the preparation of technical studies and assessment of the constraints to development, the consultant is required to prepare the District Structure Plan in accordance with the process outlined in the WAPC guidelines for the preparation of the structure plans.

The District Structure Plan will then follow the process outlined by Amendment No.122 (SPE--012/12) to Town Planning Scheme No.2 which was adopted by the Council for the purposes of advertising in June 2012.

The consultant is required to deliver the District Structure Plan and technical reports consistent with the information requirements of the draft Structure Plan Preparation Guidelines.
**Period of Tender**

The period of the contract shall be from the date of award and is expected to be completed (final adoption by the City) by the first quarter of 2014. The project will be complete when the final deliverables are provided to the City to its satisfaction.

**Tender Submissions**

Tender submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
<th>Lump Sum Price – GST Excl</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cardno (WA) Pty Ltd</td>
<td>$215,930</td>
</tr>
<tr>
<td>GHD</td>
<td>$218,238</td>
</tr>
<tr>
<td>Greg Rowe &amp; Associates</td>
<td>$239,000</td>
</tr>
<tr>
<td>TME Town Planning Management Engineering</td>
<td>$241,868</td>
</tr>
<tr>
<td>Development Planning Strategies (DPS)</td>
<td>$324,160</td>
</tr>
<tr>
<td>The Planning Group WA Pty Ltd</td>
<td>$329,265</td>
</tr>
<tr>
<td>Burgess Design Group</td>
<td>$388,980</td>
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<tr>
<td>Planning Solutions (Aust) Pty Ltd</td>
<td>$607,085</td>
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</tbody>
</table>

Evaluation of the Tenders was undertaken by a panel comprising the Manager, Strategic Planning and Environment and two of the City's Senior Strategic Planning Officers.

An addendum appendix outlining the scope of works for the City's currently progressing District Water Management Strategy was provided to parties that had applied for a copy of the tender. This information was provided to ensure tender submissions did not quote for works currently being completed by the City in its District Water Management Strategy.

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>Cardno</th>
<th>GHD</th>
<th>Greg Rowe</th>
<th>TME</th>
<th>DPS</th>
<th>TPG</th>
<th>Burgess</th>
<th>Planning Solutions</th>
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<tbody>
<tr>
<td>Level of Service</td>
<td>20%</td>
<td>16.3%</td>
<td>14.7%</td>
<td>16.7%</td>
<td>17.7%</td>
<td>18.3%</td>
<td>18.3%</td>
<td>16.7%</td>
<td>14.3%</td>
</tr>
<tr>
<td>Performance and experience of Tenderer</td>
<td>35%</td>
<td>24.3%</td>
<td>21.3%</td>
<td>25%</td>
<td>28.3%</td>
<td>31.7%</td>
<td>31.7%</td>
<td>29%</td>
<td>20.7%</td>
</tr>
<tr>
<td>Methodology Statement and timeline</td>
<td>20%</td>
<td>12.3%</td>
<td>10%</td>
<td>14.3%</td>
<td>18%</td>
<td>16.3%</td>
<td>18.3%</td>
<td>15.3%</td>
<td>16.3%</td>
</tr>
<tr>
<td>Tendered Price/s</td>
<td>25%</td>
<td>25%</td>
<td>24.7%</td>
<td>22.6%</td>
<td>22.3%</td>
<td>16.7%</td>
<td>16.4%</td>
<td>13.9%</td>
<td>8.9%</td>
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<tr>
<td>Total Weighted Scores</td>
<td>100%</td>
<td>78%</td>
<td>70.7%</td>
<td>78.6%</td>
<td>86.3%</td>
<td>83%</td>
<td>84.7%</td>
<td>74.9%</td>
<td>60.6%</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 contained in the Community Plan 2011:-

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

d. **Policy**  
The Purchasing Policy and Procurement Standard applies to this tender. To provide compliance with the Local Government Act 1995; Section 3.57 and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, Regulation 11A (1) 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 subregulation (2) states otherwise.

e. **Financial**  
Within the request for tender, the City did not allocate a maximum budget for the project. This was to ensure tender submissions accounted for the cost for providing services that represent best practice for the full scope of works to complete a project of this size and scale.

An amount of $250,000 has been allocated for the contract of in the 2012/2013 Budget within account 210175.2140. A further $537,332 is available in the Strategic Master Planning Reserve.

As such, there is sufficient funding available within the Project Account to accept the Tender.

f. **Legal and Statutory**  
In accordance with the Local Government Act 1995 Section 3.57 and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, Regulation 11 (1), 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 subregulation (2) states otherwise.

### Comments

**Selection of Preferred Tender**

Following consideration of the submissions and in accordance with the tender criteria, all companies demonstrated good capacity to prepare the Karnup District Structure Plan, however, the submission received from TME is considered to represent best value to the City and is therefore recommended as the preferred tender.

The tender prepared by TME demonstrated that the consultant can deliver a quality level of service, and has an appropriate level of experience and methodical approach which was well received by the City for the preparation of the District Structure Plan. It is also noted the tendered price also falls within the allotted budget for the 2012/13 financial year.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ACCEPT** the tender submitted from TME Town Planning, Management and Engineering Pty Ltd, 26 Wittenoom Street, Bunbury, for Tender T12/13-35 - Preparation of the Karnup District Structure Plan in accordance with the tender documentation for the lump sum value of $241,868 (excl GST).
Committee Recommendation

That Council **ACCEPT** the tender submitted from TME Town Planning, Management and Engineering Pty Ltd, 26 Wittenoom Street, Bunbury, for Tender T12/13-35 - Preparation of the Karnup District Structure Plan in accordance with the tender documentation for the lump sum value of $241,868 (excl GST).

Committee Voting – 4/0

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

Not applicable

Implications of the Changes to the Officer’s Recommendation

Not applicable
Planning Services
Strategic Planning and Environment Services

Reference No & Subject: SPE-021/12 Proposed Structure Plan – Consent to Advertise

File No: LUP/1412

Proponent/s: Allerding & Associates on behalf of the Estate of GDR Lilburne

Author: Mr John-Paul MacDonagh, Planning Officer

Other Contributors: Mr Jeff Bradbury, Coordinator Strategic Planning
Mr Brett Ashby, Manager Strategic Planning and Environment

Date of Committee Meeting: 17th September 2012

Previously before Council:

Disclosure of Interest:

Nature of Council’s Role in this Matter: Legislative

Site: Lot 311 Fifty Road, Baldivis
Lot Area: 15.1150ha
LA Zoning: Development
MRS Zoning: Urban and Other Regional Road
Attachments:
1. Proposed Structure Plan
2. Location Plan
2. Baldivis North District Structure Plan

Purpose of Report
To consider a proposed Structure Plan over Lot 311 Fifty Road, Baldivis and determine whether the proposal is suitable for advertising.

This Report should be read in conjunction with Item SPE-022/12 on the current Agenda for a proposed Structure Plan over Lots 2 and 4 Baldivis Road, Lots 312 and 313 Fifty Road, and Lots 7 and 8 Ingram Road, Baldivis which generally adjoin the western, eastern and southern boundaries of Lot 311.
**Background**

**District Structure Plan**

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

Description of Proposal
The subject land is zoned ‘Development’ under Town Planning Scheme No.2 (TPS2) and is located at the corner of Eighty and Fifty Roads, Baldivis approximately 8km south east of Rockingham. The landholding is 15.11ha and the proposed Structure Plan, as depicted in Attachment No.1, incorporates the following elements:-
- 128 Residential ‘R20’ lots;
- 5 Residential ‘R25’ lots;
- 33 Residential ‘R30’ lots;
- 1 Residential ‘R40’ lot with the potential to create 26 dwellings; and
- 2040m² Commercial (Mixed Use) site.

Planning Context
Site Analysis
The site is currently zoned ‘Urban’ in the Metropolitan Region Scheme (MRS) and subject to a regional road reserve (Nairn Drive). It is designated for future development in accordance with the BNDSP.

The subject site is uncleared, has not been used for agricultural activities and does not present issues associated with contamination for such activity. No access roads or structures are located within the site.

The existing ground levels of the land range from approximately 6m to 15.8m AHD. The highest point occurs in the north near Fifty Road while the lowest point occurs near the south west corner of the site.

The landholding has a subsurface profile consisting of moderately deep to deep siliceous yellow-brown sands or pale sands with yellow-brown sub-soils, and minor limestone outcrop.

No wetlands are present, and although a significant amount of original vegetation remains onsite, it has not been designated as a Bush Forever site. There are currently no identified environmental constraints on the development potential of the land. The consideration of environmental factors is considered within the ‘Comments’ section of this report.

Adjoining Land uses and Buffers
The adjoining land to the north is currently undergoing development in accordance with the ‘Baldivis North’ Structure Plan. Other land in the area is utilised for rural-residential and rural activities, including market gardening and a chicken hatchery. The Baldivis primary school and community & recreational facilities are located on the northern side of Fifty Road.

The Layertech Chicken Hatchery on Lot 3 Baldivis Road is located opposite the subject site to the south east. A buffer area is required around this site and the Odour Impact Assessment is considered in the ‘Comments’ section of this report.

Implications to Consider

a. Consultation with the Community
Where the Council determines that a Proposed Structure Plan is satisfactory for advertising, clause 4.2.6.5 of the Scheme requires the proposal to be advertised for public inspection by one or more of the methods set out in clause 6.3.3 of the Scheme, which include:

(a) notice of the proposal being served on nearby owners and occupiers who, in the opinion of Council, are likely to be affected by the proposal, and stating that submissions may be made on the proposal by a specified date.

(b) notice of the proposal being published in a newspaper circulating in the Scheme Area stating that submissions may be made on the proposal by a specified date.
(c) a sign or signs displaying a notice of the proposal is to be erected in a conspicuous position on the land.

The specified date is required to be at least 21 days from the date of the notice and advertisement, however, it is the City's practice to undertake advertising for at least 28 days where the proposal has not been previously advertised.

b. Consultation with Government Agencies

In addition to the above, clause 4.2.6.5(b)(ii) of the Scheme requires that the Council give notice to relevant public authorities.

c. Strategic

Community Plan

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

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

d. Policy

*Directions 2031*

*Directions 2031 and Beyond: Metropolitan Planning Beyond the Horizon ('Directions 2031')* was released by the Western Australian Planning Commission (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. This equates to a minimum R25 code (average of 350m² lots) being applied to all greenfield and infill development.

Assessment of the density proposed in the Structure Plan against *Directions 2031* is detailed in the 'Comments' section of this report.

*Liveable Neighbourhoods*

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

*Liveable Neighbourhoods* 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.

Assessment of the Structure Plan against Liveable Neighbourhoods is detailed in the 'Comments' section of this report.

**Planning for Bushfire Protection Guidelines Edition 2**

The WAPC’s 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.

Fire risk has been raised as a concern due to the proximity of proposed lots to heavily vegetated land to the north. The proponent has provided a Bush Fire Hazard Assessment in accordance with the Bush Fire Protection Guidelines and addresses site specific concerns.

The Bush Fire Hazard Assessment will be subject to detailed assessment during public advertising of the proposal.

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

This Guidance Statement provides advice and sets generic separation distances from industrial land uses to sensitive land uses.

The Guidance Statement defines ‘sensitive land uses’ as residential development, Hospitals, Nursing Homes, Child Care facilities, Shopping Centres, and Public Open Space. Some commercial, institutional and industrial land uses with higher high levels of amenity or are sensitive to particular emissions may also be considered as ‘sensitive land uses’.

The Layertech Chicken Hatchery currently operates from Lot 3 Baldivis Road which is directly opposite the Structure Plan. The potential for odour associated with this operation has been considered via an Odour Impact Assessment which has included Odour Modelling.

For a ‘Poultry Industry’, the Environmental Protection Authority’s Guidance Statement No.3 recommends a generic buffer distance between 300m and 1000m dependent upon various factors. The buffer requirements are considered within the 'Comments' section of this report.

**State Planning Policy No.2 - Environment and Natural Resources Policy (2006)**

In recognition of the demands and pressures on the natural environment, this planning policy was introduced to guide co-ordinated decision making to ensure the environment was appropriately considered in planning decisions.

The objectives of this Policy are to: -

- Integrate environment and natural resource management with broader land use planning and decision-making;
- Protect, conserve and enhance the natural environment; and
- Promote and assist in the wise and sustainable use and management of natural resources.
Council’s Local Biodiversity Strategy encourages the retention of native vegetation in future urban areas. This is supported in Element 4, R3 of Liveable Neighbourhoods which notes that public parkland should provide a balance between conservation and active and passive recreational uses in district, neighbourhood and local open space.

Assessment of the Structure Plan against State Planning Policy No.2 – Environment and Natural Resources Policy (2006) is detailed in the ‘Comments’ section of this report.

**Planning Policy 3.4.1 - Public Open Space**

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

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

Discussion regarding the distribution of public open space and compliance with the City’s Policy can be found in the ‘Comments’ section of this Report.

**Planning Policy 6.3 - Local Commercial Strategy**

Planning Policy 6.3 - Local Commercial Strategy (LCS) provides guidance for the distribution and hierarchy of employment centres within the District.

Part 2.4.4 of the LCS identifies one Neighbourhood Centre for the North Baldivis precinct which is proposed to accommodate no more than 4,500m² of retail floorspace. The centre is shown within the subject site and the ‘North Baldivis’ estate in accordance with the BNDSP.

The proposed Structure Plan makes provision for a portion of the identified ‘Baldivis North’ Neighbourhood Centre with a commercial site which has a total site area of 2040m².

e. financial

Nil

f. Legal and Statutory

Clause 4.2.6.2 of the Scheme states that the Council is to either:

(a) determine that the Proposed Structure Plan is satisfactory for advertising;

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

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

### Comments

**Structure Plan Assessment**

**Community Design**

The Structure Plan is consistent with the BNDSP, incorporating the commercial component, major road connections and residential dwellings.

A mix of ‘R20’ and ‘R30’ single residential lots comprise the majority of the Structure Plan area. The ‘R30’ lots front onto POS areas, increasing density in close proximity to areas of high amenity as well as providing passive surveillance. An ‘R40’ development site is located adjacent to the proposed commercial centre.

The assessment of housing density is guided by the provisions of Liveable Neighbourhoods and Directions 2031.

Liveable Neighbourhoods requires the Structure Plan to achieve a target density of 12-20 dwellings per hectare outside the 400m radius of a Neighbourhood Centre. The Structure Plan achieves this target.
The Structure Plan is required to achieve a target density of 20-30 dwellings per site hectare for lots within 400m of a Neighbourhood Centre in accordance with Liveable Neighbourhoods. In this regard, an ‘R40’ development site accommodating up to 26 dwellings is adjacent to the proposed centre and the requirements of Liveable Neighbourhoods are considered satisfied.

Directions 2031 sets a minimum residential density target of 15 dwellings per gross urban zoned hectare. Although the proposal does not achieve the minimum density requirements of Directions 2031, it is considered that the design appropriately responds to the context of the locality and exceeds the Liveable Neighbourhoods requirements.

The proposed densities across the Structure Plan are considered appropriate for the purposes of advertising.

Context
The proposed Structure Plan has been assessed against the proposed Structure Plan submitted for Lots 2 and 4 Baldvis Road, Lots 312 and 313 Fifty Road, and Lots 7 and 8 Ingram Road, Baldvis (Item SPE-022/12 on this Agenda) and there are discrepancies between the two plans in terms of the location of roads and POS. These discrepancies will be considered during the advertising period.

Lot Layout
The lot layout focuses on increasing density and interest around features of the site, particularly the POS. The site is set out in a modified grid layout providing for the majority of lots to be in a regular shape. The majority of lots are oriented north-south and east-west conducive to solar design principles. All lots could not be oriented to solar design principles due to existing road alignments and property boundaries.

Rear loaded lots are proposed along Fifty Road fronting the Baldvis Primary School and Baldvis Reserve to the north of the site. This is considered to be conducive to the provision of on-street parking along Fifty Road and is supported.

Block Length
The structure plan proposes a residential block approximately 370m in length. This block is located along Fifty Road between the Nairn Drive road reservation and Eighty Road. The laneway associated with this block is discussed in the subsequent ‘Laneway Design’ section of this report.

The length of this block does not comply with the ‘Urban Structure’ or the ‘Neighbourhood Permeability’ provisions of Liveable Neighbourhoods – Element 3, R3 and Element 2 R13 respectively. The block’s length will be the subject of further consideration during the public advertisement period.

Laneway Design
The laneway proposed south of Fifty Road measures approximately 320m and is intersected by a road and a pedestrian access way (PAW). Element 3, R36 of Liveable Neighbourhoods requires the length of laneways to be limited to less than 140m. The suitability of the PAW to limit the length of the laneway requires further consideration during public advertising of the proposal. It is noted that the City’s Waste Services seek the length of laneways to be restricted to approximately 100m for waste removal procedures.

A lot has been designed to have sole frontage from a laneway. This does not comply with Element 3, R29 of Liveable Neighbourhoods and will require redesign. The use of laneways is recommended through Liveable Neighbourhoods when smaller lot layouts justify access to garages at the rear of a lot, but is not intended to accommodate a lot’s sole frontage.

Detailed Area Plans
To ensure appropriate built form outcomes for residential and commercial development, Detailed Area Plans will be required through the subdivision process for:-
- Rear laneway lots;
- Lots with frontage to public open space;
- Lots with a boundary within 100m of a Bushfire Risk Management area;
- Lots located at prominent locations; and
- Land zoned for ‘Commercial’ purposes.
Movement Network

The Structure Plan provides for a permeable internal network and facilitates corridors of movement through the estate which future development of adjacent land parcels may utilise.

With exception to the aforementioned block between Nairn Drive and Eighty Road, blocks are generally short and arranged in a manner that achieves legibility and walkability in accordance with Liveable Neighbourhoods.

The Proponent has provided a Traffic Report to allow for consideration of the proposed movement network against projected traffic volumes and other technical considerations including traffic modelling. The Traffic Report will be subject to a detailed assessment during public advertising of the proposal.

Indicative car parking embayments have not been shown on the Structure Plan in areas around POS, the grouped housing site, or Fifty Road. The provision of on street parking will be considered further during the public advertising period.

The network of Paths should be expanded to enable paths to be provided on one side of all roads, including Fifty Road, in accordance with Liveable Neighbourhoods.

Activity Centres and Employment

The proposed Structure Plan makes provision for the identified ‘Baldivis North’ Neighbourhood Centre pursuant to the requirement outlined in the City’s Planning Policy 6.3 – Local Commercial Strategy. In accordance with the BNDSP, a portion of the Neighbourhood Centre has been included within the Structure Plan area.

The provision of a commercial site measuring 2040m² in size is supported and is considered to have the capacity to develop in accordance with the commercial component of the Baldivis North estate immediately north.

The Centre is suitably located in accordance with Liveable Neighbourhoods and is located to serve the residents of future residents of the proposed Structure Plan and the existing residents of Baldivis North estate.

Note: The City is currently considering a proposal to delete the Neighbourhood Centre from the ‘Baldivis North’ site and relocate it approximately 430m south on the corner of Nairn Drive and Amazon Drive in the proposed ‘Spires Estate’. Refer to Item Nos. SPE-022-12 and SPE-023-12 on this current Agenda.

Should the Neighbourhood Centre be relocated, the 2,040m² commercial site proposed on Lot 311 is still acceptable as it would function as a Local Centre servicing the immediate locality.

Public Open Space

Two POS parcels are proposed which are located in accordance with the BNDSP. The proposed locations will be accessible to the majority of future residents. The size of the POS is consistent with the requirements of the City’s Planning Policy 3.4.1 - Public Open Space.

A POS schedule has been provided, however, the POS schedule will require revision during the public advertising period to comply with Liveable Neighbourhoods.

Environment and Natural Resources

The site is within 500m of a Bush Forever Reserve and this, combined with the extent of remnant vegetation present, results in the site functioning as an important ecological link within a broader environmental network.

The site is heavily vegetated with regionally significant vegetation of the Cottesloe and Karrakatta complexes. The Cottesloe vegetation complex is poorly represented within the City. There is the potential to conserve existing vegetation within the proposed POS in accordance with Liveable Neighbourhoods and State Planning Policy No.2 – Environment and Natural Resources.

The Structure Plan will be referred to the Department of Environment and Conservation (DEC) during public advertising of the proposal.

Schools

The Structure Plan does not propose any schools which is consistent with the Baldivis North District Structure Plan. No schools are required under Liveable Neighbourhoods.
Urban Water Management

A Local Water Management Strategy (LWMS) has been prepared which has been assessed by the City’s Environmental and Technical Services. The LWMS is considered suitable for advertising.

The Structure Plan will be forwarded to the Department of Water for comment during the advertising period.

Utilities

The Proponent has identified that connections to all utilities can be achieved and this matter will be confirmed when servicing authorities provide comment during the advertising period.

Relevant servicing authorities will be notified of the proposal and invited to comment.

