MINUTES
Planning and Engineering Services Committee Meeting
Held on Monday 18 April 2016 at 4:00pm
City of Rockingham Boardroom
## City of Rockingham
### Planning and Engineering Services Committee
#### Meeting Minutes
##### Monday 18 April 2016

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<td>Date and Time of Next Meeting</td>
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<td>20.</td>
<td>Closure</td>
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122
1. Declaration of Opening

In the absence of the Chairperson the Chief Executive Officer assumed the Chair and called for nominations for the position of Acting Chairperson.

Moved Cr Liley, seconded Cr Whitfield:
That Cr Sammels be appointed Acting Chairperson for the meeting.

Carried – 5/0

The A/Chairperson declared the Planning and Engineering Services Committee Meeting open at 4.02pm, welcomed all present and referred to the Acknowledgement of Country.

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

2.1 Councillors
Cr Matthew Whitfield
Cr Katherine Summers
Cr Barry Sammels (Mayor)
Cr Justin Smith Deputising for Cr Elliott
Cr Leigh Liley Deputising for Cr Hamblin
Cr Lee Downham Observer
Cr Kelly McManus Observer
Cr Joy Stewart Observer

2.2 Executive
Mr Andrew Hammond Chief Executive Officer
Mr John Woodhouse Director Legal Services and General Counsel
Mr Chris Thompson Director Engineering and Parks Services
Mr Brett Ashby Manager Strategic Planning and Environment
Mr Richard Rodgers Manager Building Services
Mr Mike Ross Manager Statutory Planning
Mr Michael Howes A/Manager Health Services
Mr Ian Daniels Manager Engineering Services
Ms Morgan Adams A/Manager Asset Services
Mr Darren Dropulich A/Manager Engineering Operations
Mr Adam Johnston Manager Parks Operations
Mr Allan Moles Manager Integrated Waste Services
Ms Gail Wells PA to Director Engineering and Parks Services

2.3 Members of the Gallery: 12

2.4 Apologies:
Cr Chris Elliott
Cr Deb Hamblin (Deputy Mayor)

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

<table>
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<tr>
<th>3.1</th>
<th>Mr James Mumme, 36 Gloucester Avenue, Shoalwater - Mangles Bay Marina</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>At the Planning and Engineering Services Committee meeting held on 14 March 2016, Mr Mumme asked the following questions that were taken on notice and the Director, Planning and Development Services provided a response in a letter dated 22 March 2016, as follows:</td>
</tr>
<tr>
<td><strong>Question</strong></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Is Council aware whether Cedar Woods has submitted the Scope of Works for the Baseline Threatened Ecological Communities Study yet?</td>
</tr>
<tr>
<td><strong>Response</strong></td>
<td>No.</td>
</tr>
<tr>
<td><strong>Question</strong></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Does Council know when Cedar Woods propose to submit it?</td>
</tr>
<tr>
<td><strong>Response</strong></td>
<td>No.</td>
</tr>
<tr>
<td><strong>Question</strong></td>
<td></td>
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<tr>
<td>3.</td>
<td>The Chief Executive Officer of Landcorp says &quot;there is capacity to undertake some of the initial land development functions on the land side, though not on the water side. They will be undertaken as the first stage…” What does Council understand by &quot;some of the initial land functions on the land side&quot;?</td>
</tr>
<tr>
<td><strong>Response</strong></td>
<td>The City is not aware to what this statement refers.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>3.2</th>
<th>Mr Peter Green, 25 Nabberu Loop, Cooloongup - Mangles Bay Marina</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>At the Planning and Engineering Services Committee meeting held on 14 March 2016, Mr Green asked the following questions that were taken on notice and the Director, Planning and Development Services provided a response in a letter dated 22 March 2016, as follows:</td>
</tr>
<tr>
<td><strong>Question</strong></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>The Metropolitan Region Scheme Amendment 1280/41, Mangles Bay Marina, identifies on Page 7, under Regional Road Matters that the proponent will undertake a number of initiatives during the advertising period of the amendment. One such undertaking was to 'Obtain agreement with the City of Rockingham to the scope of the detailed traffic modelling'. With the advertising period concluding on November 13th last year, I ask, &quot;Has the proponent discussed with the City of Rockingham a detailed traffic model, if so, what does it entail?&quot;</td>
</tr>
<tr>
<td><strong>Response</strong></td>
<td>The proponent did discuss the Traffic Report with City Officers. In summary, the Traffic Report modelled traffic demand on roads at both AM and PM peak periods for three scenarios being:</td>
</tr>
<tr>
<td>(i)</td>
<td>Traffic volumes in the year 2031 without the proposed Marina with the anticipated expansion of the Rockingham City Centre, HMAS Stirling and additional growth of residential development within the Rockingham Peninsular.</td>
</tr>
</tbody>
</table>
(ii) Scenario (i) in the year 2031 with the proposed Marina constructed.
(iii) Scenario (ii) in the year 2031 and assuming the construction of the Garden Island Highway.

Question
2. In response to a question from Mr Marcus Deshon at February Council meeting, the Director, Planning and Development Services replied in part, 'assessment has not commenced on the local structure plan as triggers for its assessment have yet to be satisfied.' Besides the Coastal Setback/Foreshore Management Plan and Infrastructure Staging, are there any other triggers the City requires before the Local Structure Plan's assessment can begin? If yes, what are they?

Response
Resolution to waterways management, as per Western Australian Planning Commission Policy DC 1.8 – Canal Estates and Artificial Waterway Developments.

Question
3. Is the City aware of the number of housing blocks planned for the MBM development, if so, how many?

Response
The City is only aware of the information contained within documentation prepared by the proponent which suggests that the project will deliver approximately 850 dwellings.

4. Public Question Time

4:02pm The Chairperson invited members of the Public Gallery to ask questions.