Conflicting Land Use/Buffers

The Environmental Protection Authority’s Guidance Statement for Separation Distances between Industrial and Sensitive Land Uses recommends a buffer distance between 300m and 1000m for poultry farms and sensitive land uses. City Officers have reviewed the Odour Impact Assessment and Dispersion Modelling Study prepared by The Odour Unit for the subject egg layer and hatchery farm. The modelling provided in the Study demonstrates the operation of the farm would not adversely impact upon the subject site. In this regard, the application of an odour buffer onto the proposed Structure Plan is not required.

Implementation

TPS2 sets out the details that are required to be addressed in a proposed Structure Plan. These requirements are set out in more detail in Planning Procedure 1.6. In this regard, Planning Procedure 1.6 – Preparation and Assessment of Structure Plans – notes in Section 3.1.1 (i) that information such as the timeframe and staging of subdivision and development may be reasonably required to enable the Structure Plan application to be determined.

The Proponent has prepared a staging plan which outlines development will commence from the western portion of the site and proceed east over time.

Conclusion

In light of the above comments, the proposed Structure Plan is considered acceptable for advertising. It is noted that the following matters will be considered in further detail during the advertising period:-

(i) The detailed assessment of the Traffic Report;
(ii) The detailed assessment of the revised Local Water Management Strategy;
(iii) The detailed assessment of the Bush Fire Hazard Assessment;
(iv) The redesign of a residential block adjacent to Fifty Road to comply with Liveable Neighbourhoods;
(v) The length of a laneway and its laneway treatments against the requirements of Liveable Neighbourhoods; and
(vi) The identified discrepancies with the proposed Structure Plan over the adjoining landholding.

Furthermore, the submission of a Public Open Space schedule prepared in accordance with Liveable Neighbourhoods will be required for assessment during the advertising period.

Voting Requirements

Simple Majority.

Officer Recommendation

That Council APPROVE advertising of the Proposed Structure Plan for Lot 311 Fifty Road, Baldivis.
<table>
<thead>
<tr>
<th><strong>Committee Recommendation</strong></th>
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**CONFIRMED AT A PLANNING SERVICES MEETING**
**HELD ON MONDAY, 15 OCTOBER 2012**

__________________________
PRESIDING MEMBER
### Planning Services
#### Strategic Planning and Environment Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-022/12 Proposed Structure Plan ('Spires Estate') – Consent to Advertise</th>
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<tr>
<td>File No:</td>
<td>LUP/1633-03</td>
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<tr>
<td>Proponent/s:</td>
<td>Development Planning Strategies on behalf of Spatial Property Group</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Erika Barton, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Tristan Fernandes, Senior Strategic Planning Officer</td>
</tr>
<tr>
<td></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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<td>Date of Committee Meeting:</td>
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<td></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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<td>Site:</td>
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<td>Lot Area:</td>
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<td>3. North Baldivis District Structure Plan</td>
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<td>4. Topography</td>
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Purpose of Report

To consider a proposed Structure Plan over Lots 2 and 4 Baldivis Road, Lots 312 and 313 Fifty Road, and Lots 7 and 8 Ingram Road, Baldivis ('Spires Estate') and to consider a proposed Concept Plan over Lots 774 Fifty Road, Lots 1 and 3 Baldivis Road and Lot 5 Ingram Road, Baldivis to determine whether the proposal is suitable for the purposes of advertising.

Note: This Report should be read in conjunction with the following Items:-

- SPE-023/12 proposing a major modification to the 'Baldivis North' Structure Plan to delete the Neighbourhood Centre site proposed on the corner of Fifty Road and Nairn Drive; and

- SPE-021/12 proposing a Structure Plan over the adjoining Lot 311 Fifty Road.

\footnote{Figure 2 has been amended for clarity purposes.}

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 15 OCTOBER 2012

PRESIDING MEMBER
Background

District Structure Plan

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

The District Structure Plan includes a Neighbourhood Centre at the intersection of Nairn Drive and Fifty Road (see Figure 3).

![Figure 3 – North Baldivis District Structure Plan](image)

Local Structure Plans

The subject site is located between three approved Structure Plans, ‘Baldivis North’ and ‘Fifty Road’ Structure Plans to the north and ‘Ingram Road’ Structure Plan to the south east. An application for a Structure Plan is also currently before the City for the adjacent Lot 311 (Refer to Item SPE-021/12 on the current Agenda).

The Baldivis North Structure Plan includes the Neighbourhood Centre in the location identified on the District Structure Plan, however, the Structure Plan is proposed to be modified to delete the Neighbourhood Centre (refer to Item SPE-023/12 on the current Agenda).

Details

The City has received an application for a proposed Structure Plan over Lots 2 and 4 Baldivis Road, Lots 312 and 313 Fifty Road, and Lots 7 and 8 Ingram Road, Baldivis.

The adjoining Lots 774 Fifty Road, Lots 1 and 3 Baldivis Road and Lot 5 Ingram Road, Baldivis are considered to be integral to the Structure Plan site, however, the land owners have indicated to the Proponent that they do not wish to be part of the application. Under the Town Planning Scheme No.2 (TPS2), a Proponent is not able to prepare a Structure Plan without the consent of the landowner, and as such the layout depicted over these landholdings must be treated as conceptual only. It will be necessary for the Proponent to amend the documentation accordingly.

The proposed Structure Plan is included as Attachment 1.

Description of the Proposal

The proposed Structure Plan incorporates the following elements:-
Residential Density and Population
- The Structure Plan (including the adjoining lots shown on the associated Concept Plan) proposes a yield of approximately 950 dwellings; over a total area 63.58ha. No details have been provided on the dwelling yield for the actual structure plan area.
- Residential density coding ranges from R25 to R60, with average lots ranging from 160m² to 350m².
- An ultimate population of approximately 2,470 people (based on the average occupancy of 2.6 persons per household) is anticipated for the entire Structure Plan/Concept Plan area.

Neighbourhood Centre
A Neighbourhood Centre is proposed at the intersection of Nairn Drive and Amazon Drive. The entire site for the Centre (commercial area) has an area of 2.43ha. It is identified that approximately 0.35ha would accommodate R60 Group Housing. No details have been provided on the proposed amount of retail floor space to be provided.

Road and Pedestrian Network
- The introduction of controlled intersections (either roundabout or traffic signals) at the corner of Amazon and Nairn Drives and Nairn Drive and Fifty Road.
- Baldivis Road is to be upgraded to a two-lane boulevard road. The two intersections onto this road would remain as T-junctions, at the intersections with Fifty Road and Ingram Road.
- Six intersections are proposal along Fifty Road. All are to be constructed as T-junctions, except the four way intersection with McDonald Street, which is to be a single lane roundabout.
- The internal road network is described as a modified grid system of circulation which responds to the natural topography of the land.
- A footpath and shared path network, to be provided in accordance with LN.

Public Open Space
The Structure Plan proposes nine areas of Public Open Space (POS), ranging in size from 1,372m² to 1.3595ha.

Planning Context
Statutory Planning Framework
The site is zoned ‘Urban’ under the Metropolitan Region Scheme (MRS) and ‘Development’ under Town Planning Scheme No.2 (TPS2).
Clause 4.2.4 of TPS2 requires land zoned ‘Development’ to be contained within a Development Area. The site falls within Development Areas 9 and 22. Before any development or subdivision can occur in a Development Area, a Structure Plan is required to be approved.

Site Analysis
Topography
The site is generally flat, with a rise toward the north. Elevation ranges from 3m AHD to 15mAHD (see Figure 3). Two areas in the south western corner of the site would be filled to provide a FGL of 6-7m AHD

Hydrology
There are no recognised wetlands or waterways within the subject site. Nor is the site impact by any buffer or setback requirements from nearby wetlands.

The Department or Water’s (DoW) Groundwater Atlas indicates groundwater occurs at a depth of 2mAHD across the site. Regional groundwater information indicates it flows generally in a westward direction.
The site has been identified to contain two main vegetation complexes:-

- Karrakatta Complex (Central and South) eastern portion of the site – predominantly open forest of *E. gomphocephala* (Tuart), *E. marginata* (Jarrah), *Corymbia calophylla* (Marri) and woodland of *E. marginata*. 18% of the original area of this complex remains within the metropolitan area; and
- Cottesloe Complex (Central and South) western portion of the site – mosaic of woodland of *E. gomphocephala* and open forest of *E. gomphocephala, E. marginata, Corymbia calophylla*; closed heath on the limestone outcrops. 36% of the original area of this complex remains within the metropolitan area.

Overall the site is mostly degraded and parkland cleared, with historical farming and grazing impacting on the ecological viability of the remaining vegetation. The flora and fauna assessment noted the following:-

- Lot 2: included several cultivated trees, including olives, Cape lilac, *E. marginata* subsp. *Marginata* (jarrah), and a *Corymbia calophylla* (Marri)
- Lot 4: some remnant vegetation in good condition
- Lot 7: an area of remnant vegetation
- Lot 8: completely cleared of all vegetation
- Lot 312: had excellent sized trees, but with the understorey replace by weeds
- Lot 313: two small areas of remnant vegetation

The flora assessment has confirmed that no threatened or priority flora, or threatened Ecological Communities were identified on or within the vicinity of the site.

**Fauna**

The Fauna assessment concluded:-

- Thirty-nine vertebrate species of conservation significance may occur in the Baldivis study areas.
- Based on the observations made during the site inspection, the most notable feature of the assemblage of conservation significant species is the presence of a number of bird species which are identified as CS3 species. As such they are not listed under Acts or in publications, but are considered of at least local significance due to a decline in the Perth region.
- More detailed studies would be required to ascertain the presence/absence of other conservation significant fauna.
**Habitat**

The Fauna assessment concluded:

- The presence of numerous large, potentially hollow-bearing trees may provide nest hollows for conservation significance fauna such as Carnaby's Black-Cockatoo.
- Remnant vegetation may provide habitat for a range of fauna species; in some cases acting as habitat corridors, allowing them to move through the landscape.
- Following completion of a Graceful Sun-Moth survey program in March 2011, it is considered this species does not occur in the study area.

**Adjacent Land Uses and Buffers**

- The southern boundary of the site abuts Bush Forever Site 356 (Tamworth Hill, part of Rockingham Lakes Regional Park).
- Lot 3 Baldivis Road, which is part of the concept plan, contains a poultry broiler farm. Buffers are required to this land use to avoid land use conflict and should be consistent with an odour impact assessment.
- Lot 311 Baldivis Road, which abuts the site to the east, is the subject of a proposed Structure Plan, which is the subject of Item SPE-021/12 of this Agenda. The layout of the two proposed structure plans needs to ensure integration.
- Lot 313 Fifty Road, which forms part of the Structure Plan site, contains a market garden. There are no specific buffer requirements for such on urban zoned land. Planning Bulletin No.63 provides guidance for measures to ameliorate land use conflict between developments in the vicinity of market gardens in urban zones. These include fencing with vegetated buffers, notations on titles, locating roads and POS abutting the market garden.
- Lot 313 is traversed by the Parmelia Gas Pipeline. Planning Bulletin 87 outlines setback and risk management requirements with respect to development in proximity of the Pipeline.

**Implications to Consider**

**a. Consultation with the Community**

Where the Council determines that a Proposed Structure Plan is satisfactory for advertising, clause 4.2.6.5 of TPS2 requires the proposed to be advertised for public inspection by one or more of the methods set out in clause 6.3.3 of the scheme which includes:

(a) Notice of the proposal being served on nearby owners and occupiers who, in the opinion of Council, are likely to be affected by the proposal, and stating that submissions may be made on the proposal by a specified date.

(b) Notice of the proposal being published in a newspaper circulating in the Scheme Area stating that submissions may be made on the proposal by a specified date.

(c) A sign or signs displaying a notice of the proposal is to be erected in a conspicuous position on the land.

The specified date is required to be at least 21 days from the date of the notice and advertisement, however it is the City's practice to undertake advertising for at least 28 days where the proposal has not been previously advertised.

**b. Consultation with Government Agencies**

In addition to the above, clause 4.2.6.5(b)(ii) of the Scheme requires that the Council give notice to relevant public authorities.

**c. Strategic**

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

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

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.

Assessment of the density proposed in the Structure Plan against Directions 2031 is detailed in the ‘Comments’ section of this report.

Liveable Neighbourhoods

Liveable Neighbourhoods 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.

Liveable Neighbourhoods 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.

Assessment of the Structure Plan against Liveable Neighbourhoods is detailed in the 'Comments' section of this report.

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.

The site abuts a bushfire hazard predominantly to its southern and eastern boundaries and to a lesser extent to the north western boundary. The Proponent has provided a Bush Fire Hazard Assessment (BFHA). The assessment has been prepared in accordance with the Bush Fire Protection Guidelines and addresses site specific concerns. The BFHA is discussed further in the Comments section of this report.

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

A market garden is currently operating from Lot 312 Fifty Road. The EPA’s Guidance Statement No.3 identifies a default setback of 300-500m depending on size, to protect future residents from the potential impacts of the market garden operations. The market garden forms part of the subject site and would be one of the last stages developed. The extent of the buffer is to be depicted on the Structure Plan prior to advertising and in addition, a scientific study based on site and industry specific information, should be prepared and submitted by the Proponent at the subdivision stage.

A poultry (broiler) farm is operating from Lot 3 Baldivis Road, which is not part of the subject site but forms part of the overall concept Structure Plan site. The EPA’s Guidance Statement No. 3 identifies a buffer distance of 300-1000m depending on the size, to protect future residents from the potential impacts of the poultry farm operation. Whilst an Odour Impact Assessment has been undertaken for the western part of the site, further assessment is required for the eastern portion of the site, including the extent of the buffer being depicted on the Structure Plan prior to advertising.

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

WAPC Planning Bulletin No.87 provides guidance for development and ensures orderly and proper planning within the vicinity of regional gas pipelines, including the Parmelia Gas Pipeline. Table 1 of the Bulletin provides for a 65m setback between residential development and the gas pipeline easement 'as of right'. For proposals within the specified setback distance, Proponents are required to demonstrate that the risk from the pipeline is within acceptable risk levels, with agreement to be reached with the pipeline owner on the need for a Risk Assessment.

In order for the proposal to proceed, the Proponent must submit a Pipeline Risk Management Plan in accordance with the requirements of Bulletin No.87, or otherwise provide documented evidence that agreement has been reached with the pipeline owner on the mitigation measures to be proposed, responsibility for the implementation of those mitigation measures, and the need for risk assessment.

Local Planning Policies

Planning Policy 3.4.1 - Public Open Space

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

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

Discussion regarding the distribution of public open space and compliance with the City’s Policy can be found in the 'Comments' section of this Report.

Planning Policy 6.3 - Local Commercial Strategy

Planning Policy 6.3 - Local Commercial Strategy provides guidance for the distribution and hierarchy of employment centres within the District. The subject land is located within Precinct 4 - Baldivis, which extends from Millar Road West in the north to Sixty Eight Road in the South and between the Kwinana Freeway and Mandurah Road.
Part 2.4.4 of the Strategy identifies two Neighbourhood Centres for the Northern Baldivis component of the precinct. One of these centres was identified as being on the corner of Nairn Drive and Fifty Road.

The proposed Structure Plan proposes a variation to the Baldivis North District Structure Plan by relocating the designated Neighbourhood Centre from the intersection of Fifty Road and Nairn Drive, to the southern end of Lot 312 adjacent to Nairn Drive, the Tamworth Hill Regional Reserve, and a future Neighbourhood Connector Road. A concurrent modification to the Baldivis North Local Structure Plan to delete the Baldivis North Neighbourhood Centre, is being considered under Item SPE-023/12 of this agenda.

The City is currently advertising for public comment a review of the Local Commercial Strategy as it applies to Baldivis. The intent of the review is to remove the floorspace restrictions that apply to centres, and instead apply a more flexible approach to the hierarchy of centres that is based on the function and design of a centre, rather than its floorspace. This is intended to provide more certainty to developers and apply a more equitable, outcome-based approach to centres in Baldivis.

e. Financial

Nil

f. Legal and Statutory

Proposed Structure Plan

Clause 4.2.6.2 of the Scheme states that the Council is to either:-

(a) Determine that the Proposed Structure Plan is satisfactory for advertising;

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

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

Comments

Community Design

Relocation of Neighbourhood Centre

The relocation of the Centre is considered to have merit for the following reasons:-

- It provides for an adequate distribution of centres throughout the Baldivis urban cell, in accordance with R4 of LN. In this regard, the Fifty Road/Nairn Drive site is 1.1km from the approved Kerosene Lane Neighbourhood Centre (current site of the ‘Spud Shed’) and 2.6km from the Baldivis Town Centre. The proposed location further to the south will result in a separation of 1.6km from the Kerosene Neighbourhood Centre and 2.1km from the Baldivis Town Centre;

- The revised location is well located on the intersection of integrator and neighbourhood connector roads in accordance with R5 of LN; and

- The Centre is not located near a school, which is supported by LN as schools are required to cater for more than just one walkable catchment, and therefore should be located midway between neighbourhoods.

The Proponent has provided a preliminary concept plan demonstrating how the site may be developed, however, it does not achieve the requirements of LN and therefore requires reworking.

Specifically, the preliminary design of the Centre requires further consideration to address the following requirements of LN:-

“R18 Buildings are to be located to abut and address streets or public plazas and/or parks. The core of the centre should be greater than one storey in height. Buildings are to be located and detailed to create a strong sense and identifiable of place, with public space detailing appropriate to pedestrian scale.

R19 Customer parking is to be provided mainly off-site and preferably on the street. On-site parking should primarily be limited for staff and residential use, located either to the side or rear of a building. No parking is to be located on-site between the building frontage and the street.”
R36 Centres should comprise a network of streets that encourage pedestrian activity, facilitate crossing of busy arterials, enable ease of local vehicle movement, provide extensive frontage for development, and define blocks that can accommodate mixed-use development and off-street parking.

R37 In centres, the spacing of local streets connecting to integrator A and B arterials should be close enough to create relatively small pedestrian scale blocks. In most centres, the design of the street network will require a site-specific study to balance the traffic aspects of intersection spacing with the requirements for creating an appropriate street network for a successful urban centre.

R51 The detailed layout and design of centres should ensure that a safe, well-defined public realm will be produced.”

In relation to the preliminary concept provided to the City:-

- It does not provide for a legible or practical road network around the Centre. This needs to be revised to address R36 and R37. Additional, more permeable connections need to be provided to Nairn Road; and
- The layout of the Centre does not provide for activation or address of the streets. It does not encourage pedestrian access, and in particular access from the eastern side of Nairn Drive. In particular, R18, R19 and R51 need to be addressed.

Further, the proposed relocation of the Neighbourhood Centre warrants a reconsideration of the district road network outlined in the Baldivis North District Structure Plan. In this regard, it is considered appropriate to reroute the Neighbourhood Connector road to connect through to MacDonald Drive. This will provide a legible route connecting the two proposed Neighbourhood Centres and the Baldivis East precinct.

Density/Housing Types

In terms of proposed housing product, the Structure Plan proposes a mix of R25 to R60 Residential land. This is considered to provide for an appropriate mix of density and housing types in the context of the area, however, there is an opportunity to better locate some areas of medium density housing to take advantage of proximity to the proposed Neighbourhood Centre and Nairn Drive (a future bus route). This matter will be further discussed with the Proponent prior to the Structure Plan being finalised for public advertising.

Further concern is raised with respect to the proposed R60 grouped housing site to the west of the Parmelia Pipeline, as development is likely to be significantly constrained as a result of separation and development requirements due to the adjacent bushfire and pipeline hazards, the configuration of the site and its low lying nature. The R60 density proposed is also of concern given the site is not located in proximity to any activity centres or bus routes. The Baldivis North District Structure Plan shows the subject site as POS, and the merits of retaining the area as POS will also be further considered in discussion with the Proponent prior to the Structure Plan being finalised for public advertising.

Additional information is also required demonstrating that the proposed Structure Plan satisfies the density targets of Liveable Neighbourhoods and Directions 2031.

Context

The proposed Structure Plan has been assessed against the proposed Structure Plan for Lot 311 Fifty Road (Item SPE-021/12 on this Agenda) and there are discrepancies between the two plans in terms of the location of roads and POS. These discrepancies will be considered during the advertising period.

Movement Network

As noted above, it is recommended that the Neighbourhood Connector be re-routed further west to connect in with Fifty Road and the intersection of McDonald Road, providing a more legible network and forming a four way intersection controlled by a roundabout. The following additional matters are also noted:-

- The proposed Structure Plan provides numerous intersections with Fifty Road. It is not clear that the sight distances available due to horizontal and vertical alignment of the road are adequate in terms of the requirements of Austroads Guide to Traffic Engineering Practice Part 5: Intersections at Grade.
- Consideration is required of the intersection spacing along Eighty Road between the proposed Structure Plan and the Structure Plan proposed on Lot 311. It is not clear that the distances are consistent with the requirements of LN in this regard.

- The intersection of Nairn and Amazon Drives and Nairn Drive and Fifty Road are proposed to be priority controlled four way intersections. The Transport Assessment provided with the Structure Plan has modelled both roundabouts and traffic signals in these locations and determined that both treatments would provide for a satisfactory level of service. It is the City’s preference to have traffic signals in both these locations. The City has received substantial complaints from residents further south on Nairn Drive regarding the barrier that the road provides in terms of pedestrian access. Pedestrian and cyclist safety and accessibility are paramount at these intersections and the traffic signals provide a superior outcome in this regard.