4.1 Ms Samantha Coughlan, 23 Holloways Ridge, Secret Harbour - Proposed Local Development Plan – Lot 2661 Palermo Cove, Lot 2662 Palisades Boulevard, Lots 2663 and 2664 Secret Harbour Boulevard Secret Harbour

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

1. Can residents who have moved to Spyglass Hill since 2010 now comment on the Planning approval for this development?

   The Chairperson advised that this is an item contained in tonight’s Committee agenda and will be considered later in the meeting.

   The Manager Statutory Planning advised that the City previously granted planning approval for a residential development that included residential apartments on the same site. As the proposal was compliant with the Residential Design Codes, advertising the proposal for public comment was not required. This approval required the development to be substantially commenced within a period of two years and has since expired. The City has no ability to withdraw a planning approval once issued.

2. There is reference in the agenda item of the need for hotel accommodation in Secret Harbour, on what grounds is this statement made?

   The Chairperson advised that the question would have to be addressed to the Developer who made the statement.
Ms Fiona Wiersma-Clark, Secret Harbour - Proposed Local Development Plan – Lot 2661 Palermo Cove, Lot 2662 Palisades Boulevard, Lots 2663 and 2664 Secret Harbour Boulevard Secret Harbour

The Chairperson invited Ms Wiersma-Clark to present her questions to the Planning and Engineering Services Committee. Mrs Wiersma-Clark asked the following question:

1. Can the City please clarify why they can compromise on the height of the development when the residents were advised when purchasing that there would be no buildings higher than four storeys?

The Manager Statutory Planning advised the R80 Code permits the development of residential apartments. Residential development is to be guided by the draft Local Development Plan, which will establish a planning framework for the subdivision and development of the land. The Residential Design Codes give the Council the ability to approve residential development above four storeys, based on satisfying the objectives of the Codes.

4:10pm There being no further questions the Chairperson closed Public Question Time.

5. Confirmation of Minutes of the Previous Meeting

Moved Cr Whitfield, seconded Cr Summers:

That Committee CONFIRMS the Minutes of the Planning and Engineering Services Committee Meeting held on 14 March 2016, as a true and accurate record.

Committee Voting – 5/0

6. Matters Arising from the Previous Minutes

Nil

7. Announcement by the Presiding Person without Discussion

4:11pm 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

4:12pm The Chairperson asked if there were any interests to declare. There were none.

9. Petitions/Deputations/Presentations/Submissions

Nil

10. Matters for which the Meeting may be Closed

Nil

11. Bulletin Items

Planning and Development Services Information Bulletin – April 2016

Health Services
1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
3.1 FoodSafe
| 3.2 | Industrial and Commercial Waste Monitoring |
| 3.3 | Mosquito Control Program |
| 3.4 | Environmental Waters Sampling |

4. **Information Items**

| 4.1 | Mosquito-Borne Disease Notifications |
| 4.2 | Food Recalls |
| 4.3 | Food Premises Inspections |
| 4.4 | Public Building Inspections |
| 4.5 | Outdoor Public Event Approvals |
| 4.6 | Permit Approvals |
| 4.7 | After Hours Noise and Smoke Nuisance Complaint Service |
| 4.8 | Complaint - Information |
| 4.9 | Noise Complaints - Detailed Information |
| 4.10 | Animal Exemptions |
| 4.11 | Building Plan Assessments |
| 4.12 | Septic Tank Applications |
| 4.13 | Demolitions |
| 4.14 | Swimming Pool and Drinking Water Samples |
| 4.15 | Rabbit Processing |
| 4.16 | Hairdressing and Skin Penetration Premises |
| 4.17 | New Family Day Care Approvals |
| 4.18 | Emergency Services |
| 4.19 | Social Media |
| 4.20 | Bush Fire Hazard Reduction |
| 4.21 | Prohibited Burning Period |
| 4.22 | Development of Electronic Permit to Burn System |
| 4.23 | Customer Requests Emergency Service Team |
| 4.24 | Review - Bush Fire Prone Mapping |
| 4.25 | Guidelines for Preparing Bushfire Risk Management Plans |
| 4.26 | Volunteer and Officer Training |
| 4.27 | Rangers Action Reports |
| 4.28 | SmartWatch - Key Result Area: Visibility |
| 4.29 | SmartWatch - Key Result Area: Engagement with Community |
| 4.30 | SmartWatch - Key Result Area: Increasing perception of Safety |
| 4.31 | SmartWatch - Notable Statistics |

**Building Services**

1. Building Services Team Overview
2. Human Resource update
3. Project Status Reports
4. **Information Items**

| 4.1 | Monthly Building Permit Approvals - (All Building Types) |
| 4.2 | Private Swimming Pool and Spa Inspection Program |
| 4.3 | Demolition Permit |
| 4.4 | Permanent Sign Licence |
| 4.5 | Community Sign Approval |
| 4.6 | Street Verandah Approval |
| 4.7 | Occupancy Permits |
| 4.8 | Strata Titles |
| 4.9 | Unauthorised Building Works (Section 51 of the Building Act) |
| 4.10 | Monthly Caravan Park Site Approvals |
| 4.11 | R Code Variations |
## Strategic Planning and Environment
1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Local Planning Strategy (LUP/1352)
   3.2 Water Campaign (EVM/56-02)
   3.3 Karnup District Structure Plan (LUP/1546)
   3.4 Cockburn Sound Coastal Alliance – Vulnerability & Flexible Adaptation Pathways Project Stage 3 (EVM/149)
4. Information Items
   4.1 Notification of Approval of Structure Plans by the Western Australian Planning Commission

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

## Planning and Development Directorate
1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08)
   3.2 Northern Smart Village Sector – Masterplan, Development Policy Plan and Proposed Amendment No's.161 and 162 to Town Planning Scheme No.2
   3.3 Southern Gateway/Rockingham Station Sector – Masterplanning, Development Policy Plan and TPS (LUP/1846 and LUP/1847)
   3.4 ‘Mangles Bay Marina’
4. Information Items
   4.1 Perth and Peel Green Growth Plan for 3.5 Million

### Advisory Committee Minutes

## Committee Recommendation

Moved Cr Liley, seconded Cr Summers:
That Councillors acknowledge having read the Planning Services Information Bulletin – April 2016 and the content be accepted.

Committee Voting – 5/0
Planning and Engineering Services Committee Minutes
Monday 18 April 2016

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 MAY 2016

PRESIDING MEMBER

Engineering and Parks Services Information Bulletin – April 2016

Engineering Services

1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Road Safety Strategy Review
   3.2 Integrated Transport Plan Review
   3.3 Stormwater Adaptation Plan
   3.4 Coastal Management Consultants (Sand Drift/Erosion Problems)
   3.5 Coastal Infrastructure Facilities Consultant (Jetties/Boat Ramp Planning)
4. Information Items
   4.1 Delegated Authority for Temporary Thoroughfare Closure.
   4.2 Delegated Authority for the payment of Crossover Subsidies.
   4.3 Delegated Authority to approve the release of bonds for private subdivisional works
   4.4 Delegated Authority to approve Engineering Drawings – Subdivisions
   4.5 Delegated Authority for Notices given under s3.25(1)(a) LG Act 1995
   4.6 Delegated Authority for approval of Directional Signage
   4.7 Engineering Services Design Projects 2015/2016
   4.8 Handover of Subdivisional Roads
   4.9 Structure Plan Referrals
   4.10 Traffic Report Referrals
   4.11 Urban Water Management Referrals
   4.12 Subdivision Approval Referrals
   4.13 Subdivision Clearance Requests
   4.14 Development Application Referrals
   4.15 Authorised Traffic Management Plans for Works on City Controlled Roads
   4.16 Safety Bay Road – Principal Shared Path Stage 1 (Warnbro Station – Mandurah Road)
   4.17 Safety Bay Road – Principal Shared Path – Stage 2A (Eighty Road – Nairn Drive)
   4.18 Water Corporation - Significant works within the City
   4.19 Rockingham Beach Foreshore Masterplan - Implementation
   4.20 Bent Street Boat Ramp Rock Armour Protection and Boat Ramp Maintenance
   4.21 Waikiki Foreshore – Foreshore Protection Specification
   4.22 Point Peron Sand Trap Excavation and Beach Nourishment 2015/2016
   4.23 Donald Drive Boat Ramp Feasibility Study
   4.24 Bent Street Boat Ramp Navigation Channel Sand Bypassing
   4.25 Mersey Point Jetty Design
   4.26 Palm Beach West Boat Ramp Upgrade
   4.27 Recreational Boating Facilities Scheme – Round 21 Grant Applications – Planning Grant

Engineering Operations

1. Engineering Operations Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Road Construction Program Roads to Recovery 2015/2016
   4.2 Road Construction Program Main Roads Grant 2015/2016
   4.3 Road Construction Program Federal Black Spot 2015/2016
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<td>Footpath Construction Program Municipal Works 2015/2016</td>
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<td>Footpath Renewal Program Municipal Works 2015/2016</td>
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<td>LitterBusters and Sweeping 2015/2016</td>
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<td>4.15</td>
<td>Heavy Plant Program 2015/2016</td>
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**Parks Development**

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

**Parks Operations**

1. Parks Operation Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Beach Lookout Replacement - Secret Harbour Foreshore
   3.2 Baldivis Nature Reserve, Install Formal Limestone Access Path (Greening Plan)
   3.3 Stan Twight Reserve – Cricket Net Renewal
   3.4 Centenary Reserve – Garden Kerbing Renewal
   3.5 Play Equipment Replacements
4. Information Items
   4.1 Parks Maintenance Program 2015/2016
### Asset Management
1. Asset Management Team Overview  
2. Human Resource Update  
3. Project Status Reports  
   - 3.1 Road Condition Inspection and Modelling  
   - 3.2 Lighting Consultants (Technical Planning/Design, Underground Power Program)  
   - 3.3 Major Project Property Development Planning (Design Modifications/Tender Planning/Structural Testing)  
4. Information Items  
   - 4.1 Asset Management Improvement Strategy  
   - 4.2 Asset Systems Management  
   - 4.3 Solar Power Generation  
   - 4.4 2015/2016 Public Area Lighting and Arterial Lighting  
   - 4.5 Secret Harbour Surf Life Saving Club – Renovation  
   - 4.6 Baldivis Reserve Toilet Replacement  
   - 4.7 Rockingham Day Care Fire Panel Replacement  
   - 4.8 Eighty Road Reserve Club Facility  
   - 4.9 Laurie Stanford Reserve Development  
   - 4.10 Rhonda Scarrott Reserve Development  
   - 4.11 Administration Building Exterior Render Repairs  
   - 4.12 Aqua Jetty – Tiling of external 50m Pool

### Building Maintenance
1. Building Maintenance Team Overview  
2. Human Resource Update  
3. Project Status Reports  
4. Information Items  
   - 4.1 Building Renewals  
   - 4.2 Parks Renewals  
   - 4.3 Electrical/Lighting Renewals  
   - 4.4 Building Maintenance  
   - 4.5 Asset Tagging of City Light Poles  
   - 4.6 Hand Dryer Installation  
   - 4.7 Graffiti Removal Monthly Statistics  
   - 4.8 Graffiti – Out and About  
   - 4.9 Graffiti Removal Annual Statistics