- The following road upgrades are required:
  - Fifty Road is to be upgraded to a Neighbourhood Connector (Boulevard style treatment) consistent with the City’s Baldivis Roads Needs Study. Road widening will therefore need to occur to provide a road reserve of 24.5m wide along the length of the road abutting the site.
  - Baldivis Road is to be upgraded to a Neighbourhood Connector (Boulevard style treatment) consistent with the City’s Baldivis Roads Needs Study.
  - Eighty Road is to be upgraded to a Neighbourhood Connector (Boulevard style treatment) consistent with the City’s Baldivis Roads Needs Study.
  - R36 of LN requires laneways to be straight lines or having gentle curves, to ensure good visibility along them and into adjoining streets. The proposed laneway does not achieve this and shall therefore be amended or removed.

Lot Layout

Orientation and Response to the Site

As illustrated in Attachment 3, the lots are generally oriented to enable appropriate solar access in accordance with R18 of LN.

Interface with Neighbourhood Connector Roads

The lots directly abutting Fifty and Baldivis Road provide for poor interface with these roads. The lots along Fifty Road are largely side on, and thus fail to provide adequate activation and frontage to the street. The cumulative nature of these lots is unacceptable. The lots adjacent to Fifty Road and Baldivis Road with dual frontage, are not able to have direct access from these major roads. These lots would therefore be rear loaded lots, which in these locations is not acceptable from a streetscape point of view and therefore require reworking to provide an appropriate interface with the major roads and also the internal streetscape.

Interface of Development Abutting Open Space

The Structure Plan proposes lots siding onto POS areas C and I and fronting onto POS B. LN requires that lots are oriented to front parkland to enhance amenity and facilitate natural surveillance. The lots abutting POS areas C and I do not achieve this and therefore are required to be reconfigured. It is recommended the areas of POS be bound on all sides by streets.

POS B has allotments directly abutting it. Whilst these lots would be rear loaded, the inaccessibility from Fifty Road would see half the POS either privatised. This would result in a lack of accessibility to the park and restriction in the availability for parking adjacent to the park. In this regard, the housing should be separated from the park by a road.

Detailed Area Plans

Detailed Area Plans (DAP) are proposed for the following:

- Rear loaded vehicle access;
- Lots with direct boundary frontage (primary or secondary) to an area of POS; and
- Lots with a direct boundary frontage (primary or secondary) to the Estate’s main southern entry road.

The DAPs as suggested are considered appropriate to be implemented at subdivision stage. If the lots with dual frontage are to be retained, these should have DAPs as well.

**Public Open Space**

The proposed Structure Plan and concept plan demonstrate an overall provision of Public Open Space (‘POS’) in accordance with Liveable Neighbourhoods requirements, however, additional information is required demonstrating that the Structure Plan area itself will satisfy the normal 10% POS requirement. Further, the POS calculations are to reflect the gas pipeline easement area as 100% restricted POS, and the easement buffer as 100% unrestricted POS.

The Structure Plan design should also be reviewed to address the following matters:-

- POS area F is not supported as it is considered to be in an inappropriate location and unusable.
- POS areas D & I may be reconfigured to better retain remnant vegetation identified in the Flora Assessment.
- Additional information is required in order to determine the extent of POS affected by drainage up to a 1 in 10 year frequency event, in accordance with the City’s Planning Policy 3.4.1 – Public Open Space. If the extent of drainage exceeds 25%, additional information will be required demonstrating that the useability of the reserve is not adversely affected.

**Urban Water Management**

A Local Water Management Strategy (‘LWMS’) has been provided with the Proposed Structure Plan and is considered suitable for the purpose of public advertising. The Department of Water will be invited to comment on the LWMS during advertising of the Structure Plan.

**Utilities**

**Water Supply**

At present there is no reticulated water supply to the site.

The Water Corporation’s 1400mm Stirling trunk Water Main is located within the pipeline easement, but cannot be connected to. Any service or road crossing of this main will need to meet specified clearances. The exact position and level of the trunk main will be picked up by site survey prior to starting detailed design.

There is an existing temporary 250mm water main along Eighty Road which serves the existing “Baldivis North” and “Chase” developments from the Water Corporation’s Tamworth reservoir which is immediately south of the development area. There is also an existing 300mm distribution main which is proposed along Baldivis Road and will be constructed as far as Ingram Road at the time this development proceeds. The 250mm main also links along Fifty Road to Baldivis Road.

Water Corporation Planning requires the 300mm distribution main along Baldivis Road to be extended to Fifty Road. It also requires a 500mm main to be extended along Eighty Road between Tamworth Reservoir and Fifty Road which will boost the capacity and pressures in the area.

It is likely that both these portions of main will need to be constructed as part of this development, although the timing of the various upgrades will depend on the timing of this development relative to others and the proposed staging of this development. For example, if a cross connection was made between Baldivis Road and Eighty Road, the boost from that cross connection may increase the number of lots that can be serviced.

In light of the above, the application will be referred to the Water Corporation for comment to confirm the servicing arrangements.

**Sewerage**

The site falls within the catchments of three existing wastewater pumping stations (WWPS’s) being McDonald Road to the north, Baldivis Road to the north east, and Tamworth Boulevard to the south.

At present, the only portion of the catchment that is relatively unconstrained by capacity is the Tamworth Boulevard Pumping Station which discharges south to the Rivergums, then west to the Point Peron Waste Water Treatment Plant (WWTP). The existing system has sufficient capacity for the designated catchment.

**CONFIRMED AT A PLANNING SERVICES MEETING**

**HELD ON MONDAY, 15 OCTOBER 2012**

PRESIDING MEMBER
The areas to the north being the McDonald Road and Baldivis WWPS’s are severely limited by capacity.

Currently McDonald Road Station has been sized for an interim capacity of 15l/s (Equivalent to around 1500 lots) and Baldivis Road Pumping Station with an upgrade can cater for a capacity of around 24l/s (Around 2400 lots) with significant pressure from developers to connect. At present there is some 700 lots connected to the station and capacity is being allocated on a first come first basis. The capacity is limited by the capacity of the Kwinana WWTP. Ultimately the McDonald Road WWPS will pump directly to the new East Rockingham WWTP which is anticipated to be operational after 2015.

As a result, although there is currently capacity for the development in the sewer system, this cannot be guaranteed to be available as it can be taken up by other developments that may occur in the interim.

As part of the development, a 375mm diameter sewer is proposed to be extended as shown in the Drawing to provide a connection point for the ultimate discharge of the Baldivis Road pumping station.

Discussion occurring with the Water Corporation whether this will be required or the existing pressure main and 300mm diameter sewer along Fifty Road may be sufficient for the discharge arrangements. It is proposed to plan for the 375mm diameter sewer and resolve a prefunding arrangement with the Water Corporation at the appropriate time.

In light of the above, the application will be referred to the Water Corporation for comment to confirm the servicing arrangements.

Implementation

The proponent has provided an indicative staging plan shows that the development would commence in the southern (east of Nairn) portion of the site, moving progressively north. The western portion of the site would commence in the east and move to the west.

An anticipated timeframe for development has not been provided.

CONCLUSION

In light of the above comments, it is considered that the general intent of the proposed Structure Plan is suitable for the purposes of advertising for public comment, subject to a number of detailed design matters being reviewed.

It is, therefore, recommended the Council support the Structure Plan being advertised, subject to the following matters being addressed:-

1. The Structure Plan being amended to reflect Lots 1, 3, 5, and 774 as a conceptual layout, and the Structure Plan documentation being amended accordingly;
2. The Proponent demonstrating an appropriate configuration of the Neighbourhood Centre precinct and surrounding area, consistent with the intent of Liveable Neighbourhoods;
3. The Neighbourhood Connector road being rerouted to provide a connection through to MacDonald Drive;
4. The identified discrepancies with the proposed Structure Plan over the adjoining landholding being resolved;
5. The distribution of medium densities being reviewed in the context of the Neighbourhood Centre, consistent with Liveable Neighbourhoods;
6. POS Areas D & I being relocated to better protect the areas of remnant vegetation on site;
7. The Proponent demonstrating an appropriate interface with Fifty Road, Baldivis Road and POS areas abutted by proposed residential development;
8. The laneway being reconfigured to be in accordance with the requirements of Liveable Neighbourhoods;
9. The two four way intersections on Nairn Drive being provided with traffic signals as the preferred intersection treatment to provide for suitable pedestrian and cyclist access and safety;
10. Submission of an Odour Impact Assessment that considers the impacts of the Poultry Farm (on Lot 3) on the surrounding land within the Structure Plan area, and provides requirements for staging and/or buffers to future residential development;

11. Modification of the proposed road types/reserve widths and shared paths/footpaths to satisfy the requirements of Liveable Neighbourhoods;

12. Reconsideration of the suitability of the proposed R60 land in the far western portion of the site; and

13. The Structure Plan documentation being amended to address the other minor matters set out in the officer’s report.

Following the above matters being addressed, to the satisfaction of the Manager of Strategic Planning and Environment, the application will be suitable for advertising.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVE** advertising of the Spires Estate Structure Plan subject to the following matters being addressed to the satisfaction of the City prior to advertising:-

1. The Structure Plan being amended to reflect Lots 1, 3, 5, and 774 as a conceptual layout, and the Structure Plan documentation being amended accordingly;

2. The Proponent demonstrating an appropriate configuration of the Neighbourhood Centre precinct and surrounding area, consistent with the intent of Liveable Neighbourhoods;

3. The Neighbourhood Connector road being rerouted to provide a connection through to MacDonald Drive;

4. The identified discrepancies with the proposed Structure Plan over the adjoining landholding being resolved;

5. The distribution of medium densities being reviewed in the context of the Neighbourhood Centre, consistent with Liveable Neighbourhoods;

6. POS Areas D & I being relocated to better protect the areas of remnant vegetation on site;

7. The Proponent demonstrating an appropriate interface with Fifty Road, Baldivis Road and POS areas abutted by proposed residential development;

8. The laneway being reconfigured to be in accordance with the requirements of Liveable Neighbourhoods;

9. The two four way intersections on Nairn Drive being provided with traffic signals as the preferred intersection treatment to provide for suitable pedestrian and cyclist access and safety;

10. Submission of an Odour Impact Assessment that considers the impacts of the Poultry Farm (on Lot 3) on the surrounding land within the Structure Plan area, and provides requirements for staging and/or buffers to future residential development;

11. Modification of the proposed road types/reserve widths and shared paths/footpaths to satisfy the requirements of Liveable Neighbourhoods;

12. Reconsideration of the suitability of the proposed R60 land in the far western portion of the site; and

13. The Structure Plan documentation being amended to address the other minor matters set out in the officer’s report.

**Committee Recommendation**

That Council **APPROVE** advertising of the Spires Estate Structure Plan subject to the following matters being addressed to the satisfaction of the City prior to advertising:-
1. The Structure Plan being amended to reflect Lots 1, 3, 5, and 774 as a conceptual layout, and the Structure Plan documentation being amended accordingly;

2. The Proponent demonstrating an appropriate configuration of the Neighbourhood Centre precinct and surrounding area, consistent with the intent of Liveable Neighbourhoods;

3. The Neighbourhood Connector road being rerouted to provide a connection through to MacDonald Drive;

4. The identified discrepancies with the proposed Structure Plan over the adjoining landholding being resolved;

5. The distribution of medium densities being reviewed in the context of the Neighbourhood Centre, consistent with Liveable Neighbourhoods;

6. POS Areas D & I being relocated to better protect the areas of remnant vegetation on site;

7. The Proponent demonstrating an appropriate interface with Fifty Road, Baldivis Road and POS areas abutted by proposed residential development;

8. The laneway being reconfigured to be in accordance with the requirements of Liveable Neighbourhoods;

9. The two four way intersections on Nairn Drive being provided with traffic signals as the preferred intersection treatment to provide for suitable pedestrian and cyclist access and safety;

10. Submission of an Odour Impact Assessment that considers the impacts of the Poultry Farm (on Lot 3) on the surrounding land within the Structure Plan area, and provides requirements for staging and/or buffers to future residential development;

11. Modification of the proposed road types/reserve widths and shared paths/footpaths to satisfy the requirements of Liveable Neighbourhoods;

12. Reconsideration of the suitability of the proposed R60 land in the far western portion of the site; and

13. The Structure Plan documentation being amended to address the other minor matters set out in the officer’s report.

Committee Voting – 4/0

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

Not applicable

Implications of the Changes to the Officer’s Recommendation

Not applicable
## Planning Services
### Strategic Planning and Environment Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-023/12 Major Modification to Structure Plan (Baldivis North) – Consent to Advertise</th>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/290-04</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Development Planning Strategies on behalf of Baldivis North Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Erika Barton, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Jeff Bradbury, Coordinator Strategic Planning</td>
</tr>
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<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>17th September 2012</td>
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<tr>
<td>Previously before Council:</td>
<td>September 2006 (PD180/9/06), December 2006 (PD239/12/06), December 2007 (PD128/12/07) and April 2011 (SPE-009/11)</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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<tr>
<td>Site:</td>
<td>Lots 268 and 9009 Fifty Road, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
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<td>2. Proposed Structure Plan</td>
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<td>3. Concept Lot Layout</td>
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<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
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<td>2. Site of Major Modification</td>
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<td>3. Baldivis North District Structure Plan</td>
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<td>4. Proposed Modifications to Structure Plan</td>
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Purpose of Report

To consider a proposed major modification to the approved Baldivis North Structure Plan over Lots 268 and 9009 Fifty Road to determine whether the proposal is suitable for the purposes of advertising.

This report should be read in conjunction with Item SPE-022/12 on the current Agenda proposing a Neighbourhood Centre on the corner of Nairn Drive and Amazon Drive.
Background

District Structure Plan

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

The District Structure Plan includes a Neighbourhood Centre at the intersection of Nairn Drive and Fifty Road (see Figure 3).

Local Structure Plan

The Baldivis North Local Structure Plan was adopted by Council on 18th December 2006. The Structure Plan has been subject to several minor modifications including a reduction in size of POS 1 and POS 2, removal of a number of laneways and areas of car parking adjacent to a POS site, and changing the density of some lots from R30 to R25.

The existing approved Structure Plan for the southern part of the site is illustrated in Attachment 1.

Details

The City has received an application for a proposed major modification to the Baldivis North Structure Plan, over Lots 268 and 9009 Fifty Road, Baldivis on behalf of Baldivis North Pty Ltd.

Description of the Proposal

It is proposed to modify the following elements of the Structure Plan as shown in Figure 4:-

- Area 1: Deleting the Commercial zoned land on the north western corner of Nairn Drive and Fifty Road (shown as “1” on Attachment 1) and replacing it with R40 Residential land;
- Area 2: Deleting the Commercial land on the eastern side of Nairn Drive (shown as “2” on Attachment 1) and replacing it with R40 Residential land;
Area 3: Deleting the Commercial land on the north eastern corner of Nairn Drive and Fifty Road (shown as “3” on Attachment 1) with replacing it with Community Purpose land; and

Area 4: Converting the R20 Residential land to the east of Nairn Drive (shown as “4” on Attachment 1) to R40 Residential land.

Figure 4 – Proposed Modifications to the Structure Plan
Attachment 2 illustrates the modified Structure Plan and Attachment 3 provides an indicative lot layout for this area.

**Implications to Consider**

a. Consultation with the Community

Where the Council determines that a major modification to a Structure Plan is satisfactory for advertising, clause 4.2.6.5 of TPS2 requires the proposed to be advertised for public inspection by one or more of the methods set out in clause 6.3.3 of the Scheme which includes:-

(a) Notice of the proposal being served on nearby owners and occupiers who, in the opinion of Council, are likely to be affected by the proposal, and stating that submissions may be made on the proposal by a specified date.
(b) Notice of the proposal being published in a newspaper circulating in the Scheme Area stating that submissions may be made on the proposal by a specified date.

(c) A sign or signs displaying a notice of the proposal is to be erected in a conspicuous position on the land.

The specified date is required to be at least 21 days from the date of the notice and advertisement, however, it is the City’s practice to undertake advertising for at least 28 days where the proposal has not been previously advertised.

b. Consultation with Government Agencies

In addition to the above, clause 4.2.6.5(b)(ii) of the Scheme requires that the Council give notice to relevant public authorities.

c. Strategic

Community Plan

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

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

d. Policy

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.

Assessment of the density proposed in the Structure Plan against *Directions 2031* is detailed in the 'Comments' section of this report.

*Liveable Neighbourhoods*

*Liveable Neighbourhoods* 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.

*Liveable Neighbourhoods* 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.

Assessment of the Structure Plan against Liveable Neighbourhoods is detailed in the 'Comments' section of this report.

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.

The site abuts a bushfire hazard predominantly to its eastern boundary. The Proponent has not provided a Bush Fire Hazard Assessment (BFHA).

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

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

Discussion regarding the distribution of public open space and compliance with the City's Policy can be found in the 'Comments' section of this Report.

Planning Policy 6.3 - Local Commercial Strategy
Planning Policy 6.3 - Local Commercial Strategy provides guidance for the distribution and hierarchy of employment centres within the District. The subject land is located within Precinct 4 - Baldivis, which extends from Millar Road West in the north to Sixty Eight Road in the South and between the Kwinana Freeway and Mandurah Road.

Part 2.4.4 of the Strategy identifies a Neighbourhood Centre for the Northern Baldivis component of the precinct on the corner of Nairn Drive and Fifty Road.

The current application proposes to delete the Neighbourhood Centre on the intersection of Nairn Drive and Fifty Road. The Centre is proposed to be relocated approximately 430m south on the intersection of Nairn and Amazon Drives in the Spires Estate (refer to Item SPE-022/12 on this Agenda).

The City is currently advertising for public comment a review of the Local Commercial Strategy as it applies to Baldivis. The intent of the review is to remove the floorspace restrictions that apply to centres, and instead apply a more flexible approach to the hierarchy of centres that is based on the function and design of a centre, rather than its floorspace. This is intended to provide more certainty to developers and apply a more equitable, outcome-based approach to centres in Baldivis.
e. **Financial**
   Nil

f. **Legal and Statutory**

   **Proposed Structure Plan**

   Clause 4.2.6.2 of the Scheme states that the Council is to either:-

   (a) Determine that the Proposed Structure Plan is satisfactory for advertising;
   (b) Determine that the Proposed Structure Plan is not to be advertised until further details have been provided or modifications undertaken; or
   (c) Determine that the Proposed Structure Plan is not satisfactory for advertising and give reasons for this to the Proponent.

### Comments

#### Deletion of Neighbourhood Centre

No objection is raised to the proposed deletion of the Neighbourhood Centre from its current position, subject to the Centre being relocated to a suitable location. In this regard, the revised location of the Centre proposed within the ‘Spires Estate’ Structure Plan is considered to have merit for the following reasons:

- It provides for an adequate distribution of centres throughout the Baldivis urban cell, in accordance with Liveable Neighbourhoods (LN). In this regard, the Fifty Road/Nairn Drive site is 1.1km from the approved Kerosene Lane Neighbourhood Centre (current site of the ‘Spud Shed’) and 2.6km from the Baldivis Town Centre. The proposed location further to the south will result in a separation of 1.6km from the Kerosene Neighbourhood Centre and 2.1km from the Baldivis Town Centre;
- The revised location is well located on the intersection of integrator and neighbourhood connector roads in accordance with R5 of LN; and
- The Centre is not located near a school, which is supported by LN as schools are required to cater for more than just one walkable catchment, and therefore should be located midway between neighbourhoods.

**Note:** Given that that the deletion of the Neighbourhood Centre relies on the proposed Structure Plan for the ‘Spires Estate’ providing a replacement Centre, advertising of this proposed major modification to the ‘North Baldivis’ Structure Plan will need to be undertaken concurrently with the proposed ‘Spires Estate’ Structure Plan.

#### Area 1

This Area is located on the north western corner of the intersection of Nairn Drive and Fifty Road. It is proposed to remove the existing Commercial zoned land and replace it with R40 Residential zoned land.

**Urban Structure**

LN identifies that residential densities and housing types should increase toward the neighbourhood centre and should be located close to neighbourhood centres, near public transport stops and in areas with high amenity such as next to parks.

Area 1 provides some interface with the adjacent park and a future bus route on Nairn Drive, and as such is considered to provide for suitable amenity for future residents.

Given the proximity to the POS and a bus route, the proposed R40 coding is considered to be suitable for this location.

Attachment 3 illustrates the proposed lot layout for the Structure Plan. It shows lots directly abutting Fifty and Baldivis Road, which provides a poor interface with these roads. These lots have dual frontage, and as they are not able to have direct access from these major roads, they would therefore back onto these major roads. This is not acceptable from a streetscape point of view.
As the lots in this area are proposed to be freehold and public roads are being provided, the Structure Plan is required to show the location of the roads. In this regard, a revised plan is to be provided showing the proposed roads as well as an amended lot layout providing for improved interface with Nairn Drive and Fifty Road and general streetscape amenity.