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

### Millar Road Landfill and Recycling Facility
1. Millar Road Landfill and Recycling Facility’s Team Overview  
2. Human Resource Update  
3. Project Status Reports
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<tr>
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<tr>
<td>3.1</td>
<td>Landfill Access Road and Associated Internal Roads</td>
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<tr>
<td>3.2</td>
<td>Cell Construction – Cell 16</td>
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<td>3.3</td>
<td>New Leachate Dams</td>
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<td>4.</td>
<td>Information Items</td>
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<tr>
<td>4.1</td>
<td>Tip Passes</td>
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<tr>
<td>4.2</td>
<td>Landfill Statistics</td>
</tr>
<tr>
<td>4.3</td>
<td>Waste Education and Promotion</td>
</tr>
<tr>
<td>4.4</td>
<td>Landfill Levy Rates</td>
</tr>
</tbody>
</table>

**Advisory Committee Minutes**

**Committee Recommendation**

Moved Cr Liley, seconded Cr Summers:

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

Committee Voting – 5/0
### Planning and Development Services

#### Strategic Planning and Environment Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-021/16 Proposed Structure Plan - Lots 5, 6, 7 and 8 Kerosene Lane, Baldivis</th>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/1925</td>
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<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Whelans Town Planning on behalf of Terranovis Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Lot 5 - Oakprey Pty Ltd, M Bosveld and T Bosveld</td>
</tr>
<tr>
<td></td>
<td>Lot 6 - J M White, R J C Cahill and J N Cahill</td>
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<td></td>
<td>Lot 7 - D J and S A Wickliffe</td>
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<tr>
<td></td>
<td>Lot 8 - B N Morzenti</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Jeff Bradbury, Coordinator Strategic Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 April 2016</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lots 5, 6, 7 and 8 Kerosene Lane, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>8.111 ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Development Zone</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
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<tr>
<td>Attachments:</td>
<td>1. Advertised Structure Plan Map</td>
</tr>
<tr>
<td></td>
<td>2. Schedule of Submissions</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Advertised Structure Plan Map</td>
</tr>
<tr>
<td></td>
<td>3. Location of Advertising</td>
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</table>
Purpose of Report

To consider a proposed Structure Plan over Lots 5, 6, 7 and 8 Kerosene Lane, Baldivis following the completion of public advertising.

Details

Description of the Proposal (As Advertised)

The Structure Plan area is located on the southern side of Kerosene Lane, immediately west of the developing ‘Paradiso’ residential estate. The land on the northern side of Kerosene Lane consists of remnant vegetation, the majority of which is reserved for Parks and Recreation in the Metropolitan Region Scheme (Bush Forever Site 356), with the eastern balance zoned Rural in Town Planning Scheme No.2 (TPS2).

The land to the south and west is zoned Development in TPS2, however, this land has yet to be the subject of a proposed Structure Plan (refer to Figure 1).

1. Location Plan

The proposed Structure Plan includes the following elements (refer to Figure 2 and Attachment 1):

- A base Residential coding of R30 to facilitate development of approximately 135 dwellings;
- 8,060m² Public Open Space is proposed;
- A proposed Neighbourhood Connector Road provides access to Kerosene Lane and eastwards to the adjoining Paradiso Estate.
2. Advertised Structure Plan Map

**Implications to Consider**

a. **Consultation with the Community**

   **Advertising Methodology**

   The proposed Structure Plan was advertised for a period of 28 days, commencing on 5 February 2016 and concluding on 4 March 2016. Public advertising was carried out in the following manner:

   - Nearby land owners (as shown on properties with a yellow border on Figure 3), servicing agencies and the Baldivis Residents Association were notified of the proposal in writing and invited to comment;
   - The Applicant erected one (1) sign on site on Kerosene Lane advertising the proposed Structure Plan;
   - A notice was placed in the Weekend Courier newspaper on 5 February 2016; and
   - Copies of the proposed Structure Plan and relevant documents were made available for inspection at the City's Administrative Offices and placed on the City's website.

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

Public Submissions: Following the close of the advertising period, the City had received two (2) submissions from nearby landowners.

A full copy of the two submissions received during the advertising period is set out in the Schedule of Submissions (Attachment No.2 to this Report). The content of the issues raised in these submissions are summarised and addressed as follows:

<table>
<thead>
<tr>
<th>BHP Billiton</th>
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**Submission:**
Nickel West owns and operates a facility at Lot 2209 Millar Road, Baldivis WA 6171, which has been registered with the Department of Environment Regulation (DER) as Contaminated – remediation required. The groundwater beneath this site has been impacted by ammonium sulphate associated with historical activities at the site. The impacted groundwater extends from the site towards and potentially beneath the location of the proposed development on Lots 5 to 8 Kerosene Lane, Baldivis.

Nickel West has been conducting remediation activities at the site since 1994. These activities have been developed in consultation with the DER. The discharge of effluent, containing ammonium sulphate, to the storage facility at the site ended in 1995 and in 1998 this facility was capped to further reduce any potential for ingress of ammonium sulphate into the aquifer. Nickel West continues to monitor and report to the DER on remediation actions including groundwater quality at the site. Nickel West also maintains other uses of the site to enable the evaporation and in some cases recirculation/re-use of water to and from its Kwinana Refinery.

The status and extent of the impacted groundwater at and from the site is being further assessed as part of a broader environmental studies program. To undertake this work effectively, and subject to landowner consent, access to surrounding locations in vicinity of the site, including the Proposed Development Area, may be required to enable adequate groundwater sampling and analysis.
### BHP Billiton (Cont...)

Subsequent access to the Proposed Development Area may also be needed to undertake further monitoring and other investigative or remediation activities in relation to any impacted groundwater, to comply with Nickel West’s environmental obligations and as may otherwise be required by regulatory authorities.

The purpose of this submission is to ensure that appropriate consideration is given to:

1. The quality of groundwater at this location and its potential impacts on any development or subsequent land-use; and
2. The studies program and (potential) subsequent activities which may require access or other rights in relation to this land.