**Area 2**

This Area is the Commercial zoned land located along the eastern side of Nairn Drive adjacent to Baldavis Reserve. It is proposed to rezone this land to R40 Residential.

This land is located on Nairn Drive (a future bus route) and as such, the site meets the locational criteria for R40 development, however, the site abuts an identified bushfire hazard (Baldavis Reserve) which may impact upon the proposed density of development.

The Structure Plan design provides for a 13m road reserve separation between an identified bushfire hazard and the proposed residential areas. A Bushfire Hazard Assessment (BHA) has not been undertaken for the site.

Generally, a 20m Building Protection Zone is required around dwellings, plus a Hazard Separation Zone. A distance of 13m is only provided between the hazard and the front property boundary. This would require the dwellings to have a 7m minimum front setback. This is inconsistent with the R-Codes which requires only a 4m front setback for R40 land. A BHA is therefore required to establish the constraints to development of this land and to determine whether the R40 coding is appropriate in this location.

**Area 3**

This small area of Commercial land located on the north eastern corner of the intersection of Nairn Drive and Fifty Road is proposed to be changed to Community Purposes.

The site is located adjacent to the existing Baldavis Primary School and associated playing fields. The proposal is considered to an appropriate land use considering its surrounds and is therefore supported.

This land is owned by the Minister for Education. No consent from the owner has been provided for the lodgement of this application. The owner’s consent will be sought for the modification.

**Area 4**

This Area is the residential R20 zoned land located along the eastern side of Nairn Drive adjacent to the existing Chimes Estate. It is proposed to increase the R coding of this land to R40 to facilitate the subdivision of the land into 29 lots. These lots are proposed to be 240m² in area, with a width of 8.5m.

This land is located on Nairn Drive (a future bus route) and as such, the site meets the locational criteria for R40 development, however, the proposed subdivision design raises the following issues:
- The narrow nature of the proposed lots has the potential to result in a poor streetscape outcome;
- Due to the length of road fronting the R40 lots, traffic calming devices will be required. Such traffic calming may be difficult install due to the narrow lot frontages proposed.

The above issues will be discussed with the Proponent during the advertising period.

**Road Network**

The road reserves illustrated do not accord with any of the access street cross sections provided in LN. In this regard, they will need to be redesigned to be consistent with the LN cross sections for access streets.

Due to the length of the road in Area 4, traffic calming measures are required. The narrow (8.5m) lot frontages will make the provision of such devices problematic to physically install within the road.

**Public Open Space**

The POS Schedule provided in the application is incorrect as it assumes 50% POS credit for drainage basins. The schedule shall be revised to address this.

**Urban Water Management**

No details have been provided with the application on the impacts of the amendments on the Urban Water Management Plan. This is required to be provided.
Detailed Area Plans

Detailed Area Plans (DAP) are required to be provided for lots less than 350m² in area and lots that require special provision. These lots have not been identified. It is recommended that such lots be identified on an amended plan. The Bushfire Hazard Assessment is likely to require provisions that require a DAP for the affected lots.

CONCLUSION

In light of the above comments, it is recommended that the Council support the Structure Plan being advertised concurrently with the proposed ‘Spires Estate’ Structure Plan, subject to the following matters being addressed:-

1. Redesign Area 1 to provide for suitable interface with the arterial roads as outlined in this Report;
2. Provision of a Bushfire Hazard Assessment that determines the constraints to development on Area 2 from the adjacent Baldivis Reserve bushfire hazard, in accordance with the WAPC’s Planning for Bushfire Protection Guidelines (Edition 2) and reconsideration of the R Coding cognisant of the Bushfire Hazard Assessment outcomes;
3. Obtain the Minister for Education’s consent for the proposed change of use over Area 3;
4. The issues identified regarding the subdivision design over Area 4 being discussed with the Proponent;
5. Provision of all streets with cross sections consistent with Liveable Neighbourhoods;
6. Identify those lots to be subject to Detailed Area Plans (being those lots under 350m² and those subject to bushfire constraints);
7. Provision of a revised Public Open Space Schedule to remove the 50% POS credit for the drainage swales; and

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVE advertising of the Major Modification to the Baldivis North Estate Structure Plan concurrently with the proposed ‘Spires Estate’ Structure Plan, subject to the following matters being addressed to the satisfaction of the City prior to advertising:-

1. Redesign Area 1 to provide for suitable interface with the arterial roads.
2. Provision of a Bushfire Hazard Assessment that determines the constraints to development on Area 2 from the adjacent Baldivis Reserve bushfire hazard, in accordance with the WAPC’s Planning for Bushfire Protection Guidelines (Edition 2) and reconsideration of the R Coding cognisant of the Bushfire Hazard Assessment outcomes.
3. Obtain the Minister for Education’s consent for the proposed change of use over Area 3.
4. Provision of all streets with cross sections consistent with Liveable Neighbourhoods.
5. Identify those lots to be subject to Detailed Area Plans.
6. Provision of a revised Public Open Space (POS) Schedule to remove the 50% POS credit for the drainage swales.

Committee Recommendation

That Council APPROVE advertising of the Major Modification to the Baldivis North Estate Structure Plan concurrently with the proposed ‘Spires Estate’ Structure Plan, subject to the following matters being addressed to the satisfaction of the City prior to advertising:-

1. Redesign Area 1 to provide for suitable interface with the arterial roads.
2. Provision of a Bushfire Hazard Assessment that determines the constraints to development on Area 2 from the adjacent Baldivis Reserve bushfire hazard, in accordance with the WAPC’s *Planning for Bushfire Protection Guidelines (Edition 2)* and reconsideration of the R Coding cognisant of the Bushfire Hazard Assessment outcomes.

3. Obtain the Minister for Education’s consent for the proposed change of use over Area 3.

4. Provision of all streets with cross sections consistent with Liveable Neighbourhoods.

5. Identify those lots to be subject to Detailed Area Plans.

6. Provision of a revised Public Open Space (POS) Schedule to remove the 50% POS credit for the drainage swales.


Committee Voting – 4/0

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# Proposed Structure Plan ('West Karnup') - Adoption

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<td>File No:</td>
<td>LUP/1593-05</td>
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<tr>
<td>Proponent/s:</td>
<td>Development Planning Strategies (on behalf of Gold Right Pty Ltd)</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Tristan Fernandes, Senior Strategic Planning Officer</td>
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<tr>
<td>Other Contributors:</td>
<td>Mr Jeff Bradbury, Coordinator Strategic Planning</td>
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| Site:                  | Lots 3, 805 and 806 Mandurah Road, Karnup                   |
| Lot Area:              | 113.2790ha                                                  |
| LA Zoning:             | Unzoned (Lot 805 Mandurah Road, Karnup)                     |
|                       | Development (Lots 3 and 806 Mandurah Road, Karnup)          |
| MRS Zoning:            | Urban Deferred                                              |

| Attachments:           | 1. Advertised Structure Plan                                |
|                        | 2. Proposed Structure Plan                                  |
|                        | 3. Schedule of Submissions                                  |

| Maps/Diagrams:        | 1. Location Plan                                            |
|                       | 2. Proposed location of Karnup Train Station                |
|                       | 3. Advertised Structure Plan                               |
|                       | 4. Location of Advertising                                 |
|                       | 5. Amended Structure Plan                                  |
**Purpose of Report**

To consider a proposed Structure Plan over Lots 3 and 806 Mandurah Road, Karnup ('West Karnup') and to consider a proposed Concept Plan over Lot 805 Mandurah Road, Karnup following the completion of public advertising and receipt of additional information.

**Background**

**Amendments under the Metropolitan Region Scheme**

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

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

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

Following the gazettal of MRS Amendment No.937/33 the entirety of Lot 3 and Lot 806 was zoned 'Urban Deferred' and Lot 805 was zoned 'Parks and Recreation' under the MRS.

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

Through a 'Negotiated Planning Solution' between the former landowner of the site (Cemex, formally CSR Readymix) and the Western Australian Planning Commission (WAPC), a land swap agreement was reached to rezone Lot 805 from 'Parks and Recreation' to 'Urban Deferred' in exchange for the land immediately south of the subject site (Lot 807) being reserved as 'Parks and Recreation' under the MRS.
In 2003, MRS Amendment 1082/33 was initiated for the implementation of Bush Forever. Proposal 71 of the Amendment referred to the rezoning of Lot 805 from 'Parks and Recreation' to 'Urban Deferred' and Lot 807 (land located immediately south of the site) being zoned 'Parks and Recreation'. Lot 805 was assessed to have limited conservation value and could be made available for uses other than conservation.

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

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

**Agreement to Reserve Land for Conservation on Lot 806**

In 2007, the previous landowner (Cemex), applied for a clearing permit under the *Environmental Protection Act (1986)*, in order to clear vegetation for the purposes of expanding the Extractive Industry (Limestone Mining) operation being undertaken on Lot 806. A condition was imposed on the Clearing Permit under the provisions of the *Soil and Land Conservation Act* which prohibited any clearing on 18.5ha of the southern portion of Lot 806, except where required pursuant to the *Bush Fires Act (1954)*.

This condition was registered as a memorial on the Certificate of Title to protect the native vegetation in perpetuity. It is intended this remnant bushland will form part of the Rockingham Lakes Regional Park.

This vegetation has been shown on the Proposed Structure Plan as District Open Space and is to be given up by the developer to the Crown.

**Extractive Industry Operation on Lot 806**

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

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

**Request for Lifting of Urban Deferment**

The land has been zoned 'Urban Deferred' in the Metropolitan Region Scheme ('MRS') since October 2010 and in this regard, development on the site cannot progress until the land is rezoned to 'Urban' under the MRS.

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

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

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

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

The City recommended the application be deferred pending the submission (and assessment) of a detailed Structure Plan.

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

The Proposed Structure Plan was requested to address the requirements of the Guidelines, together with the requirements of *Liveable Neighbourhoods* and Town Planning Scheme No.2, and to also have regard to the proximity of the site to the proposed Karnup Train Station.

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

In November 2011, the Proponent submitted an application for a Proposed Structure Plan in response to the City's advice to the WAPC.
In March 2012, the Council granted consent to advertise a Proposed Structure Plan over Lots 3 and 806 Mandurah Road, Karnup. The City assessed the proposal against the Commission's Lifting of Urban Deferment Guidelines, and concluded the request to lift Urban Deferment satisfied the criteria of the guidelines.

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

**Lot 3 Mandurah Road**

Lot 3 Mandurah Road, Karnup (which is located between Lots 805 and 806) is owned by the City of Rockingham. The City has previously indicated that it supports the inclusion of Lot 3 in the application.

**Proposed Karnup Train Station**

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

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

![Figure 2 - Proposed location of Karnup Train Station](image)

Since April 2011, there have been ongoing design workshops and investigations with all major stakeholders to progress the design of the TOD and the associated governance issues and delivery.

**Matters to be addressed during Public Advertising**

Council resolved to advertise the Proposed Structure Plan and Concept Plan for comment subject to following matters being satisfactorily addressed:-

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 15 OCTOBER 2012

PRESIDING MEMBER
(i) Detailed Assessment of the submitted Bushfire Hazard Assessment;
(ii) The interface arrangement of development proposed to Mandurah Road being further investigated to determine if the objectives of Liveable Neighbourhoods can be more appropriately achieved;
(iii) Investigate an improved development interface to public open spaces ‘D’ and ‘G’ to more appropriately satisfy the design criteria of the City’s Planning Policy 3.4.1 - Public Open Space;
(iv) Further investigate the impact of the potential linear commercial strip to the function of Mandurah Road and make determination on the configuration of the Neighbourhood Centre; and
(v) Obtain ‘in principle’ support from Main Roads WA for the proposed access points onto Mandurah Road and a temporary gated emergency services access arrangement.

### Details

#### Proposed Structure Plan

The proposed Structure Plan for Lots 3 and 806 and Concept Plan for Lot 805 consists of the following elements: -

**Residential Density and Population**

- The creation of approximately 1,100 lots (approximately 1,200 dwellings);
- Residential density coding ranges from R25 - R40 (average lots areas from 220m² - 350m²); and
- An ultimate population of approximately 3,100 people (based on the average occupancy rate of 2.6 persons per household).

**Neighbourhood Centre**

A Neighbourhood Centre is proposed at the intersection of Singleton Beach Road and Mandurah Road which is proposed to have a retail floor space of approximately 5,300m², and is proposed to comprise of the following elements: -

- Full sized supermarket: 3,800m² retail floor space; and
- Speciality Shops: 1,000m² - 1,500m² retail floor space.

**Community Facilities**

- A Primary School site of 3.5ha co-located with a proposed 4.5ha Public Open Space reserve.

**Public Open Space**

- A total of 9.42ha of Public Open Space provided in seven parcels, ranging in area from 0.33ha to 4.50ha.
- 18.50ha of Regional Open Space to form part of the Rockingham Lakes Regional Park.

**Road and Pedestrian Network**

- The introduction of signalised intersections at Crystaluna Drive and Singleton Beach Road east into the Structure Plan area;
- A central Neighbourhood Connector road which is designed to accommodate a future feeder bus route from the proposed Karnup Station;
- A proposed Neighbourhood Connector road connection north into the proposed Karnup Train Station precinct has been accommodated by the design but the connection is, however, dependent on the final design outcomes of the Karnup TOD design process;
- A left in/left out southern access arrangement proposed on Mandurah Road abutting the proposed Neighbourhood Centre;
- A permeable grid local street layout; and
- A footpath and shared path network provided in accordance with Liveable Neighbourhoods.
The Structure Plan considered by the Council in March 2012 is shown in Figure 3: -
Implications to Consider

a. Consultation with the Community

Advertising Methodology

The Proposed Structure Plan was advertised for public comment for a period of 32 days commencing on the 24th April 2012 and concluding on the 25th May 2012. Public advertising was carried out in the following manner:-

- nearby owners and occupiers (as shown on Figure 5), servicing agencies and the Singleton Residents Association were notified of the proposal in writing and invited to comment;
- The Proponent erected two (2) signs on site in prominent locations advertising the Proposed Structure Plan;
- A notice was placed in the Weekend Courier for two consecutive weeks, appearing in the newspaper on the 27th April 2012 and again on the 4th May 2012; and
- Copies of the Proposed Structure Plan and relevant documents were made available for inspection at the City's Administration Offices and placed on the City's website.

Advertising was undertaken in accordance with the requirements of Clause 6.3.3 of TPS2.

Summary of Submissions

Following the close of the submission period, the City had received seven (7) submissions from nearby landowners on the Proposed Structure Plan. The following dot-points generally summarise the issues of concern raised in submissions:

1. Environmental
   - Loss of flora and fauna.

Figure 4 - Location of Advertising

Subject Land
- Reduced habitat for native fauna.
- Concern for the protection of the Black Carnaby Cockatoo habitat.
- Weed Management to nearby Parks and Recreation land is a concern.
- Mosquito management to new development is a concern.

2. **Density**
- Inconsistent with residential land in the locality.

3. **Impacts on Amenity**
- Proposed development will have an adverse impact to existing facilities and amenities in the area by introducing an additional population.

4. **Infrastructure**
- Stormwater drainage should address at least a 1:50 year event.

5. **Timing**
- Development proposed within the Structure Plan was requested to be delayed until such time as the plans for the Karnup Transit Orientated Development are confirmed.

A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment No.3 to this report). The content of the submissions is summarised and addressed as follows:

1. **Environmental**

   **Loss of Flora and Fauna.**

   **Proponent's Response**

   Areas of high conservation value have been considered within the historic planning of the area. The large areas of remnant bushland associated with the site and conservation reserves adjacent to the site will enable significant flora and fauna values to be retained, including the highest quality flora and vegetation. These retained areas include the 58.5 ha area to the south of the site, incorporating Lot 807 and a portion of Lot 806, as well as the Rockingham Lakes Regional Park covering over 4,270 hectares.

   The loss of fauna habitat values associated with the implementation of the Local Structure Plan is not anticipated to be significant. A large portion of the site is degraded through previous quarrying activities and provides limited fauna habitat values. Fauna habitat will be retained within a portion of Lot 806 and Lot 807 to the south of the site and mobile fauna species are expected to disperse into nearby areas of bushland, which includes a significant area to be the east, being Paganoni Swamp Bushland, part of the Rockingham Lakes Regional Park.

   **Officer Comment**

   The Structure Plan design is considered to appropriately balance retention of significant vegetation and land for urbanisation. As a condition of Subdivision Approval, fauna relocation programmes are recommended for local fauna to be relocated into the adjacent Rockingham Lakes Regional Park.

   **Concern for the protection of the Black Carnaby Cockatoo Habitat.**

   **Proponent's Response**

   No evidence (either historic or current) of actual foraging, roosting or nesting by black cockatoos was observed during the fauna survey. The recent WAPC black cockatoo mapping did not identify any known roosting or breeding areas within the site.

   **Officer Comment**

   The City has reminded the Proponent of its obligations under the Federal EPBC Act with respect to foraging, roosting or nesting habitats by Black Carnaby Cockatoos.
Weed Management to Nearby Parks and Recreation Land.

Proponent's Response

The Parks and Recreation Reservation to the east of the site is separated from the site by the southern suburbs railway corridor. In addition, a noise wall is expected to be constructed as part of the development to minimise impacts from railway noise, which will also act as a barrier to weed dispersal. The Parks and Recreation reservation to the south of the site is largely separated by the Agreement to Reserve area, which will provide a buffer to weed spread. In addition, there is a widened road reserve adjacent along the south eastern boundary of the site, which will provide a hard edge separation between the development areas and conservation areas and reduce the spread of weeds.

Officer Comment

The Structure Plan design provides an appropriate interface to conservation areas. Specific weed management plans can be considered as part of detailed subdivision design.

Mosquito Management to new development.

Proponent's Response

The key elements of mosquito management are well known and have been considered in the Local Structure Plan design and within the approach to water management at the site. Principally, there will be no mosquito breeding habitat created by the development, as there will be no permanent water bodies, and all runoff will infiltrate well before the critical 120 hour time considered as critical for mosquito habitat creation.

Officer Comment

Given the location of the site it is unlikely that mosquito breeding will occur, and in this regard the Structure Plan design is considered acceptable. The construction requirements of the drainage basins will be assessed at subdivision stage to ensure they are in line with the requirements of the City of Rockingham Environmental Quality Criteria for vector control.

It is noted that mosquito risks and known breeding areas in Paganoni and Anstey Swamps located in the Rockingham Lakes Regional Park. These known mosquito breeding areas are located outside the Structure Plan area, and there is no legislative means for the Proponent to reduce the impact of mosquito's subject land. Health impacts from urbanisation of the land were considered as part of the MRS Amendment.

2. Density

Inconsistent with residential land in the locality.

Proponent's Response

The proposed development (and density throughout) is consistent with the density targets forecasted by the State Government’s Directions 2031 document; a site earmarked for ‘Urban’ development.

Officer Comment

The proposed residential densities satisfy the minimum density requirements of Liveable Neighbourhoods and are therefore considered appropriate.

3. Impacts on Amenity

Proposed development will have an adverse impact to existing facilities and amenities in the area by introducing an additional population.
**Proponent’s Response**
The comments are unsubstantiated and do not take into consideration the additional facilities the proposed development will deliver to the West Karnup LSP and broader area. Such amenities including new Neighbourhood Activity centre (shops, offices, medical etc), government Primary School and various passive and active public open spaces and bushland reserves for the benefit of the broader community.

**Officer Comment**
The City acknowledges the concerns of the community with respect to the lack of State Government facilities and services within the area and will advocate wherever possible for increased services to residents.

Notwithstanding, the Proponent has appropriately accounted for the provision of new facilities such as the provision of a new Primary School and Neighbourhood Centre to service existing and prospective residents.

4. **Infrastructure**

*Stormwater drainage should address at least a 1:50 year event.*

**Proponent’s Response**
The Local Water Management Strategy will address up to 1:100 year storm events.

**Officer Comment**
The Local Water Management Strategy appropriately accommodates for drainage events.

5. **Timing**

*Development proposed within the Structure Plan was requested to be delayed until such time as the plans for the Karnup Transit Orientated Development are confirmed.*

**Proponent’s Response**
The southern lots (Lot 806 and 3) are not directly affected by the Karnup Transit Orientated Development (TOD) to the north of the site, hence should progress towards development without further delay. The northern lot adjacent to TOD (Lot 805) will be partly influenced by the final TOD. As such, this Lot is subject to further review as identified in the Local Structure Plan Map.

**Officer Comment**
The layout over Lot 805 is provided 'in concept' only. Further planning for the northern portion of the site will be required in context to the future Karnup TOD.

b. **Consultation with Government Agencies**

As mentioned above, relevant 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 Education
- Department of Environment and Conservation
- Department of Health
- Department of Indigenous Affairs
- Department of Water
- Department of Planning
- Fire & Emergency Services Australia
- Public Transport Authority
- Telstra
- Water Corporation
The following matters were raised by servicing authorities:

1. **Department of Environment and Conservation**

   **The Proposed Structure Plan does not adequately protect areas of high conservation value and should be redesigned to preserve native vegetation in very good or good condition.**

   **Proponent’s Response**

   Areas of high conservation value have already been considered as part of the historic re-zoning of the site, well before structure planning was even contemplated in this area. A Bush Forever Negotiated Planning Solution (NPS) was agreed for the site, which resulted in Lot 807 (40 ha) being added to an existing Bush Forever site. Lot 807 contains significant the best condition remnant vegetation and GSM habitat (where GSM have been observed).

   MRS Amendment No. 1082/33 was initiated as part of the implementation of Bush Forever. Proposal 71 of this amendment involved the rezoning of Lot 805 “Parks and Recreation” to “Urban Deferred” and Lot 807 reserved for “Parks and Recreation”. This amendment was not assessed by the EPA and the scheme amendment is now deemed assessed.

   In September 2011, The Office of Environmental Protection Authority (OEPA) provided advice on the proposed lifting of urban deferment for Lots 805 and 806 and did not consider environmental factors to pose major constraints to the lifting of urban deferment.

   In addition, an 18.5 ha portion of the site (within Lot 806) has been historically protected under section 30B of the Soil and Land Conservation Act 1945. In accordance with the Agreement to Reserve, the clearing of any native vegetation is prohibited in this area except where required under the Bush Fires Act 1954 (WA). The area required to be reserved was 18.5 ha in the southern portion of Lot 806. The proponent has progressed with planning for the area assuming that this remnant vegetation will be retained in its entirety as shown on the LSP.

   These large, intact remnants provide significant environmental value to the local area. The retention of 58.5 ha in a single block provides solid conservation value for the local area. While every effort has been made to retain native vegetation within POS, due to the previous quarrying over the site and the engineering levels required for development, further native vegetation retention opportunities are limited. Furthermore, the retention of large patches of vegetation that has been added to existing conservation estate provides a more significant conservation outcome than the small areas of remnant vegetation that would be accommodated within POS as part of the LSP.

   **Officer Comment**

   The land identified by the DEC for the preservation of high conservation value vegetation is predominantly located on Lot 805, which is not contained within the Structure Plan area and is subject to further planning in context with the Karnup TOD.

   It is noted that through the 'Negotiated Planning Solution' between the former landowner of the site (Cemex, formerly CSR Readymix) and the WAPC, a land swap agreement was reached to rezone Lot 805 from 'Parks and Recreation' to 'Urban Deferred' in exchange for the land immediately south of the subject site (Lot 807) being reserved as 'Parks and Recreation' under the MRS. It was considered at the time that Lot 805 (the northern portion of the Structure Plan area) was assessed to have limited conservation value and could be made available for uses other than conservation.

   The EPA also concluded that the overall environmental impacts would not be severe enough to warrant formal assessment pursuant to the Environmental Protection Act.
To retain true local biodiversity, it is generally recommended that a contiguous land area 4ha is required. In this regard, the distribution of open space in the Structure Plan area currently provides a balance of useable open space and retention of significan vegetation and redistribution of open space would adversely impact the Structure Plan design.

It is considered that the Structure Plan over Lots 3 and 806 satisfactorily addresses Liveable Neighbourhoods requirements for the distribution of Open Space. Conservation of vegetation in Lot 805 will be given further consideration as part of a future Structure Plan for the Karnup TOD.

The Proposed Structure Plan needs to provide a clear indication that the District Open Space area will be reserved as Parks and Recreation and combined with Lot 807 to be added to the Rockingham Lakes Regional Park.

Proponent's Response
Agreed, and there is no reason why this should not occur in the future. The Proponent has already explored opportunities for this to be incorporated into the Rockingham Lakes Regional Park, and would expect that this land be ceded at the time of subdivision adjacent to that area.

Officer Comment
The City supports the logical amalgamation of the District Open Space in Lot 806 into the Rockingham Lakes Regional Park.

The subject site contains foraging and breeding habitat for Carnaby's Black Cockatoo and habitat for Graceful Sun Moth, both are listed under the EPBC Act. The proponent should contact the Commonwealth Department of Sustainability, Environment, Water Population and Communities to determine what responsibilities they have under the EPBC Act.

Proponent's Response
No evidence (either historic or current) of actual foraging, roosting or nesting by black cockatoos was observed during the fauna survey. The recent WAPC black cockatoo mapping did not identify any known roosting or breeding areas within the site.

The proponent is undertaking its own assessment of its obligations pursuant to the EPBC Act, and will ensure that any obligations are addressed prior to undertaking any ‘action’ within the LSP area.

Officer Comment
The City has reminded the Proponent of its obligations under the Federal EPBC Act with respect to foraging, roosting or nesting habitats by Black Carnaby Cockatoos.

The Proposed Structure Plan needs to ensure that the proposed District Open Space does not accommodate drainage from the Structure Plan area.

Proponent's Response
No drainage or stormwater infrastructure will be located within Lot 807 or the Agreement to Reserve area. A widened road reserve adjacent to the Agreement to Reserve area has specifically been included onto the Local Structure Plan to accommodate the necessary infrastructure.

Officer Comment
The City’s assessment of the Local Water Management Strategy has concluded stormwater drainage will be contained onsite and is unlikely to impact the Agreement to Reserve area.

The Proposed Structure Plan needs to ensure there is a perimeter road and adequate fencing (being to the specifications and satisfaction of DEC) between the development site and areas retained for conservation. The perimeter road needs to ensure adequate separation between conservation areas and urban development.
Proponent’s Response
A perimeter road has been proved adjacent to the Agreement to Reserve area and northern POS areas. As outlined above a widened road reserve has been provided adjacent to the Agreement to Reserve area to ensure that no batters are required within the Agreement to Reserve area or Lot 807.

The Local Structure Plan includes a perimeter road adjacent to the Agreement to Reserve area and requirements for setbacks to address fire management requirements have already been accommodated in the Local Structure Plan layout.

Officer Comment
Perimeter fencing is a matter that can be a condition of Subdivision Approval and is a level of detail too specific to consider at Structure Plan stage. The Structure Plan is considered to provide an appropriate design response to the Agreement to Reserve area.

Construction of a dual use path along the eastern side of the subject site, in a north south orientation (along the western side of the Perth to Mandurah rail reserve) to allow future expansion for the cycling network to any development within the nearby urban zoned areas in Lakelands Mandurah.

Proponent’s Response
Given the requirement for noise walls along the railway boundary, there will be very limited surveillance of a dual use path. Furthermore, any cycle path on the eastern side of the subject site would terminate at the end of the site – as the site is adjacent to a Regional Park. It is recommended that any future dual use path network be provided in the Mandurah Road Reserve, to provide adequate surveillance for pedestrians and cyclists.

Officer Comment
Regional dual use path connections into Mandurah are more appropriately provided for abutting Mandurah Road.

Proponent’s Response
The preparation of a Noise Management Plan in relation to the road and rail noise prior to future subdivision planning.

Officer Comment
The City has assessed the Acoustic Consultant Report provided as a technical appendix and supports the recommendations to be implemented at subdivision stage.

2. Department of Education

The Department of Education supported the proposed Structure Plan as the plan was prepared to accommodate a planned Primary School in the Structure Plan area.

Officer Comment
The submission is noted.

3. Department of Health

Ensure the development is connected to reticulated sewage in accordance with the Governments Sewage Policy.

Officer Comment
The submission is noted.
The document provides little evidence to support the statement that there is a very minor and spatially limited risk of potential land contamination within the site, which is not adequate for the consideration of health protection (in Section 2.16 of Environmental assessment and justification report). Details about the nature and assessment of uncontrolled land fill and historic fuel or chemical storage should be provided to demonstrate that no any health risks will be caused to future residents in relation to potential of land contamination.

Proponent's Response

It is entirely reasonable to conclude that there is a very minor and spatially limited risk of potential land contamination within the site, based on the site use history (and that parts of the site are uncleared native remnant vegetation) and the information that has been available at the time of preparing the Local Structure Plan. The adoption of the proposed Local Structure Plan does not increase the risk of exposure; only provide a framework for future subdivision application/conditional approval.

The appropriate time for land contamination issues to be resolved is at the subdivision stage, and the land owner for Lots 805 and 806 are already in the process of compiling information to demonstrate that the contamination risk is low.

Any minor contamination issues can be resolved prior to and during the subdivision approval process before the risk of exposure is increased through subdivision and subsequent residential use of the land. This is in line with standard planning practice in Western Australia.

Officer Comment

A detailed investigation of the site for any minor contamination as a result of the previous limestone quarry operation is recommended to be resolved through the future subdivision process over the land. It is not considered the previous land use negatively impacts the consideration of the Structure Plan.

The Proposed Structure Plan should be contingent upon a comprehensive mosquito risk assessment to enable the City of Rockingham to determine the extent of the risk form mosquito and mosquito-borne disease.

Further to the above mentioned:

(i) New residents be warned of the risk of mosquito-borne disease and the potential for nuisance mosquitoes via a notification on any newly created property titles.

(ii) The City must ensure propose infrastructure and site works so not create additional mosquito breeding habitat;

   (a) Changes to topography from earthworks - must prevent run-off creating surface ponding;
   
   (b) Water tanks and other water-holding containers must be sealed or screened;
   
   (c) Constructed water bodies must be located, designed and maintained so they do not create or contribute to mosquito breeding;
   
   (d) Constructed water bodies may require regular monitoring and application or herbicides and/or removal of invasive vegetation to prevent the harbourage of mosquito larvae; and
   
   (e) The Chironomid midge and mosquito risk assessment guide for constructed water bodies should be referred to during the early stages of planning.

(iii) Use of built form design measures in construction of accommodation and recreational areas to protect future residents from mosquitoes.
(a) POS with limited vegetation should be located between mosquito breeding sites; and
(b) Built form design measures, public education packages and public signage are included as part of the State and Local Government conditions of approval.

The Proposed Structure Plan should be contingent upon a comprehensive mosquito risk assessment to enable the City of Rockingham to determine the extent of the risk form mosquito and mosquito-borne disease.

Proponent's Response
The key elements of mosquito management are well known and have been considered in the Local Structure Plan design and within the approach to water management at the site. Principally, there will be no mosquito breeding habitat created by the development, as there will be no permanent water bodies, and all runoff will infiltrate well before the critical 120 hour time considered as critical for mosquito habitat creation.

The other measures referred to are more appropriately specified at building design stage or to guide resident actions into the future, and do not impact the spatial layout of the LSP.

Officer Comment
Given the location of the site it is unlikely that mosquito breeding will occur, and in this regard the Structure Plan design is considered acceptable. The construction requirements of the drainage basins will be assessed at subdivision stage to ensure they are in line with the requirements of the City of Rockingham Environmental Quality Criteria for vector control.

It is noted that mosquito risks and known breeding areas in Paganoni and Anstey Swamps located in the Rockingham Lakes Regional Park. These known mosquito breeding areas are located outside the Structure Plan area, and there is no legislative means for the Proponent to reduce the impact of mosquito's subject land. Health impacts from urbanisation of the land were considered as part of the MRS Amendment.

Consider incorporating Health Impact Assessment and Public Health Assessment principles.

Proponent's Response
The proposed design ensures all residents are within walking distance of an area of Public Open Space. The design also strategically provides linear pedestrian and cycle paths to encourage walking and cycling to key nodes in and around the Local Structure Plan area, including the Neighbourhood Activity Centre, Primary School and future Karnup TOD site.

The design of POS areas will also be carefully considered to encourage both passive and active use.

As such it is considered the design meets the intent of the Health principles.

Officer Comment
The Structure Plan achieves the design criteria requirements of Liveable Neighbourhoods with respect to the siting of land uses such as open space, the Neighbourhood Centre, Primary School and is within proximity to a future railway station. In this regard to the plan is considered appropriate.

4. Department of Planning
The development, including construction, access and drainage, is not to result in the clearing and/or disturbance of existing vegetation within Bush Forever area 395 (the Rockingham Lake Regional Park east of the Perth to Mandurah Railway line).
No building materials, rubbish or other matter is to be deposited into Bush Forever area 395 during or after development.

Officer Comment
The submission is noted.

5. Department of Transport/PTA

Strong preference is that a 2m noise wall along the railway reserve be required as recommended in the Lloyd George Acoustics Report.

Officer Comment
The submission is noted and accounted for in the Structure Plan Report. The recommended noise wall will be recommended as a condition of Subdivision Approval.

It is also noted that cycling connectivity and permeability is not addressed adequately in the Structure Plan report or accompanying transport assessment. The DoT requires further consideration to be given to cycling and pedestrian access to the structure plan area.

Officer Comment
The City reviewed the cycling network and permeability of the Structure Plan. The Road network complies with the movement network requirements of Liveable Neighbourhoods and is satisfied the road network can appropriately accommodate bicycle traffic.

6. Department of Water

The Department requires confirmation of a sufficient non-portable water supply at the current planning stage in order to support the Local Water Management Strategy. It is understood that the Proponent has secured a proportion of the total non-portable water required for the development through a License to take groundwater. Alternative sources and strategies will be required to fulfil the shortfall.

Proponent’s Response
The project team have been working with Department of Water to resolve this situation. The Department has indicated that while the underlying aquifers are fully allocated, some allowance can be made to irrigate the school oval as it is a public benefit. This combined with the existing licence of 13,000kL is sufficient to meet all of the irrigation requirements for the early stages of Local Structure Plan development, and for the majority of the long-term irrigation requirements for the development.

In order to address the shortfall (some ~20,000kL) the project team are employing a specialist water trade consultant, with the aim of seeking to trade an allocation with an existing licence holder within the same groundwater management sub-area. Concurrent with this, the project landscaping team are developing some options for POS areas with reduced long-term irrigation requirements. These investigations are yet to be concluded, however the actions taken so far demonstrate that the proponent is committed to resolving this issue and to being able to realise the full development potential of the land.

Officer Comment
The allocation of groundwater is an issue identified by the City that needs to be addressed by the Proponent in Consultation with the Department of Water prior to it issuing an approval for the Local Water Management Strategy. The City supports the distribution of open space as it complies for Planning Policy 3.4.1 and Liveable Neighbourhoods.

Following review of the Local Water Management Strategy, the Department of Water requested further technical detail before approving the document.
Officer Comment
The City has reviewed the Local Water Management Strategy and supports its findings. Any additional matters raised by the Department of Water have been forwarded to the Proponent to resolve prior to the Department of Water issuing its approval.

7. Main Roads WA

Access to Mandurah Road is limited to two proposed signalised intersections, namely Crystaluna Drive/Mandurah Road intersection and Singleton Beach Drive/Mandurah Road intersection.

Officer Comment
This comment is noted.

No additional access is obtained from Mandurah Road.

The proposed left in and left out access onto Mandurah Road (south of the proposed Neighbourhood Shopping Centre) is not supported. This proposed left-in and left-out movement will only increase the number of conflicting points along Mandurah Road and increases safety concern.

Officer Comment
Discussion relating to the proposed left in left out access arrangement is provided within the Comments section of this Report.

The temporary gated access proposed for fire and emergency purpose is supported.

Officer Comment
This comment is noted.

8. Water Corporation

A wastewater pump station is required on the eastern edge of the POS area 'D' on the Proposed Structure Plan.

A 30m radius odour buffer be provided around the proposed pump station within which odour sensitive land uses (such as residential development) are not located within.

The Proposed Structure Plan should be modified to indicate the nominated location of the pump station and its long-term buffer accommodated within the POS area and the adjacent road reserve.

Proponent’s Response
The revised Local Structure Plan will nominated a pump station site and required buffer within POS ‘D’ as agreed with the Water Corporation.

Officer Comment
The location nominated for the sewer pump station and its associated buffer are appropriately nominated on the Proposed Structure Plan and contained from sensitive residential land uses.

c. Strategic
Community Plan

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

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

**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 proposes a gross density of 12.5 dwellings per hectare and 10.5 dwellings per hectare accounting for the inclusion of the District Open Space. In the report to Council in March, the City concluded that although the proposal does not achieve the minimum density requirements of *Directions 2031*, it is considered the design appropriately responds to the context of the locality.

Additional density could be considered within the northern Lot 805, however, as Lot 805 is being considered 'in concept' as part of the Structure Plan process, there will be further opportunity to explore an increase in density when the northern portion of the Structure Plan area is considered in context with the Karnup TOD.

**Liveable Neighbourhoods**

*Liveable Neighbourhoods* has been prepared to implement the objectives of the State Planning Strategy and State Sustainability Strategy, and operates as a sustainable development control policy to guide structure planning and subdivision.

The document outlines all the requirements for a new Structure Plan and the supporting documentation needed to assess such. These requirements are intended to facilitate the State Government's objective to create communities that reduce dependency on private vehicles and are more energy and land efficient.

*Liveable Neighbourhoods* 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.

Assessment of the Structure Plan against *Liveable Neighbourhoods* is detailed in the 'Comments' section of this report with respect to matters that were required to be address during advertising and in response to submissions received.
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.

The site abuts a bushfire hazard predominantly to its southern and eastern boundary, and to a lesser extent to the western boundary abutting the Singleton parabolic dune system. The Proponent has provided a Bush Fire Hazard Assessment (BFHA) and Bush Fire Management Plan. The Fire Management Plan has been prepared in accordance with the Bush Fire Protection Guidelines and addresses site specific concerns.

It is noted the City received no comment from FESA with respect to the Structure Plan and the Bushfire Hazard Assessment. The City repeatedly contacted FESA seeking comment, however, the agency did not respond to the City’s repeated requests.

The City has assessed the Bushfire Hazard Assessment and determined it has addressed the criteria outlined within the Planning for Bushfire Protection Guidelines. It is recommended the City outline to the WAPC the lack of comment from FESA, following the Council’s determination of the Structure Plan.

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

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

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

Lot 805 is located within the likely 800m catchment of the proposed Karnup Train Station. In this regard, the Proponent has proposed medium density residential development within this catchment area. As stated earlier, Lot 805 is being considered ‘in concept’ as part of this process and will be subject to further consideration in conjunction with the Karnup TOD at a future time.

It is recommended the Proponent be advised that for the future consideration of a Structure Plan for Lot 805, residential density needs to be more appropriately addressed in context with the Karnup TOD and walkable catchment to the future Karnup Train Station.

State Planning Policy No.2 - Environment and Natural Resources Policy (2006)

In recognition of the demands and pressures on the natural environment, this planning policy was introduced to guide co-ordinated decision making to ensure the environment was appropriately considered in planning decisions.

The objectives of this Policy are to:

- Integrate environment and natural resource management with broader land use planning and decision-making;
- Protect, conserve and enhance the natural environment; and
- Promote and assist in the wise and sustainable use and management of natural resources.

The principles of this policy are relevant with respect to the protection of remanent bushland area set to be reserved as part of the Rockingham Lakes Regional Park located in the southern portion of Lot 806.

**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 place unreasonable restrictions on noise-sensitive residential development, or adding unduly to the cost to transport infrastructure. The Policy applies for the consideration and management of the impacts of transport noise and freight operations when development is proposed in the following manner:

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

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

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

**Local Planning Policies**

*Planning Policy 3.4.1 - Public Open Space*

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

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

Discussion regarding the distribution of public open space and compliance with the City's Policy can be found in the 'Comments' section of this Report.

*Planning Policy 6.3 - Local Commercial Strategy*

Planning Policy 6.3 - Local Commercial Strategy provides guidance for the distribution and hierarchy of employment centres within the District. The subject land is located within Precinct 3 - South Coastal, which comprises the suburbs of Secret Harbour, Golden Bay and portion of Karnup and Singleton.

Part 2.4.3 of the Local Commercial Strategy identifies one District Centre for the Precinct being the Secret Harbour Town Centre, which is proposed to ultimately accommodate 15,000m² of retail floor space, four Neighbourhood Centres and four local (corner store) scale centres that identify a further 12,990m² retail floor space.
The Proposed Structure Plan makes provision for the identified ‘Singleton East’ Neighbourhood Centre. The Policy makes provision for 4,240m² retail floor area for the ‘Singleton East’ centre. The Proponent is seeking to increase this floor space to 5,300m².

An amendment to the City's Planning Policy 6.3 - Local Commercial Strategy is required if it is determined that the Commercial floor space does not impact planning and existing centres in the nearby vicinity. This matter will be considered separately by the Council following the completion of advertising for the proposed expansion in retail floor space.

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 Proponent

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.

**Comments**

**Matters Considered During Advertising**

**Access Points onto Mandurah Road**

Main Roads WA has supported signalled intersection access onto Mandurah Road at Crystaluna Drive and Singleton Beach Drive and has also supported a temporary gated access for fire and emergency purposes onto Mandurah Road.

**Linear Commercial Strip and Proposed Left in Left out Access onto Mandurah Road**

A linear commercial strip is proposed abutting Mandurah Road and is adjacent to the remnant bushland reserve. It is proposed that fast food outlets occupy this space. The City has concerns regarding the configuration of the linear commercial strip and its potential impact to the function and operation of Mandurah Road.

Prior to advertising the Structure Plan, the City noted its preference that the linear commercial strip be integrated into the larger centre, where potential fast food outlets could be configured in a manner similar to Warnbro District Shopping Centre. Such configuration would provide fast food outlets still benefiting from the exposure of Mandurah Road and setting back the main portion of the Neighbourhood Centre further away from Mandurah Road.