Nickel West asks that these matters be considered and accommodated, including reasonable access to the Proposed Development Area for the purposes identified above, within the approval assessment process.

**Applicant’s Response:**

The Proponent is willing to discuss with BHP its requests for site access for groundwater monitoring, which could be carried out concurrent with the progression of the LSP. The Proponent strongly objects to any deferral of the LSP progression as a consequence of BHP’s submission and request to undertake groundwater monitoring. The LSP would be unduly delayed as a result of third party intervention with BHP having no incentive to expedite the monitoring. It is considered that BHP’s request is stand-alone and can be considered concurrent with the determination of the LSP. BHP Billiton comments are noted by the Proponent.

**City’s Comment:**

A Contaminated Site Investigation should be required as a condition of subdivision approval at which time the potential impacts of the historical contamination from Lot 2209 Millar Road will be assessed.

Third party rights of access over the Structure Plan area are not relevant to the consideration of the proposed Structure Plan.

**Recommendation:**

*That a Contaminated Site Investigation be required as a condition of subdivision approval at which time the potential impacts of the historical contamination from Lot 2209 Millar Road can be assessed.*

### Private Landowner

**Submission:**

**Lot Density:** The Structure Plan shows a Lot Density of R30, with blocks averaging 350²m which is designed to give the developer a return on investment.

However with a little more ingenuity and thought, and approval by Council, a portion of R40 (250²m) blocks could be incorporated to give a better result as far as preservation of trees are concerned. These blocks could be sited on Lot 5 within the 400m walkable distance from the Neighborhood Centre and even into Lot 8, for example around the proposed POS. This would give a better chance for low income and first home buyers to enter the market.

Can this be achieved – if not why not?

**Applicant’s Response:**

The issue of lot layout and tree preservation and creating amenity will be further addressed in Proponent’s responses below.

**City’s Comment:**

The blanket residential density coding of R30 proposed over the entire Structure Plan area is not consistent with the intent of *Liveable Neighbourhoods* to provide a mix of housing types, lot sizes and densities. This matter is addressed further in the ‘State Planning Policy’ section of this report.
<table>
<thead>
<tr>
<th><strong>Private Landowner (Cont…)</strong></th>
</tr>
</thead>
</table>
| **Submission:** Tree Retention: It is noted that the topography will be altered to accommodate the sewer main from the “Paradiso” estate and to give sufficient coverage over the ground water table. Also the land adjoining Kerosene Lane will be filled to become level with the road. Lots abutting Kerosene Lane will be constructed to the same level as Kerosene Lane to provide amenity and outlook. How many of the 98 trees including 81 Tuarts will remain when the land holding is cleared?
| **Applicant’s Response:** As set out in the LSP report (and engineering report), significant earthworks (i.e. cut and filling) will be required to create residential lots that can be adequately serviced and accessed. Wherever possible trees of significance will be considered for retention, however, generally where filling is greater than 300mm – 500mm, trees need to be removed. A Vegetation Retention Management Plan (VRMP) will likely be a requirement by the WAPC as a condition of subdivision approval. The LSP examples of innovative development techniques for tree retention will be considered as part of detailed engineering design and incorporated wherever possible.
| **City’s Comment:** Refer to the Comments section of this report for specific comments regarding the retention of remnant vegetation.
| **Submission:** Tree Retention: The infill mentioned above (up to 3m on Lot 5/6 and up to 2m adjoining Kerosene Lane) will destroy trees by the very nature of fill around the trunks. Mention is made of trees in road reserves with an accompanying photo/illustration is “example” it is misleading and depicts a semi-rural landscape and not true to what the developer will and can deliver on the Structure Plan submitted. Have the proponents created a development with significant mature trees in a road reserve in a similar urban design? How will the example shown be accommodated in the proposed Structure Plan?
| **Applicant’s Response:** There are examples within the City of Rockingham of good contemporary design whereby trees of significance can be retained, particularly within parkland and road reserves. This will be investigated at the detailed engineering design stage.
| **City’s Comment:** There are examples within the City of Rockingham whereby trees of significance can be retained within road reserves (and public open space).
| **Submission:** Off-Road Vehicles: Throughout the Flora and Fauna Section of the report reference is made to the “Bush Forever Site (356)” opposite the planned Structure Plan. With current off road vehicle tracks in the site there is a potential for more off road vehicles, predominately trail bikes to use the area.
| **Applicant’s Response:** Not considered relevant to the Proponent’s LSP as the bush forever site is not managed by the Proponent.
| **City’s Comment:** This matter is not relevant to the consideration of the proposed Structure Plan.
| **Submission:** Fauna Protection: Despite the comment “presence of dogs would deter fauna” (page 20) we find there is quite an active presence of fauna in and around the proposed development. Where will the Southern Brown Bandicoot be relocated to? Can they be relocated to the Bush Forever Site 356? If not why not? |
### Private Landowner (Cont…)