The City requested comment from Main Roads WA to determine if it identified a potential impact to the function of Mandurah Road and in this regard Main Roads WA did not support the proposed left in and left out access onto Mandurah Road located south of the proposed Neighbourhood Shopping Centre.

Main Roads WA noted the proposed left-in and left-out movement will only increase the number of conflicting points along Mandurah Road and increases safety concerns.
In light of this advice, it is recommended that the Proponent modify the configuration of the Neighbourhood Centre to delete the left in left out access point onto Mandurah Road, prior to the Structure Plan being forwarded to the WAPC for determination.

**Subdivision Design Abutting Mandurah Road**

The Structure Plan proposes residential lots backing onto Mandurah Road and a noise barrier wall being constructed along the length of Mandurah Road. *Liveable Neighbourhoods* requires Lots to front arterial roads (via service roads) wherever possible so as to provide for good streetscape amenity, surveillance, and to facilitate business and home-based business development. It is the City's preference that a service road configuration abuts Mandurah Road as required by *Liveable Neighbourhoods* and as such it was recommended this aspect of the plan be considered in further detail during the advertising period.

The Proponent investigated providing greater visual streetscape amenity to Mandurah Road by providing slip roads for development to front Mandurah Road. In this regard, acoustic modelling determined the impact to amenity and dwelling construction costs to be prohibitive and would not comply with the intent of State Planning Policy 5.4 - *Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. As such the Proponent maintains its recommendation to retain a 2.5m high noise attenuation wall along Mandurah Road.

The City further investigated the justification and modelling provided by the Proponent and concluded a wall treatment to Mandurah Road was necessary for compliance with State Planning Policy 5.4 - *Road and Rail Transport Noise and Freight Considerations in Land Use Planning* and determined the desired land use interface as recommended by *Liveable Neighbourhoods* could not be achieved.

The Proponent has stated that Detailed Area Plans can be required at subdivision stage to setback development and reduce the impact of roof lines to Mandurah Road. Furthermore, the Proponent has also noted it is prepared to strategically revegetate and provide landscape treatment to Mandurah Road to minimise the bulk and scale of the wall as viewed from Mandurah Road. This is supported by the City.

**Interface of Development Abutting Open Space**

The City's Planning Policy 3.4.1 - Public Open Space requires the design of a subdivision and development to promote visual surveillance of open space in order to minimise personal safety and security problems. The Policy recommends public open space be bounded by streets on all frontages such that adjacent lots overlook the street and public open space.

The City may consider lots with direct frontage to public open space where development is elevated at least 0.5m above to provide an appropriate interface and surveillance.

The City had concerns regarding the proposed interface to public open spaces 'D' and 'G' as the proposed lot orientation requires a frontage to the public open space and to the street (see Attachment No.2). The Proponent has indicated a Detailed Area Plan could be implemented to ensure residential development addressed both streets.

The Proponent has revised the interface to public open spaces 'D' and 'G' and has revised the proposed interface in the following manner:

- POS 'G' is now surrounded on all side by roads.
- POS 'D' now does not encourage dual frontage lots, and now supports primary frontage facing the open space.

The revised arrangement meets the Policy and Liveable Neighbourhood requirements and is supported.

**Revised Structure Plan**

Following the consideration of the submissions received during the advertising period, the Structure Plan was amended to respond to matters raised by the City and Government Agencies. These modifications do not materially alter the intent of the Structure Plan that was originally advertised and are described as follows:

- **Residential Density and Population**
  - Four R40 grouped housing sites have been introduced to provide additional housing variety.
Road and Pedestrian Network

- Minor variations to the local road network have been made as a result of reconfiguring the interface with the public open spaces 'D' and 'G'.

Public Open Space (POS)

- POS 'G' is now surrounded on all side by roads.
- POS 'D' now does not encourage dual frontage lots, and now supports primary frontage facing the open space.
- A location has been nominated a sewer pump station and its associated buffer on the Proposed Structure Plan as required by the Water Corporation.

The revised plan is shown below in Figure 5: -
CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 15 OCTOBER 2012

PRESIDING MEMBER

Figure 5 - Amended Structure Plan (following advertising of the Structure Plan)
Conclusion

In light of the response to submissions and Structure Plan assessment provided above, it is recommended that the Council adopt the Proposed Structure Plan subject to the following matters being addressed:-

1. The Neighbourhood Centre site being reconfigured to the satisfaction of the City to account for no left in left out access permitted from Mandurah Road;
2. Provide a revised Neighbourhood Centre Concept Plan that accounts for the reconfigured site;
3. Remove the proposed left in left out connection point onto Mandurah Road from the Structure Plan; and
4. Update the Traffic and Structure Plan Reports accordingly.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPT** the Proposed Structure Plan for Lots 3 and 806 Mandurah Road, Karnup, and Concept Plan for Lot 805 Mandurah Road, Karnup subject to the following matters being addressed to the satisfaction of the City:-

1. The Neighbourhood Centre site being reconfigured to the satisfaction of the City to delete the left in left out access point onto Mandurah Road;
2. Provide a revised Neighbourhood Centre Concept Plan that accounts for the reconfigured site;
3. Remove the proposed left in left out connection point onto Mandurah Road from the Structure Plan; and
4. Update the Traffic and Structure Plan Reports accordingly.

Committee Recommendation

That Council **ADOPT** the Proposed Structure Plan for Lots 3 and 806 Mandurah Road, Karnup, and Concept Plan for Lot 805 Mandurah Road, Karnup subject to the following matters being addressed to the satisfaction of the City:-

1. The Neighbourhood Centre site being reconfigured to the satisfaction of the City to delete the left in left out access point onto Mandurah Road;
2. Provide a revised Neighbourhood Centre Concept Plan that accounts for the reconfigured site;
3. Remove the proposed left in left out connection point onto Mandurah Road from the Structure Plan; and
4. Update the Traffic and Structure Plan Reports accordingly.

Committee Voting – 4/0

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

Not applicable

Implications of the Changes to the Officer’s Recommendation

Not applicable
## Planning Services
### Strategic Planning and Environment Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-025/12 Proposed Structure Plan – Adoption</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1391-02</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Damien Giudici on behalf of ABN Group Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Regan Travers, 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>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>17th September 2012</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>August 2011 (SPE-023-11)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
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| Site: | Lots 569 & 1263 Baldivis Road and Lot 21 Sixty Eight Road, Baldivis |
| Lot Area: | 44.2853ha |
| LA Zoning: | Development |
| MRS Zoning: | Urban Deferred |

### Purpose of Report

To consider a proposed Structure Plan over Lots 569 & 1263 Baldivis Road and Lot 21 Sixty Eight Road, Baldivis following the completion of public advertising.
**Background**

**Figure 1 - Location Plan**

- Baldivis Town
- Kwinana Freeway
- Subject Site

**District Structure Plan**

At its ordinary Meeting held on the 26th October 2004, following a process of public advertising, the Council resolved to endorse the *Baldivis South District Structure Plan* ("BSDSP") for the purpose of guiding Comprehensive Development Plans (subsequently referred to as Structure Plans under Town Planning Scheme No.2) and planning generally for the South Baldivis area, subject to certain modifications being undertaken.

In June 2005, the City advised submitters in writing that the various modifications had been completed, and that the District Structure Plan was endorsed.

**Figure 2 - South Baldivis District Structure Plan**
Proposed Structure Plan
The City received an application for a proposed Structure Plan for Lots 569 & 1263 Baldivis Road and Lot 21 Sixty Eight Road on the 25th June 2010. Refer to Map No.3 below and Attachment No.1. At its ordinary meeting held on the 23rd August 2011 the Council resolved to approve advertising of the proposed Structure Plan subject to the following matters being addressed:

(i) The indicative earthworks plan being amended to reflect the intended finished levels, in light of the maximum servicing level;

(ii) In preparing the amended earthworks plan in accordance with point (i), consideration being given to relocating POS 1 to a contour level which facilitates the retention of remnant native vegetation;

(iii) A Fire Management Plan, including a Bush Fire Hazard Assessment, being undertaken in accordance with the Planning for Bush Fire Protection Guidelines (Edition 2), to the satisfaction of the City’s Emergency Services; and

(iv) A Staging Plan being provided.

The Council also required that a Tree Hollow Survey be undertaken by a fauna specialist to determine possible use by Carnaby’s and Baudin’s Black Cockatoo, and Forest Red-Tailed Black Cockatoo or other native fauna, prior to the proposed Structure Plan being considered for adoption.

Details
The subject land is zoned ‘Development’ under Town Planning Scheme No.2 (TPS2) and is located at the corner of Baldivis and Sixty Eight Roads, Baldivis, approximately 10km south east of Rockingham and 40km south of the Perth CBD.

The landholding is 44.2853ha and the proposed Structure Plan incorporates the following elements:-
- 403 Residential ‘R20’ lots;
- 77 Residential ‘R30’ lots;
- 1 Residential ‘R40’ lot with the potential to create 58 dwellings;
- Portion of 1 High School (3.5058ha); and
- 5 areas of Public Open Space (POS) totalling 4.07ha, including a 1.37ha linear POS reserve accommodating a high pressure gas pipeline and other easements and associated buffers.
Implications to Consider

a. Consultation with the Community

Advertising Methodology

The Proposed Structure Plan was advertised for public comment in accordance with the requirements of Clause 6.3.3 of Town Planning Scheme No.2 (TPS2) for a period of 28 days commencing on the 3rd August 2012 and concluding on the 31st August 2012. Public advertising was carried out in the following manner:-

- Thirty two (32) nearby owners and occupiers and servicing agencies were notified of the proposal in writing and invited to comment;
- The Proponent erected two signs on site in prominent locations advertising the Proposed Structure Plan;
- A notice was placed in the Weekend Courier for two consecutive weeks, appearing in the newspaper on the 3rd August 2012 and the 10th August 2012; and
- Copies of the Structure Plan and relevant documents were made available for inspection at the City’s Administration Offices and placed on the City’s website.

Figure 4 – Extent of Consultation
Following the close of the submission period, the City had received a total of nine (9) submissions on the proposed Structure Plan, comprising of seven (7) from servicing authorities and two (2) from nearby landowners.

A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment No.2). The content of the submissions is summarised and discussed below.

Roberts Day on behalf of the landowners of Lots 635, 739 and 740 Baldivis Road:

Roberts Day advised of a number of inconsistencies between the proposed Structure Plan and the Structure Plan for Lots 635, 739 and 740 Baldivis Road (to the north) which the City forwarded to the Western Australian Planning Commission (WAPC) for approval on the 7th December 2011.

With regards to road connections, Roberts Day noted the following:-

1. There is a misalignment between the three connecting roads to the Structure Plan to the north.
2. The width of the Neighbourhood Connector in the proposed Structure Plan should be increased from 19.4 to 22 metres to match the width of the Neighbourhood Connector to the North.
3. The width of the westernmost road in the proposed Structure Plan should be increased from 15.4 metres to 16 metres to match the width of the connecting road in the Structure Plan to the north.
4. The width of the easternmost road in the proposed Structure Plan (adjacent to the Gas Easement) should be decreased from 14.4 metres to 14 metres to match the width of the connecting road in the Structure Plan to the north.
5. The Structure Plan to the north depicts a dual use path running down the western side of the westernmost road in the proposed Structure Plan. This shared path should be continued into the proposed Structure Plan, connecting into the proposed shared path on the northern boundary of the High School site.
6. The proposed bus route depicted on the Structure Plan to the north should be similarly depicted on the Neighbourhood Connector on the proposed Structure Plan, providing the necessary future connection to Sixty Eight Road.

With regard to finished levels, Roberts Day noted that there is a significant level difference between Lot 569 and Lot 740 Baldivis Road as a result of excavation of Lot 569. Roberts Day highlighted the importance of matching lot levels along the boundaries of the Structure Plans to ensure that minimal level changes occur along the common boundary. Roberts Day further noted that the finished levels of the proposed Structure Plan should ensure that there are no requirements for retaining walls to be provided by the landowners to the north as a result of previous excavation on Lot 569.

With regard to drainage, Roberts Day noted that approval of the Structure Plan should be conditional on the proponents ensuring that all drainage from the development is contained within Lots 569 and 1263 Baldivis Road and Lot 21 Sixty Eight Road.

With regard to lot alignment, Roberts Day recommended that the side boundaries of adjacent lots along the common boundary be lined up to facilitate the provision of future dividing fences. Roberts Day suggested that this may be assisted by bringing the three connecting roads into alignment as noted in point No.1 above.

Comment:

Road Connections

1. The City does not believe that there is a misalignment between the three connecting roads between the proposed Structure Plan and the Structure Plan to the north. The City believes that the perceived misalignment may be due to the different road reserve widths shown on the respective Structure Plans. Measuring from the mid-point of the westernmost and easternmost road reserves results in a 558 metre separation. Nevertheless, it is considered essential that road reserve alignments are exact and will be required to be consistent at the Engineering Approvals stage. For the purpose of the Structure Plan the road reserve alignments are considered appropriate.

2. The City notes that while different road reserve widths are proposed, the design of the road through both Structure Plans will be to a Neighbourhood Connector B standard. As such, the City does not believe it is necessary to widen the full length of the reserve through the proposed Structure Plan. It is noted that the 22 metre road reserve should be extended into the proposed Structure Plan as far as the first roundabout and from that point reduce in width to 19.4 metres. This should be reflected on the Structure Plan prior to being forwarded to the WAPC for approval.

3. The 15.4 metre road reserve is consistent with the minimum road reserve widths in Liveable Neighbourhoods standard for an Access Street C. A road pavement width of 7 metres to 7.5 meters can be accommodated on a 15.4 metre to 16 metre wide road reserve. In accordance with Point No.2 above, the 16 metre road reserve should be extended into the proposed Structure Plan as far as the first lot to ensure a transition between Structure Plans occurs. This should be reflected on the Structure Plan prior to being forwarded to the WAPC for approval.

4. Similar to point No.3 above, the 14.4 metre road reserve is consistent with the minimum road reserve widths in Liveable Neighbourhoods standard for an Access Street C when taking into account a 1 metre reduction due to the road abutting a Public Open Space reserve. In accordance with Point No.3 above, the 14 metre road reserve should be extended into the proposed Structure Plan as far as the first lot to ensure a transition between Structure Plans occurs. This should be reflected on the Structure Plan prior to being forwarded to the WAPC for approval.

5. The City notes that the provision of a Dual Use Path along the western side of the westernmost road connecting the two Structure Plans would provide an important link from the north, to the High School site in the south. The City recommends that the Structure Plan be modified to include the extended Dual Use Path on the abovementioned road, prior to the Structure Plan being forwarded to the WAPC for approval.
6. The City notes that the Baldivis Road Needs Study 2005 (BRNS) shows the South Baldivis – Eastern Bus Route traversing the proposed Structure Plan from the north, south to Sixty Eight Road, with its terminus further west along Sixty Eight Road abutting the proposed High School Site. To be consistent with the Structure Plan to the north and to ensure consistency with the BRNS it is recommended that the Bus Route be added to the Structure Plan, prior to the Structure Plan being forwarded to the WAPC for approval.

**Finished Levels**

The City agrees with Roberts Day on the importance of consistent lot levels between Structure Plans due to potential issues with retaining walls and lot layouts. The City notes that levels for both sites are indicative, and for the majority of the common boundary appear to be very similar, with the exception of a few areas which show a height difference of almost one metre. The City is satisfied that a suitable interface between to proposed lots to the North will be reached when considering more accurate finished levels at the subdivision and engineering approval stages.

**Drainage**

The City and Department of Water are satisfied with the drainage arrangements depicted in the Local Water Management Strategy, which demonstrates that all drainage will be retained on-site.

**Lot Alignment**

The City is satisfied with the indicative lot layout shown on the proposed Structure Plan. The alignment of lots to the Structure Plan to the north is not a relevant consideration during the Structure Plan assessment process. Boundary alignments will be set at the subdivision stage.

**Owners of 21 Percival Place**

The submission requests that a buffer boundary be put in place on Sixty Eight Road as people are being attracted to the area as semi-rural. The submission also requested that efforts be made to conserve significant vegetation on the proposed Structure Plan site.

The submission also recommended that management measures be implemented as animals are displaced from the site as development occurs. The submissioner noted a number of occasions where animals have been injured or killed on Sixty Eight Road, which is believed to be a result of development occurring to the north and a subsequent loss of habitat.

**Comment:**

The City is satisfied that the proposed Structure Plan is consistent with the Baldivis South District Structure Plan and the ‘Urban Deferred’ zoning of the land, which indicates urban development occurring along the north side of Sixty Eight Road.

The City has worked with the Proponent to retain significant vegetation on site. Investigations have been undertaken regarding the location of POS and potentially moving them to accommodate existing vegetation on Lot 21, as lots 569 and 1263 Baldivis Road are substantially void of vegetation due to previous land uses. Unfortunately due to the maximum servicing level set by the Water Corporation, a significant amount of cut is required on Lot 21 to accommodate residential development. As a result of the earthworks required to develop the site, there is very limited potential to retain existing vegetation on Lot 21 Sixty Eight Road.

It is typical for the provision of a Fauna Relocation Plan to be added as a Condition of Subdivision Approval. Such a plan would demonstrate methods for removing animals from the site without causing them harm. The City will, however, make a note in its response to the Proponent of its expectation that a Condition requiring a Fauna Relocation Plan will be recommended for any future Subdivision Approvals or Development Approvals over the land.
b. Consultation with Government Agencies

As mentioned above, relevant servicing authorities were notified of the proposal in writing and invited to comment. In this regard, the City invited comments from the following agencies:-

- Department of Water
- Public Transport Authority
- Telstra
- Water Corporation
- Western Power
- Main Roads WA
- Fire & Emergency Services Australia
- Department of Environment and Conservation
- Alinta Gas
- Department of Health
- Department of Education
- ALCOA
- APA Group
- State Land Services

The matters raised by servicing authorities are summarised below:-

Department of Health

The Department of Health (DoH) commented on three (3) issues affecting the Proposed Structure Plan.

The first was noting the requirement for all developments to connect to reticulated sewerage as required by the Government Sewerage Policy – Perth Metropolitan Region.

The second was advising of Mosquito-borne Disease Control Program and Services, noting that the subject land is within close proximity to mosquito breeding habitat.

The DoH recommends that new residents be warned of the risk of mosquito-borne disease and the potential for nuisance mosquitoes via an appropriately worded notification on any newly created property titles.

The DoH also recommended that the Proponent use built form design measures in the construction of accommodation and recreational areas to protect future residents from mosquitoes including:

- Public open space with limited vegetation should be located between the mosquito breeding sites and residential areas to create an area that is refractory to mosquito dispersal, thereby reducing the number of mosquitoes impacting residents; and

- Built form design measures (insect screening on doors and windows and screened outdoor enclosures) are recommended to be included as part of the State and Local Government conditions of approval.

The DoH also noted that the City may wish to consider incorporating Health Impact Assessment (HIA) and/or Public Health (PHA) principles in its decision making process.

Comment: The City notes the DoH comments regarding the requirement to connect to reticulated sewerage.

The City acknowledges that mosquitoes in the Baldivis and Karnup region are of concern and that measures need to be taken during development to ensure that any mosquito breeding on the subject lot is minimised as much as possible. The City recommends that the Proponent provide additional information regarding proposed drainage basin holding times. If the drainage basins hold water for longer than 72 hours, then the City will require a detailed landscaping plan of the basins in order to demonstrate how they will be constructed to minimise mosquito breeding. The DoH submission will be forwarded to the Proponent as advice.

Department of Education

The Department of Education (DoE) commented on four elements of the Structure Plan design near the proposed High School site as follows:-
1. The Neighbourhood Connector on the eastern side of the proposed High School site, where the DoE seeks certainty regarding the graduated finished levels along that road. To avert the 'saddle gradient' along this road, the DoE recommends the finished level of 14 metres AHD be raised to a preferred level of 18 metres AHD.

2. Without the gradient being raised there would be a requirement for a retaining wall along the High School site to maintain the site level on the schools site. The DoE noted that it is anticipated that the oval may be located on the eastern boundary of the school and a retaining wall will limit community access.

3. With regards to the proposed vehicle parking along the Neighbourhood Connector, noting that there would be limited access to the school site because of the current gradient.

4. It is desirable for embayment car parking being provided along the southern boundary of the school site, within the reserve of Sixty Eight Road.

Comment: The DoE comments relate to the ultimate levels and interface between the proposed High School site and the Neighbourhood Connector. The City believes that fixing the level of the High School site at its highest points does not take into account the design challenges of the site. Given the extractive industry which was operating on the site for a number of years, the design of the Structure Plan, including the High School site, should be sympathetic to the levels of the current site. The City believes that through appropriate design of the High School site, negative impacts of retaining walls on the nearby on-street parking and general design can be resolved.

Whilst the DoE concerns are noted, the levels shown are indicative at this stage and subject to detailed review prior to development. It is recommended that further discussion occur between the City, Proponent and DoE prior to the detailed design of the site. This matter should be resolved prior to development commencing.

Given Sixty Eight Road’s classification as a Neighbourhood Connector and that it is being widened to 24.4 metres abutting the Structure Plan, Liveable Neighbourhoods (Figure 17) indicates that typically a 24.4 metre road reserve for a Neighbourhood Connector A will be able to accommodate on-street parking.

Main Roads WA
Main Roads WA (MRWA) advised that it has no objection to the proposed Structure Plan.

Department of Water

The Department of Water (DoW) advised that the District and Local Water Management Strategy (D & LWMS) for the site is satisfactory and it no objections to the proposed Structure Plan.

The DoW also advises that an Urban Water Management Plan (UWMP) is required as a condition of subdivision in the future, in accordance with Better Urban Water Management (WACP, 2008), and will provide a greater level of information for water management strategies and infrastructure to be implemented on site.

APA Group
APA Group advised that a Pipeline Risk Management Plan was completed on the 20th May 2012 by the Proponent. It was also noted that a Pipeline Protection Plan and a Construction Hazard Plan are to be completed by the Proponent prior to earthworks.

Western Power

Western Power has no objections to the proposed Structure Plan and notes that there are overhead lines and/or underground cables, adjacent to or traversing the property.

FESA

The comments provided by the FESA, Department of Water and Western Power are noted. As they do not affect the immediate design of the Structure Plan, copies of the submissions will be provided to the Proponent as advice.

c. Strategic

Community Plan

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

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

d. Policy

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. This equates to a minimum R25 code (average of 350m² lots) being applied to all greenfield and infill development.

The Proposed Structure Plan does not meet the density target of 15 dwellings per hectare, instead having a density of approximately 12.1 dwellings per gross hectare. This shortfall is considered acceptable given that the density exceeds the recommended 12-20 dwellings per site hectare recommended by Liveable Neighbourhoods.

Liveable Neighbourhoods

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

Liveable Neighbourhoods 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.

In accordance with the City's comments in the 23rd August 2011 Council Report, the Proposed Structure Plan is considered to meet the objectives and requirements of Liveable Neighbourhoods.

**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.

Fire risk has been raised as a concern due to the proximity of proposed lots to vegetated land to the west, south and east. The Proponent has provided a Bush Fire Hazard Assessment (BFHA) and Bush Fire Management Plan. The BFHA and Bush Fire Management Plan have been assessed during the advertising period and are considered satisfactory.

**Local Planning Policies**

**Planning Policy 3.4.1 - Public Open Space**

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

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

The City considers the provision of POS across the Structure Plan to be consistent with the objectives of the POS Policy. Discussion regarding the location of POS 1 is discussed in the Comments section of this report.

**f. 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 Proponent

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.

**Comments**

The August 2011 Council Report raised a number of matters that were required to be addressed prior to the Structure Plan being determined. These matters are discussed further below:-

**Indicative Earthworks Plan**

The Council requested that “the indicative earthworks plan be amended to reflect the intended finished levels, in light of the maximum servicing level”.

The Proponent forwarded a revised plan on the 9th July 2012 providing an accurate depiction of the likely finished levels. The City is satisfied that the revised plan demonstrates minimal level differences to the Structure Plan to the north, as well as the fixed levels of the Gas Pipeline easement to the east and Sixty Eight Road to the south.

**Relocation of POS 1**

The Council requested that ‘In preparing the amended earthworks plan in accordance with Point No.1, consideration being given to relocating POS 1 to a contour level which facilitates the retention of remnant vegetation’.

The Proponent submitted alternative plans on the 4th November 2011 showing POS 1 abutting the High School site, which the City believed was a level which could accommodate the retention of remnant vegetation. Further investigations revealed that once drainage and battering down to the Neighbourhood Connector were accommodated, the remaining portion of land was quite small and featured little native vegetation. The City is satisfied that the possibility for retention of vegetation has been explored by the Proponent, and in this case, does not warrant a change to the proposed Structure Plan.

![Figure 6 - Location of POS 1 (as advertised)](image1)

![Figure 7 - Alternative location of POS 1](image2)
Bush Fire Management
The City requested that “A Fire Management Plan, including a Bush Fire Hazard Assessment, being undertaken in accordance with the Planning for Bush Fire Protection Guidelines (Edition 2), to the satisfaction of the City’s Emergency Services”.

The Proponent provided a Fire Management Plan on the 1st November 2011. The Fire Management Plan has been assessed and is considered satisfactory.

Staging Plan
The Proponent supplied a Staging Plan on the 1st November 2011 which was considered satisfactory for information purposes.

Tree Hollow Survey
The Council required the Proponent to have a “Tree Hollow Survey undertaken by a fauna specialist to determine possible use by Carnaby’s and Baudin’s Black Cockatoo, and Forest Red-Tailed Black Cockatoo or other native fauna, prior to the proposed Structure Plan being considered for adoption”.

The Proponent provided a Tree Hollow Survey on the 9th July 2012 which informed discussions regarding the relocation of POS 1. Furthermore, the Proponent advised that it was making an application to the Department of Sustainability, Environment, Water, Population and Communities to determine whether the proposed action would be considered a ‘controlled action’. The City is satisfied with the Proponent's Federal Government referral.

Other Comments
All Structure Plan documents will need to be updated to reflect the recommended modifications to the Structure Plan. Updated Structure Plan documents are required prior to the Proposed Structure Plan being forwarded to the WAPC for approval.

Conclusion
In light of the response to submissions and Structure Plan assessment provided above, it is recommended that the Council adopt the Proposed Structure Plan, subject to the following matters being addressed prior to the Proposed Structure Plan being forwarded to the WAPC for approval:

1. The Proposed Structure Plan being modified as follows:-
   (i) The Neighbourhood Connector being widened to 22 metres, north of the northern roundabout where is connects to Lot 740 Baldivis Road to ensure a consistent road environment;
   (ii) The westernmost Access Street connecting to Lot 740 Baldivis Road being widened to 16 metres extending one (1) lot into the proposed Structure Plan to ensure a transition between the 16 metre road reserve to the north, and the proposed 15.4 metre road reserve proposed by the Structure Plan;
   (iii) The easternmost Access Street connecting to Lot 740 Baldivis Road being reduced to 14 metres in width extending one (1) lot into the Proposed Structure Plan to ensure a transition between the 14 metre road reserve to the north, and the proposed 14.4 metre road reserve proposed by the Structure Plan;
   (iv) A Dual Use Path being included along the western side of the westernmost road;
   (v) The South Baldivis – Eastern Bus Route being shown on the Structure Plan in accordance with the Baldivis Road Needs Study (2005);
2. Structure Plan Documents to be updated to reflect the modifications detailed in points (i) to (v) above; and
3. The Proponent is to provide additional information regarding proposed drainage basin holding times.

Voting Requirements
Simple Majority
Officer Recommendation

That Council **ADOPT** the Proposed Structure Plan for Lot 569 and 1263 Baldivis Road and Lot 21 Sixty Eight Road 1507 Eighty Road, Baldivis, subject to the following matters being addressed prior to the Proposed Structure Plan being forwarded to the Western Australian Planning Commission (WAPC) for approval:

1. The Proposed Structure Plan being modified as follows:-
   (i) The Neighbourhood Connector being widened to 22 metres, north of the northern roundabout where it connects to Lot 740 Baldivis Road to ensure a consistent road environment;
   (ii) The westernmost Access Street connecting to Lot 740 Baldivis Road being widened to 16 metres extending one (1) lot into the proposed Structure Plan to ensure a transition between the 16 metre road reserve to the north, and the proposed 15.4 metre road reserve proposed by the Structure Plan;
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   (iv) A Dual Use Path being included along the western side of the westernmost road;
   (v) The South Baldivis – Eastern Bus Route being shown on the Structure Plan in accordance with the Baldivis Road Needs Study (2005);

2. Structure Plan Documents to be updated to reflect the modifications detailed in points (i) to (v) above; and

3. The Proponent is to provide additional information regarding proposed drainage basin holding times.

Committee Recommendation

That Council **ADOPT** the Proposed Structure Plan for Lot 569 and 1263 Baldivis Road and Lot 21 Sixty Eight Road 1507 Eighty Road, Baldivis, subject to the following matters being addressed prior to the Proposed Structure Plan being forwarded to the Western Australian Planning Commission (WAPC) for approval:

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   (iv) A Dual Use Path being included along the western side of the westernmost road;
   (v) The South Baldivis – Eastern Bus Route being shown on the Structure Plan in accordance with the Baldivis Road Needs Study (2005);

2. Structure Plan Documents to be updated to reflect the modifications detailed in points (i) to (v) above; and

3. The Proponent is to provide additional information regarding proposed drainage basin holding times.

Committee Voting – 4/0
<table>
<thead>
<tr>
<th><strong>The Committee's Reason for Varying the Officer's Recommendation</strong></th>
</tr>
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<tbody>
<tr>
<td>Not applicable</td>
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</table>

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

**Planning and Development Services**

**Statutory Planning**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-051/12 Advisory Committee Community Membership Review and Appointments</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/449-22</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Peter Varris, Manager Governance and Councillor Support</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Ross Underwood, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Rod Fielding, Manager Health Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>17th September 2012</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
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<td>Disclosure of Interest:</td>
<td></td>
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<tr>
<td>Nature of Council's Role in this Matter:</td>
<td>Executive Function</td>
</tr>
<tr>
<td>Site:</td>
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<td>Lot Area:</td>
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<td>Attachments:</td>
<td></td>
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<tr>
<td>Maps/Diagrams:</td>
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</tbody>
</table>

**Purpose of Report**

To consider nominations from community members/representatives for appointment on the Heritage Reference Group reporting through the Planning Services Committee.

**Background**

Advisory Committees comprise of Councillors, community members and representatives of organisations. They provide recommendations to Council in accordance with their respective terms of reference. Councillor membership of Advisory Committees is determined after each Council ordinary election with the last appointments made in at the Special Council meeting of 17th October 2011. In accordance with Council's 'Governance and Meeting Framework' policy, the City is to review the community membership of all Advisory Committees between 1st July and 30th September in the year falling between Council ordinary elections with all new membership proposals being considered by Council no later than the October Ordinary Council meeting of that year, in this case 2012.

The policy requires that the Advisory Committee community member positions to be advertised in the local media and that existing members be written to and invited to reapply.
Details

To facilitate the process to review and appoint Advisory Committee community members, advertisements seeking nominations were published in the Weekend Courier on 6th July 2012 and the Sound Telegraph on 11th July 2012. The City also called for nominations on the City’s website and through various social media platforms. The Executive Support Officers for each Advisory Committee also wrote to the existing membership inviting them to renominate and the Mayor took the opportunity to remind those in attendance of the nomination process at the Civic Reception for Advisory Committee community members held on the 18th July 2012.

Nominations closed at 4pm Friday, 27th July 2012 and late nominations have been accepted where insufficient nominations have been received to fill the specified number of positions.

The review process has also identified a number of issues relating to Advisory Committees. These include the need to review terms of reference and/or the relevance of the Advisory Committee, the number of community members and whether the community member represents a community or special interest group.

Implications to Consider

a. Consultation with the Community
   Letters were sent to existing members of the Heritage Reference Group seeking nominations for membership of the Group.

b. Consultation with Government Agencies
   Nil

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspirations contained in the Community Plan 2011:-

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

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

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

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

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

Comments

The following information provides the background on each Advisory Committee, the nominations for community membership received and any other matters arising in respect function of the respective Advisory Committee:

(i) Heritage Reference Group
   Terms of Reference
   To provide a Forum to discuss the conservation and preservation of natural and culturally significant heritage sites within the Rockingham district.
Current Membership
1 Councillor
2 representatives from the Rockingham District Historical Society
Executive Support - Planning Services

Number of Vacancies
2 representatives from the Rockingham District Historical Society

Community Membership Nominations Received
- Mr Terry Craig representing the Rockingham District Historical Society
- Mrs Sylvia Reed representing the Rockingham District Historical Society

Recommendation: Appointment of Community Member
That Council **APPOINT** Mr Terry Craig and Mrs Sylvia Reed of the Rockingham District Historical Society to the Heritage Reference Group for a two-year term of office commencing 25th September 2012.

Comments
The membership nominations for the Heritage Reference Group propose the renewal of the existing two members of the Rockingham District Historical Society. Renewal of the membership is supported.

(ii) East Rockingham Noise Community Forum

Terms of Reference
Provide a forum to discuss the Industrial Noise problems experienced by residents in East Rockingham (North).

Current Membership
1 Councillors
Executive Support - Manager Health Services

Number of Vacancies
Nil

Community Membership Nominations Received
Nil

Recommendation: Appointment of Community Member
That Council **DISBAND** the East Rockingham Noise Community Forum.

Comments
The East Rockingham Noise Community Forum is to be formally disbanded as the forum has not met in over a year. The City of Rockingham is now part of an external committee the Noise Reference Group which now deals with the terms of reference of the East Rockingham Noise Community Forum.

Voting Requirements
Absolute Majority

Officer Recommendation
That Council:-
1. **DECLARE** vacant all non-Councillor positions on the Heritage Reference Group and East Rockingham Noise Community Forum.
2. **APPOINT** the following members to the Heritage Reference Group for a two-year term of office commencing 25th September 2012:-
   - Mr Terry Craig  Rockingham District Historical Society
   - Mrs Sylvia Reed  Rockingham District Historical Society
3. **DISBAND** the East Rockingham Noise Community Forum.

## Committee Recommendation

That Council:-

1. **DECLARE** vacant all non-Councillor positions on the Heritage Reference Group and East Rockingham Noise Community Forum.

2. **APPOINT** the following members to the Heritage Reference Group for a two-year term of office commencing 25th September 2012:-
   - Mr Terry Craig  Rockingham District Historical Society
   - Mrs Sylvia Reed  Rockingham District Historical Society

3. **DISBAND** the East Rockingham Noise Community Forum.

Committee Voting – 4/0

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

Not applicable

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

Not applicable
## Planning Services
### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-052/12 Proposed Street Naming Theme (former Waikiki High School Site)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1572</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Whelans</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Nicole D’Alessandro, Planning Administration Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>17th September 2012</td>
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<td>Disclosure of Interest:</td>
<td></td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive Function</td>
</tr>
</tbody>
</table>

| Site:                  | Lot 999 Safety Bay Road, Waikiki                                       |
| Lot Area:              | 9.9994ha                                                               |
| LA Zoning:             | Development                                                            |
| MRS Zoning:            | Urban                                                                  |
| Attachments:           | 1. Location Plan                                                       |
| Maps/Diagrams:        | 1. Location Plan                                                       |

![Location Plan](image)
Purpose of Report

To consider an application seeking approval for a street naming theme for the subdivision at Lot 999 Safety Bay Road, Waikiki, based on a ‘nautical’ theme.

Background

The subject land is owned by the Department of Education and was formerly identified as a future site for the Waikiki High School. The land is considered surplus to requirements and has been earmarked for residential development.

In October 2010, approval was received for a Local Structure Plan from the Council and the Western Australian Planning Commission.

The land has been granted conditional subdivision approval to create 106 lots.

Details

The Proponent seeks approval for the continuation of the ‘nautical’ theme, as used in the adjacent road system.

The proposed street names are a combination of aboriginal and European nautically themed names. Examples of the proposed street names to be applied are as follows:-

- Bottlenose Seagrass Corallina
- Seaward Kiama Oyster
- Flagship Periwinkle Seastar

Implications to Consider

a. Consultation with the Community
   Nil

b. Consultation with Government Agencies
   Consultation with the Geographic Names Committee is required following the Council’s decision.

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

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

d. Policy
   The proposed street naming theme is consistent with Planning Procedure 1.4 – Street Names and Their Themes.

e. Financial
   Nil

f. Legal and Statutory
   The responsibility for approving street names rests with the Geographic Names Committee. The proposed theme is in accordance with Geographic Names Committee principles, procedures and guidelines.
### Comments

It is recommended that the Council support the proposed ‘nautical’ theme.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **ENDORSE** the proposed ‘nautical’ street naming theme for the subdivision located at Lot 999 Safety Bay Road, Waikiki.

### Committee Recommendation

That Council **ENDORSE** the proposed ‘nautical’ street naming theme for the subdivision located at Lot 999 Safety Bay Road, Waikiki.

Committee Voting – 4/0

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

Not applicable

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

Not applicable
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-053/12 Proposed Residential Building (Transition House) – Serenity Lodge</th>
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</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD20.2012.153</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mulder Kampman Design on behalf of Serenity Lodge Incorporated</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Erika Barton, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
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<td>Previously before Council:</td>
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<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 427 (No. 104) Lewington Street, Rockingham</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>2,037m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
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<td>Attachments:</td>
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<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></td>
<td>3. Consultation Plan</td>
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</table>
Purpose of Report

To consider an application seeking planning approval for a Residential Building (Transition House) at Lot 427 (No. 104) Lewington Street, Rockingham.
Background

Serenity Lodge has been operating from the subject site since 1982, when it acquired the land from the Sisters of Mercy Provincialate.

In November 1982, the City granted approval for the establishment of a Residential Building (Hostel) on Lots 424, 425, 426 and 427 Lewington Street, Rockingham.

In March 1984, Serenity Lodge sought to rezone Lot 423 (corner of Roe, Lewington and Kent Streets) for hospital purposes. The Council resolved not to proceed with the amendment.

In May 1985, former Town Planning Scheme No.1 (TPS1) was amended to rezone the land from ‘Residential - Special (Church)’ to ‘Residential GR4’ with an Additional Use for Lots 424-427 ‘For any purpose other than a boarding lodge’.

In September 1985, Council considered Amendment No.152 to former TPS1 which sought to allow Serenity Lodge to be considered as an Institutional Building. In January 1986, Council resolved not to proceed with the amendment.

In March 1986, an application for planning approval for a Residential Building on Lot 423 was refused by the City.

In May 1990, Planning Approval was granted for a Master Plan of Serenity Lodge outlining its future development.

In September 1999, Planning Approval was granted for the extension of services to include treatment of other drug users for Serenity Lodge.

In November 2004, the zoning of the site was changed to ‘Community Use’ when Town Planning Scheme No.2 (TPS2) was gazetted.

Details

The Proponent seeks approval for a Transition House to be used as part of the existing Serenity Lodge Facility.

The building takes the form of a single dwelling house. It contains four bedrooms and associated living rooms, kitchen and laundry.

The purpose of the Transition House is to provide sheltered accommodation for people who are leaving the Serenity Lodge Facility, that need time to transition back into society. There would be a maximum of four people in the house at any one time, and they would reside there for a period of 6-12 months. The aim is to teach the occupants life skills before they go back into the community. The residents do all the cooking and cleaning.

Plans of the proposed building are provided as an attachment to this report (Attachment 1).

Implications to Consider

a. Consultation with the Community

In accordance with clause 6.3.2 of Town Planning Scheme No.2 (TPS2) the application was referred to nearby owners and occupiers for comment, for a period of 21 days.
3. Consultation Plan

At the close of the advertising period, six submissions had been received. One raised objection to the development, four provided support for the development, and one raised issues not related to the development. The one objection raised the following concerns:

- Poor street appearance; and
- Dumping of cans on the submissioner’s verge by people associated with the facility.

b. Consultation with Government Agencies

Not Applicable

c. Strategic

Community Plan

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

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

d. Policy

State Planning Policy 3.1 – Residential Design Codes

The Residential Design Codes (R-Codes) do not specifically apply to the proposed Residential Building, as the development is not a single dwelling, grouped housing, or multiple dwelling. The exception to this relates to setback requirements that are specifically referenced by TPS2.

The proposed development complies with the Acceptable Development provision of the R-Codes for the setback of buildings to side and front boundaries.

e. Financial

Nil
f. Legal and Statutory

Town Planning Scheme No.2

In TPS2, the proposed development is classed as a Residential Building, where the TPS2 interpretation has the same meaning as provided for in Residential Design Codes, as follows:

“Residential Building - A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- temporarily by two or more persons; or
- permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.”

Under TPS2, a Residential Building is a (‘D’) use that is not permitted in the Community Use Zone, unless the Council has exercised its discretion by granting planning approval. The Council has discretion to either approve the proposal, with or without conditions, or refuse the application.

In accordance with Clause 4.14 of TPS2, the form of development and parking requirements were assessed as follows:-

Built Form

TPS2 requires that site planning, scale, built form, elevations and landscaping of the development positively contributes to the streetscape, appearance and amenity of the locality.

The scale and form of the proposed building is considered to be consistent with the locality. The building is oriented to the internal carpark and as a result, the front (south eastern) elevation of the building does not specifically address the street.

The site is well screened from Lewington Street as shown in Figure 4, however, it is recommended that the window in Bedroom 1 be relocated from the north eastern elevation to the south eastern elevation. Further all vegetation forward of the dwelling should also be retained.
Parking
There are no specific carparking requirements that apply to a Residential Building in TPS2 and the Residential Design Codes that apply. It is expected, however, that the carparking requirements of the proposal are satisfied on-site.

The Proponent has advised that the facility would not result in an overall increase in individuals receiving treatment on site at any one time. In this regard it is considered appropriate to not require the provision of additional parking on site.

It is recommended that the site be amalgamated with the adjacent lot which contains the car parking for the development, in order to provide legal access and car parking for the proposed development.