| **Applicant's Response:** | The Proponent supports the standard subdivision condition for trapping and relocation programme for bandicoots prior to clearing as well as other fauna. The trapping and relocation programme needs to be done under a DPAW licence and the site for relocation is up to DPAW to advise in the licence. The Bush Forever Site No. 356 would appear to be potentially suitable for relocation of fauna as it is a large site (but it may not be feral proof). Ultimately the site for relocation will be determined by DPAW. |
| **City's Comment:** | A fauna relocation programme will likely be required as a condition of subdivision approval and the details of relocation will be determined by the Department of Parks and Wildlife (DPAW). |
| **Submission:** | When Kerosene Lane is upgraded as part of the development can a culvert be placed at intervals under the road? |
| **Applicant's Response:** | Not sure for what purpose? The culverts can often be funnel points for predators to concentrate hunting/cornering prey. |
| **City's Comment:** | This matter could be given consideration when planning for the upgrading of Kerosene Lane is undertaken, however, it is unlikely that a culvert would be necessary as the fauna are likely to have been relocated from the Structure Plan area. |
| **Submission:** | Site Works: It is envisaged that the whole Structure Plan landholding area will be earthworked in one contract so as to provide efficiencies in cut to fill and importation of fill. What will be the process for the destruction and removal of the trees? Will there be continuous chain saw noise? What measures will be put in place to reduce noise? What measure will be put in place to reduce the high pitched sound of reversing vehicle signals? What measures will be put in place to contain sand/soil on site against wind erosion? What measures will be put in place to manage dust from causing nuisance to surrounding properties? Site Compaction – What measures will be put in place to minimize vibration? What measures will be put in place to protect surrounding homes from vibration? Will there be any burning on site? What measures will be put in place to contain smoke to the site? |
| **Applicant's Response:** | Site construction to be carried out to the satisfaction of the City of Rockingham. Site works will only be a temporary inconvenience to residents. There will be no burning of site debris. |
| **City's Comment:** | The matters raised are dealt with as part of the Engineering Approval issued by the City following subdivision approval or in circumstances where subdivision approval has yet to issued, the City's Planning Policy 3.3.15 - Bulk Earthworks sets out the statutory requirements under which the City considers Development Applications for Bulk Earthworks to ensure that off-site sand and dust movement, and the nuisance it causes, is minimised and to ensure appropriate measures are taken by those undertaking Bulk Earthworks to protect the health and amenity of adjacent residents. |
| **Submission:** | Bush Fire Management: What measures will be put in place to prevent fire from encroaching on adjacent sites Lot 302 and Lot 9? |
Private Landowner (Cont…)

**Applicant's Response:**

As a condition of subdivision approval a Bush Fire Management Plan will need to be prepared, approved and implemented to the satisfaction of the City.

**City's Comment:**

*State Planning Policy No.3.7 - Planning in Bushfire Prone Areas* (December 2015) and the *Guidelines for Planning in Bushfire Prone Areas* (December 2015) apply to all planning applications (Structure Plans, Scheme Amendments, Subdivision Applications, Development Applications) in designated bushfire prone areas identified on the State Map.

In this regard, the Applicant has provided a Bushfire Management Plan as part of the Structure Plan application (which is assessed in the Comments section of this report) and will be required to comply with the requirements of the State Planning Policy and Guidelines at the subdivision application stage.

**Submission:**

**Visual Amenity:** What consideration can be offered to me and my wife for OUR amenity and outlook?

Will the POS on Lot 8 contain many trees?

What will be done to conserve OUR amenity and vista?

**Applicant’s Response:**

The LSP development site is within an area undergoing urbanisation. The Bush Forever Site on the northern side of Kerosene Lane is expected to be a conservation reserve.

**City’s Comment:**

The subject landholding is zoned for urban purposes and as such the proposed Structure Plan provides for land uses (and hence, appearance) consistent with the zone classification of the land.

**Submission:**

**Process:** Will the Councilors be presented with a final approval plan (LDP) prior to development works starting?

**Applicant’s Response:**

Development works cannot commence without a development or subdivision conditional approval so under normal processes the City would be informed of WAPC’s determination of the LSP as per the new Planning Regulations.

**City’s Comment:**

Determination of a Structure Plan ultimately rests with the WAPC in accordance with Clause 20 of the *Planning and Development (Local Planning Schemes) Regulations (2015)*. The decision of the WAPC will be reported to the Council via a Bulletin to the Planning and Development Services Committee Agenda.

**b. Consultation with Government Agencies**

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

- APA Group
- ATCO Gas Australia
- Department of Aboriginal Affairs
- Department of Education
- Department of Environmental Regulation
Following the close of the advertising period, the City had received nine (9) submissions from State Agencies. A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment No.2 to this Report). The issues raised in these submissions are summarised and addressed as follows:

**APA Group**

**Submission:**

APA Group (APA) owns and operates the Parmelia Gas Pipeline (PGP) that is situated within a registered easement within Lot 299 immediately to the east of Lot 5. APA advises that the proposed Structure Plan will affect the PGP and registered easement and falls within the setback distance and the notification zones as specified in the Western Australian Planning Commission Planning Bulletin No.87 - *High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region*.

From a review of the application, APA has determined that the proposed location class (as defined in AS2885) of the PGP will be changed as a result of the approval of the proposed Structure Plan and the construction of the residential Lots and road(s) developments will directly impact the PGP.

APA require that the following condition be part of the approval for the proposed Structure Plan:

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

  The risk mitigation measures/controls outlined within the Pipeline Risk Management and Protection Plan are to be implemented by the landowner/applicant as part of the development works to the satisfaction and to the specifications of APA Group.

APA notes that the Applicant has included the Risk Assessment for the neighbouring development (Paradiso Estate); however this may not be sufficient to satisfy the requested condition above.

The Applicant shall be required to pay for or reimburse APA for any expense involved in where physical protection works are deemed necessary to mitigate any likelihood of damage to the pipeline and all pipeline coating repairs to a standard deemed necessary to ensure public safety due to any changes in use or rezoning of the surrounding land.

**Applicant's Response:**

The APA Group comments are noted. The Parmelia Gas Pipeline asset is not within the LSP site and is on neighbouring land. The actual pipeline asset is located approx. 6m east of the neighbouring Lot 299 boundary. The 12m wide pipeline easement is wholly within Lot 299 and not within the LSP land. Proposed lots in the LSP would be setback a minimum 32m from the centreline of the pipeline as required under the City’s TPS. There is no sensitive land use proposed within the 32m setback buffer to the pipeline. The APA’s request for an AS2885 Qualitative Risk Assessment can be considered at the subdivision approval stage as a condition of subdivision.
APA Group (Cont…)

City’s Comment:
WAPC Planning Bulletin No.87 - *High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region* provides guidance for development and ensures orderly and proper planning within the vicinity of regional gas pipelines, including the Parmelia High Pressure Gas Pipeline.