Comments

Response to Submissions
Poor street appearance
Street appearance is addressed in the Legal and Statutory section above.

Rubbish
The dumping of cans on the verge is unlikely to be associated with the Serenity Lodge because the objector’s property is not within a close proximity to the development site.

Conclusion
The proposed development of a Residential Building for the purpose of a transition house complies with TPS2. On balance of the matters raised by submissioners, the development is considered to be suitable for the site. It is recommended that Council approve the application for the Residential Building, subject to conditions that are intended to maintain the amenity of the area.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVE the application for the Residential Building (Transition House) on Lots 427 (No. 104) Lewington Street, Rockingham, subject to the following conditions and advice notes:-

Conditions
1. Development must be carried out in accordance with the terms of the application as approved herein and any approved plan.
2. The window in Bedroom 1 must be relocated from the north eastern elevation to the south eastern elevation of the building facing Lewington Street. This shall be reflected on the plans submitted with the Building Permit.
3. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City.
4. All vegetation between the proposed building and the front property boundary shall be protected during construction and maintained at all times.
5. Arrangements must be made for the amalgamation of Lot 427 and Lot 426 Lewington Street, Rockingham onto one Certificate of Title prior to applying for a Building Permit or, alternatively, a Deed of Agreement being entered into between the landowner and the City of Rockingham requiring the amalgamation of all lots onto one Certificate of Title prior to the occupation of the development.

Footnotes
(i) 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.
(ii) An Application for Registration as a Lodging House is to be made to the City’s Health Services prior to applying for a Building Permit.

(iii) As the proposed development would be classified a Class 1b Building under the Building Code of Australian, the building is required to be provided with Disabled Access in accordance with the Disability (Access to Premises - Buildings) Standards.

**Committee Recommendation**

That Council **APPROVE** the application for the Residential Building (Transition House) on Lots 427 (No. 104) Lewington Street, Rockingham, subject to the following conditions and advice notes:-

**Conditions**

1. Development must be carried out in accordance with the terms of the application as approved herein and any approved plan.

2. The window in Bedroom 1 must be relocated from the north eastern elevation to the south eastern elevation of the building facing Lewington Street. This shall be reflected on the plans submitted with the Building Permit.

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

4. All vegetation between the proposed building and the front property boundary shall be protected during construction and maintained at all times.

5. Arrangements must be made for the amalgamation of Lot 427 and Lot 426 Lewington Street, Rockingham onto one Certificate of Title prior to applying for a Building Permit or, alternatively, a Deed of Agreement being entered into between the landowner and the City of Rockingham requiring the amalgamation of all lots onto one Certificate of Title prior to the occupation of the development.

**Footnotes**

(iii) An Application for Registration as a Lodging House is to be made to the City’s Health Services prior to applying for a Building Permit.

(ii) As the proposed development would be classified a Class 1b Building under the Building Code of Australian, the building is required to be provided with Disabled Access in accordance with the Disability (Access to Premises - Buildings) Standards.

Committee Voting – 4/0

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

Not applicable

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

Not applicable
Planning Services
Statutory Planning Services

Reference No & Subject: SP-054/12 Municipal Heritage Inventory and Heritage List Updates
File No: LUP/518-08
Proponent/s: Mr Ross Underwood, Senior Planning Officer
Author: Mr Mike Ross, Manager Statutory Planning
Other Contributors: 
Date of Committee Meeting: 17th September 2012
Previously before Council: June 2012 (SP-034/12)
Disclosure of Interest: 
Nature of Council’s Role in this Matter: Executive

Site:
Lot Area:
LA Zoning:
MRS Zoning:
Attachments:
Maps/Diagrams:
1. Updated Place Record Form for the Residence, 18 Florence Street

Purpose of Report

To consider updating the City’s Municipal Heritage Inventory (MHI) and Heritage List under Town Planning Scheme No.2 (TPS2), to include one new place, update existing entries, and nominate three places onto the State’s Register of Heritage Places.

Background

In June 2012, the Council resolved to endorse the following updates to the City’s Municipal Heritage Inventory and Heritage List for the purposes of public consultation:

• Updating reference to the Rockingham in the ‘Thematic Framework’;
• Modifying the Management Category of Place 001 – Old Abattoir from ‘B’ to ‘A’;
• Modifying the Management Category of Place 032 – Second Roads Board Office from ‘B’ to ‘A’;
• Modifying the Description Notes of Place 089 – Residence, 124 Arcadia Drive by deleting the word “corner” from the first sentence;
• Introducing a new Place Record Form for the Limestone Quarry (off Chesterfield Road) with a Management Category of ‘A’; and
• Introducing a new Place Record form for Residence, 18 Florence Street with a Management Category of ‘B’.

Following consultation with the community, the City commissioned an update to the draft Place Record Form, and provided a copy of it to the owner for his comment. A copy of the updated Place Record Form is attached to this report.

The Management Categories referred to above mean:

Category A – Worthy of the highest level of protection, recommended for entry into the Register of Heritage Places.

Category B – Worthy of a high level of protection.

Details

Nil

Implications to Consider

a. Consultation with the Community

Owners of affected places were given written notice of the proposed updates to the MHI and Heritage List, and invited to provide comments within 21 days, closing on the 19th July 2012. At the conclusion of the comment period, two (2) submissions were received, from the owners of the Limestone Quarry and the Residence, No.18 Florence Street.

Limestone Quarry

LandCorp, the owner of land on which the Limestone Quarry is located, advised that the site is well known to LandCorp, following extensive European heritage surveys recently undertaken on the Rockingham Industrial Zone land as part of the preparation of a revised structure plan for the area. The site is located within a proposed 91 hectare conservation area being set aside for conservation as part of the recent Strategic Environmental Assessment of the area. LandCorp does not object to the proposed inclusion of the site in the MHI.

LandCorp noted that the Place Record Form was preceded by a title referencing 18 Florence Street (an unintentional administrative error), and also advised that the coordinates attributed to the site do not accord with LandCorp’s records. The discrepancy appears to have arisen by use of a different format of geographical locations; the Place Record Form uses an unknown format (0384495 13570444) compared with the commonly accepted Degrees Minutes & Seconds format: S32° 15’ 52.8” E115° 46’ 25.2”. The latter accords with GPS reading taken by the City at the time of the original inspection, and it is recommended that the Degrees Minutes & Seconds format be used in the Place Record Form.

Residence, 18 Florence Street

The owner of 18 Florence Street objected to the superficial assessment of the place, based on the assessment being undertaken from the street without obtaining access to the property. The City revised the Place Record Form (see the “Background” section of this report).

The owner subsequently met with Mayor Sammels and a City Officer to advise that he did not want to proceed with listing the place for personal reasons.

The current update to the MHI was progressed based on minor updates to the MHI, and it is not intended to enter any place on the MHI through a minor update without the owner’s consent. Based on the owner’s advice, it is recommended that the Council not proceed with including the Residence, 18 Florence Street on the MHI at this time. It is noted that this decision does not preclude the opportunity for this place to be reconsidered for inclusion at a future time.

Rockingham

The proposed updates to the MHI and Heritage List were also forwarded to the Rockingham District Historical Society (Inc.) for comment. The Society advised that the proposed wording for the section of the Thematic Framework was not accurate, and suggested changes. The wording recommended by the Society is:
“In 1830, a group of twelve families travelled through the area [now Rockingham]. As Peel’s settlers had retained their individual Ships names Gilmore Town, Houghly Town, and Rockingham Town. These twelve wrote a letter to the Colonial Secretary complaining of their neglect at the hands of Peel using the heading Rockingham Town. The site of the camp is not known.”

The Society’s proposed wording for the Rockingham is generally accepted, but can be modified slightly to ensure the paragraph retains its context with the previous paragraph in the ‘Thematic Framework’ which refers to Peel’s three ships.

b. Consultation with Government Agencies

The City consulted with the State Heritage Office on the proposed updates. No response was received. The City also consulted with the Western Australian Planning Commission (as owner of the Old Abattoir) with no response.

c. Strategic Community Plan

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

**Aspiration 3:** A vibrant community, enjoying access to a wide range of educational, cultural and artistic activities and a wide range of other social opportunities.

d. Policy

Planning Policy 3.1.7 – *Heritage Conservation and Development* states that the City may consider amending the Heritage List over time in the following circumstances:

<table>
<thead>
<tr>
<th>Event</th>
<th>Council Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>A place is found to be significant in a new or reviewed Municipal Heritage Inventory.</td>
<td>The City will consider inclusion of a place in the Heritage List if the findings of a new or reviewed Municipal Heritage Inventory supports it.</td>
</tr>
<tr>
<td>A place is nominated for inclusion in the Municipal Heritage Inventory by the owner or a member of the public.</td>
<td>The City will consider inclusion of a place in the Heritage List if assessment documentation to the required standard is provided by the nominator. If not, consideration will be deferred until a review of the Heritage List is scheduled.</td>
</tr>
</tbody>
</table>

The update to the MHI and Heritage List has been progressed in accordance with the above Policy requirements.

e. Financial

Nil

f. Legal and Statutory

Section 45 of the *Heritage of Western Australia Act 1990* (the Act) requires the City to compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance (a MHI); to update the MHI annually and reviewed every four years; and ensure that the MHI is compiled with proper public consultation.

Clause 5.4.2(c) of TPS2 requires that in considering a proposal to include a place on the Heritage List, the Council is to:-

(i) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used and the reasons for the proposed entry;

(ii) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;

(iii) carry out such other consultations as it thinks fit; and
(iv) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

When the Council resolves to enter a place on the Heritage List, the City will give notice of the inclusion to the Western Australian Planning Commission, the Heritage Council of Western Australia and the owner and occupier of the place.

The procedure for entry of a place onto the Register of Heritage Places is set out in section 49 of the Act.

**Comments**

The proposed update to the MHI and amendments to the Heritage List are consistent with the Act and TPS2, and are supported by the City’s Heritage Reference Group. The proposed entry of the Limestone Quarry onto the City’s Heritage List is also supported by the owner (subject to the GPS coordinates being updated).

Through consultation with the owner of the Residence, 18 Florence Street, the owner advised that he did not wish to proceed with entry of the place onto the Heritage List for personal reasons. Given the proposed entry of the place was initiated by the owner himself, it is not recommended that the City proceed with entry of the place without the owner’s support.

In relation to the proposed modification to the ‘Thematic Framework’ relating to the Rockingham, the proposed modified wording is:

"Peel’s settlers stayed in groups based on the ships that they arrived in, and referred to themselves as ‘Gilmore Town’, ‘Hooghly Town’ and ‘Rockingham Town’. In 1830, a group of twelve families from the Rockingham travelled through the Rockingham area at the direction of Peel, to build houses. By August of that year, the group addressed a petition from ‘Rockingham Town’ to Lt-Governor Stirling, complaining of their neglect at the hands of Peel. The sites of the families’ camps in the area are not known.19a"

It is recommended that Council adopt the proposed updates to the MHI and Heritage List, subject to it being modified to exclude entry of the Residence, 18 Florence Street and to correct the paragraph of the ‘Thematic Framework’ relating to the settlers from the Rockingham.

The updates to the MHI include redefining or creating places with a Management Category of ‘A’, which means “worthy of a high level of protection. Recommended for entry into the State Register of Heritage Places.” On the basis of the proposed Management Categories, it is recommended the following places be nominated for inclusion on the State Register of Heritage Places:

- Old Abattoir, Lot 902 Dixon Road, Hillman;
- Second Roads Board Office, Lot 503 (No.41) Kent Street, Rockingham; and
- Limestone Quarry, Lot 500 Chesterfield Road, East Rockingham.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council:

1. **ADOPT** the following updates to the City’s Municipal Heritage Inventory (as modified to delete the Residence, 18 Florence Street and amend reference to the Rockingham):

   (a) Replacing the first paragraph on page 13 (Thematic Framework and Historical Overview) with the following:

   “Peel’s settlers stayed in groups based on the ships that they arrived in, and referred to themselves as ‘Gilmore Town’, ‘Hooghly Town’ and ‘Rockingham Town’. In 1830, a group of twelve families from the Rockingham travelled through the Rockingham area at the direction of Peel, to build houses. By August of that year, the group addressed a petition from ‘Rockingham Town’ to Lt-Governor Stirling, complaining of their neglect at the hands of Peel. The sites of the families’ camps in the area are not known.19a"
(b) Modifying the Management Category of Place 001 – Old Abattoir from ‘B’ to ‘A’.
(c) Modifying the Management Category of Place 032 – Second Roads Board Office from ‘B’ to ‘A’.
(d) Modifying the Description Notes of Place 089 – Residence, 124 Arcadia Drive by deleting the word “corner” from the first sentence.
(e) Introducing a Place Record Form for new Place 093 – Limestone Quarry.
(g) Modifying the Place Indexes to reflect the new Place Record Form and changes to Management Categories, and updating page 1 to reflect the new amendment date.

2. **ADOPT** the following amendments to the Heritage List, pursuant to clause 5.4.2(c) of Town Planning Scheme No.2 (as modified to delete the Residence, 18 Florence Street):

(a) Modify the Management Category of Place 001 – Abattoir and Stables from ‘B’ to ‘A’.
(b) Modify the Management Category of Place 032 – Second Roads Board Office from ‘B’ to ‘A’.
(c) Include the following new place on the Heritage List:

<table>
<thead>
<tr>
<th>Place No.</th>
<th>Name</th>
<th>Address</th>
<th>Owner/ Manager</th>
<th>Management Category</th>
<th>Reason for entry</th>
</tr>
</thead>
<tbody>
<tr>
<td>093</td>
<td>Limestone Quarry</td>
<td>Lot 500 Chesterfield Road, East Rockingham</td>
<td>Landcorp</td>
<td>A</td>
<td>The place has historic, social and scientific value.</td>
</tr>
</tbody>
</table>

3. **NOMINATE** the following places for inclusion on the Register of Heritage Places under the **Heritage of Western Australia Act 1990**:

(a) Old Abattoir, Lot 902 Dixon Road, Hillman;
(b) Second Roads Board Office, Lot 500 Kent Street, Rockingham; and
(c) Limestone Quarry, Lot 500 Chesterfield Road, East Rockingham.

**Committee Recommendation**

That Council:

1. **ADOPT** the following updates to the City’s Municipal Heritage Inventory (as modified to delete the Residence, 18 Florence Street and amend reference to the Rockingham):

(a) Replacing the first paragraph on page 13 (Thematic Framework and Historical Overview) with the following:

“Peel’s settlers stayed in groups based on the ships that they arrived in, and referred to themselves as ‘Gilmore Town’, ‘Hooghly Town’ and ‘Rockingham Town’. In 1830, a group of twelve families from the Rockingham travelled through the Rockingham area at the direction of Peel, to build houses. By August of that year, the group addressed a petition from ‘Rockingham Town’ to Lt-Governor Stirling, complaining of their neglect at the hands of Peel. The sites of the families’ camps in the area are not known. 19

(b) Modifying the Management Category of Place 001 – Old Abattoir from ‘B’ to ‘A’.
(c) Modifying the Management Category of Place 032 – Second Roads Board Office from ‘B’ to ‘A’.
(d) Modifying the Description Notes of Place 089 – Residence, 124 Arcadia Drive by deleting the word “corner” from the first sentence.
(e) Introducing a Place Record Form for new Place 093 – Limestone Quarry as follows:

<table>
<thead>
<tr>
<th>LGA Place No:</th>
<th>093</th>
<th>PLACE NAME:</th>
<th>Limestone Quarry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Assessment:</td>
<td>March 2012</td>
<td>Other Names:</td>
<td></td>
</tr>
</tbody>
</table>

| Address: | Chesterfield Road East Rockingham |
| Lot No: | 500 |
| Property Key: | |
| Plan Diagram: | DP61819 |
| Vol Folio: | 1549/228 |
| Assess No: | |

| Locality: | East Rockingham |
| GPS: | S32° 15’ 52.8” E115° 46’ 25.2” |

| Current Use: | unused |
| Original Use: | Quarry |

**HERITAGE LISTINGS**

| HCWA Number: | None |
| Listings: | None |
| Local Planning Policy: | |

**CONSTRUCTION**

| Place Type: | Other structure |
| Date of Construction: | mid 1800s |
| Architect: | -- |
| Builder: | -- |
### Architectural Style:

--

### Physical Description:

The limestone quarry lies within an ecological conservation area off Mandurah Road within East Rockingham. The site is inland and cannot be seen from the main road, being accessed via a sandy track known as Chesterfield Road.

The area has become bushland following the cessation of quarrying which obscures much of the evidence of the quarry. Small areas of rocky outcrops are scattered through the site. The main evidence of the quarry is a crusted edge of approximately 300mm in a clearing which shows evidence of stone being cut leaving a stepped or jagged edge.

The limestone is known as a vuggy lacustrine limestone, more commonly known as swampstone, coral stone or honeycomb limestone. The term ‘vuggy’ refers to the network of chambers that creates the honeycomb appearance. It is a softer material that tends to harden with exposure to air.

### Method of Construction:

--

### SIGNIFICANCE

<table>
<thead>
<tr>
<th>Condition</th>
<th>poor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Integrity:</td>
<td>high</td>
</tr>
<tr>
<td>Authenticity:</td>
<td>high</td>
</tr>
</tbody>
</table>

### Statement of Significance:

**Historic Value**
the place is a source of a rare building material within the state and appears to be localized to the East Rockingham area with many of the older houses being constructed from the stone.

**Social Value**
the place is associated with the early settlers in the area and demonstrates the tough physical conditions faced in the construction of the first substantial homes.

**Scientific Value**
the material sourced from this quarry is a localized stone with unique characteristics which could provide valuable information for students of geology.

The techniques used to extract the stone were employed at this site until the 1950s and the remains in the landscape may reveal information on the methods of quarrying used in the 19th and early 20th century.

### Management Category:

A

### HISTORICAL NOTES:

This quarry is believed to be the source of building materials for local buildings constructed from the mid 19th century. It is likely that given the proximity of Chesterfield House that this quarry was the source of the stone for that building. However little direct documentary evidence has been found to substantiate direct linkages between this quarry and the adjacent properties ‘Chesterfield House’, ‘Woodbine’, ‘Hymus House’ and ‘Leaholm’ amongst
others. James Bell who built his own cottage ‘Woodbine’ is believed to have built ‘Chesterfield House’ and he may have quarried the stone himself from the quarry.

Aerial photographs of the area indicate that the quarry was being used until the mid 1950s.

References:
City of Rockingham Municipal Heritage Inventory Thematic Framework and Historical Overview, Palassis Architects, 2011, p. 15.
Aerial photographs, Landgate, 1953-2012.
Chesterfield House, Chesterfield Road, East Rockingham, Conservation Plan for City of Rockingham, November 1999, p. 19.

| Theme: | 303 – Mining  
|        | 602 – Early Settlers  
| Associations: | Bell Family  
|              | Hymus Family  
|              | Keys Family  
|              | Herbert Family  
|              | Thorpe Family  
|              | Chester Family  
| Association Type: | Quarried stone used in these early settlers buildings  
| Public Access: | No  

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 15 OCTOBER 2012
The stepped crust, showing evidence of carved stone blocks

‘Vuggy’ lacustrine limestone

Limestone crust
2. **ADOPT** the following amendments to the Heritage List, pursuant to clause 5.4.2(c) of Town Planning Scheme No.2 (as modified to delete the Residence, 18 Florence Street):

   (a) Modify the Management Category of Place 001 – Abattoir and Stables from ‘B’ to ‘A’.
   (b) Modify the Management Category of Place 032 – Second Roads Board Office from ‘B’ to ‘A’.
   (c) Include the following new place on the Heritage List:

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</tbody>
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3. **NOMINATE** the following places for inclusion on the Register of Heritage Places under the *Heritage of Western Australia Act 1990*:

   (a) Old Abattoir, Lot 902 Dixon Road, Hillman;
   (b) Second Roads Board Office, Lot 500 Kent Street, Rockingham; and
   (c) Limestone Quarry, Lot 500 Chesterfield Road, East Rockingham.

   Committee Voting – 4/0

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

Not applicable

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

Not applicable
<table>
<thead>
<tr>
<th></th>
<th>Reports of Councillors</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>13.</td>
<td></td>
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<tr>
<td></td>
<td>Addendum Agenda</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>14.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Motions of which Previous Notice has been given</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>15.</td>
<td></td>
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<tr>
<td></td>
<td>Notices of Motion for Consideration at the Following Meeting</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>16.</td>
<td></td>
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<tr>
<td></td>
<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>17.</td>
<td></td>
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<tr>
<td></td>
<td>Matters Behind Closed Doors</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
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<tr>
<td>18.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Date and Time of Next Meeting</td>
</tr>
<tr>
<td></td>
<td>The next Planning Services Committee Meeting will be held on <strong>Monday 15 October 2012</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
</tr>
<tr>
<td>19.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Closure</td>
</tr>
<tr>
<td></td>
<td>There being no further business, the Chairperson thanked those persons present for attending the Planning Services Committee meeting, and declared the meeting closed at 5.00pm.</td>
</tr>
</tbody>
</table>