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

It is standard practice for the Parmelia High Pressure Gas Pipeline that a Qualitative Risk Assessment and a Pipeline Risk Management and Protection Plan be prepared by the landowner/applicant prior to the commencement of subdivisional works.

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Water Corporation

Submission:
Wastewater Planning
The Corporation has long term wastewater planning in place to enable development of the subject area. This can initially be accommodated by a revision to the pump station catchment boundary to include these lots (McDonald Road Pump Station). A DN225 sewer will be required ultimately southwards along McDonald Road to transfer the flow to the pump station. Future extensions to the scheme can be refined closer to development timeframes becoming clearer.

Water Supply Planning
This area is located in the Tamworth Gravity Zone and has long term planning in place requiring mains extension off the scheme to serve the proposed subject area. Sizing of mains and appropriate routes can be determined closer to subdivision and development timeframes.

Applicant’s Response:
The comments from the WC in relation to wastewater and water supply are noted. The Proponent will continue to liaise with WC regarding the provision of servicing and specification requirements to service the LSP.

City’s Comment:
The comments from the Water Corporation regarding the servicing of the land are noted.

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Department of Water

Submission:
The Local Water Management Strategy (LWMS) should demonstrate how the subject area will address water use and stormwater management. It should contain a level of information that demonstrates the site constraints and the level of risk to the water resources.

The Department of Water (DoW) cannot support the Structure Plan until it is satisfied with the LWMS. Accordingly, the proposed Structure Plan should not be finalised prior to the endorsement of a satisfactory LWMS by the DoW and the City of Rockingham in accordance with BUWM (WAPC, 2008).

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

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

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

City's Comment:
Dwelling applications will be considered against the requirements of the Building Code of Australia, the Residential Design Codes and any other legislative requirements applicable on the subject land.

Submission:
The subject land is within 1km of mosquito dispersal distance from potential breeding sites near and around Lake Cooloongup. In order to protect the health and lifestyle of communities, all land use planning decisions should include consideration of mosquitoes and their management.

It is recommended that the City of Rockingham ensures that it has sufficient resources to continue mosquito management to protect future residents housed within the proposed Structure Plan.

The Applicant to ensure proposed infrastructure and site works do not create additional mosquito breeding habitat.

City's Comment:
The City has a large mosquito control program with sufficient resources to accommodate the new residents.

There are no potential mosquito breeding locations within the Structure Plan and as such, it will not create mosquito issues.

c. Strategic

Community Plan

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

Aspiration D: Sustainable Environment

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

d. Policy

State Planning Policies

Directions 2031

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

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 MAY 2016

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

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

The Structure Plan report states that the proposed Structure Plan delivers approximately 17 dwellings per gross urban zoned hectare.

Liveable Neighbourhoods

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

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

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

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

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

Element 1 - Community Design

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

LN encourages a mix of housing types, lot sizes and densities, with smaller residential lots and higher density housing in areas close to Centres, near public transport stops and in areas with high amenity such as next to parks. These criteria give context to the allocation of density.

In this regard, the blanket residential density coding of R30 proposed over the entire Structure Plan area is not consistent with the intent of LN to provide a mix of housing types, lot sizes and densities.

It is recommended that the Structure Plan be modified to provide more specific guidance on the allocation of density. This should accord with the following principles:

- Medium density within 400m of the Neighbourhood Centre;
- Medium density adjacent to Public Open Space;
- Low density outside of the above.
Recommendation:
The provision of a blanket density of R30 is not supported, and the Structure Plan should be modified to provide more specific guidance on the allocation of density as provided for by Liveable Neighbourhoods.

Element 2 - Movement Network
The proposed Structure Plan fronts Kerosene Lane which is being upgraded to a Neighbourhood Connector A category. This upgrading requires a 2.2m road widening to be provided along the frontage of Lots 5 - 8.

In this regard, the 2.2m road widening is required to be shown on the Structure Plan Map.

The proposed Structure Plan provides for an extension of the Neighbourhood Connector Road that runs in an east-west direction from the adjoining Paradiso Estate. The Structure Plan Report and associated Transport Assessment Report refer to this road as a Local Access Road C (16.4m) which is inconsistent with the Structure Plan Map.

In this regard, it is recommended that the Structure Plan Report and Transport Assessment Report be amended to categorise the east-west road as a Neighbourhood Connector 'B' road.

Recommendation:
That the Structure Plan Report and Transport Assessment Report be amended to categorise the east-west road as a Neighbourhood Connector 'B' road.

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

Element 4 - Public Parkland
The Structure Plan area is served by 8,060m² Public Open Space (including 1,530m² surplus Public Open Space from the adjoining Paradiso Estate - see comment below) in three parcels. One parcel is located to service the western catchment, one is located in a central location (intended to be expanded when the land to the south is urbanised) and the eastern parcel incorporates the buffer of the Parmelia High Pressure Gas Pipeline. The linear open space over the pipeline easement/buffer will join with similar open space in the Paradiso Estate and other Structure Plan areas to the south.

The Structure Plan seeks to utilise 1,530m² surplus Public Open Space from the adjoining Paradiso Estate to meet its 10% obligation. The Applicant advises that agreement has been reached between the owners for this arrangement to proceed. No objections are raised to this arrangement as the 10% Public Open Space requirement over both Structure Plan areas is achieved.

The Structure Plan area has been appropriately designed to provide distribution of open space within a 300m walkable catchment of all residential dwellings.

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

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

Element 7 - Activity Centres and Employment
There are no Activity Centres proposed in the Structure Plan area, however, the Structure Plan area is located approximately 350m from the proposed ‘Spud Shed’ Neighbourhood Centre on Kerosene Lane to the east.
Element 8 - Schools

There are no Schools proposed in the Structure Plan area, however, the Structure Plan area is located approximately 600m from a proposed Primary School on Fairchild Drive to the south-east.

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

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

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

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

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

Recommendation:

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

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

On 7 December 2015, the following documents were gazetted:

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

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

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

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

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

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

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

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

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

Planning Policy 3.4.1 - Public Open Space

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

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

The location and distribution of POS on the proposed Structure Plan generally satisfies the objectives of the Planning Policy. It is noted, however, that residential lots are proposed to have direct frontage (side-on) to the western POS, contrary to provisions 4.4.2 and 4.4.3 of PP 3.4.1 which state:

4.4.2 In the interests of promoting visual surveillance, the POS should be bounded by streets on all frontages such that adjacent lots overlook the street and the POS.

4.4.3 Notwithstanding provision 4.4.2, consideration will be given to lots with direct frontage to POS where it can be demonstrated that the accessibility and usability of the POS is not compromised and that visual surveillance of the POS from adjoining development and the need for visitor parking has been addressed.

Locating lots side-on to the POS is not supported as visual surveillance of the POS is not achieved. In this regard, it is recommended that the western POS be provided with street frontage to all four sides or alternatively, direct frontage will only be supported where the lots front the POS to provide visual surveillance of the POS.

Recommendation:

That the western POS be provided with street frontage to all four sides or alternatively, lots abutting the POS will only be supported where the lots front the POS to provide visual surveillance of the POS.

District Structure Plan

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

The proposed Structure Plan is consistent with the District Structure Plan.
e. **Financial**

Nil

f. **Legal and Statutory**

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

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

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

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

(c) may request further information from a person who prepared the Structure Plan; and

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

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

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

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

g. **Risk**

Nil

**Comments**

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

<table>
<thead>
<tr>
<th>Protection of Remnant Vegetation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Assessment:</strong></td>
</tr>
<tr>
<td><em>Flora and Vegetation Survey</em></td>
</tr>
<tr>
<td>The Structure Plan Report includes a Level 2 Spring Flora and Vegetation Survey undertaken to record the flora and vegetation present on the site.</td>
</tr>
<tr>
<td>The assessment determined that clearing of the site for urban development would not impact on any conservation values for flora and vegetation. This determination was based on the following:</td>
</tr>
<tr>
<td>- The high percentage of introduced species (46%) and very low number of native species;</td>
</tr>
</tbody>
</table>
### Protection of Remnant Vegetation (Cont…)

- No recorded observations of conservation significant species on the site;
- Low level of species richness found within four 10m x 10m quadrats, as compared to high quality vegetation of a similar type;
- All the vegetation was either 'Completely Degraded' or 'Degraded to Completely Degraded' due to the sparse or absent native understory and abundance of weed species;
- The vegetation on the site is too degraded to accurately assign a Floristic Community Type (FCT). The vegetation is most likely representative of FCT 24 ‘Northern Spearwood shrublands and woodlands’ if it were in better condition;
- The vegetation on site is too degraded to have any conservation significance as a vegetation complex or type;
- The vegetation on the site is not part of an ecological corridor; and
- Vegetation of similar type and in better condition is contained in Bush Forever site 356 located immediately to the north of the site between Kerosene Lane and Kulija Road.

The key environmental features of the Flora and Vegetation Survey that lead to the abovementioned findings are discussed below.

#### Conservation Significant Flora

A search of the Department of Parks and Wildlife’s Threatened Flora Database, WA Herbarium Database and Declared Rare and Priority Flora Species List was undertaken as a part of the Flora and Vegetation Survey. The search identified that 6 Threatened species and 14 Priority plant species have been recorded within 10km of the site.

The database searches identified seven species that could possibly occur on the site due to their habitat preference for sandy soils, including one Threatened species (*Caladenia Hugelii*) and six Priority species.

A detailed site survey was undertaken on 11 September 2015 and no conservation significant flora was recorded on site. A September survey is ideal for identifying rare orchids and maximising flowering of most species.

#### Vegetation

According to the survey, the vegetation on the site is either in a ‘Completely Degraded’ or a ‘Degraded’ condition (as per Vegetation Condition Scale, Keighery BJ 1994). A City of Rockingham site visit was conducted on 14 January 2016, and it was confirmed that, as reported in the survey, the vegetation is in predominantly ‘Degraded Condition’. This is due to the sparse or absent native understorey and abundance of weed species.

The Flora and Vegetation Survey states that the subject area is part of the Cottesloe Complex (Central and South), as mapped by Heddle *et al.* 1980. This vegetation classification is supported by the data on the City’s Intramaps database. This complex can be described as a ‘Mosaic of woodland of *Eucalyptus Gomphocephala* (Tuart) and open forest of *E. Gomphocephala* – *E. marginate* (Jarrah) – *Corymbia Calophylla* (Marri), closed heath on the limestone outcrops’.

#### Tree Survey

The Structure Plan Report includes a Significant Tree Survey undertaken across the site in June 2015 to provide an inventory of any significant trees (trunk greater than 0.5m diameter at breast height) within the Structure Plan area. A total of 98 trees were recorded as significant comprising of 81 Tuarts, 9 Jarrahs, and 8 standing dead trees.

Four of the trees contained either hollows or sprouts but only two trees within the site were deemed to be able to support breeding by Black Cockatoos.

#### Level 1 Fauna Survey and Targeted Search


The survey included:

- Desktop searches and review of DPaw’s Threatened Fauna database and the Commonwealth;
Protection of Remnant Vegetation (Cont…)

- EPBC Act Listed Fauna;
- Field survey to identify fauna habitat types and quality; and
- Description and mapping of fauna habitat.

The three listed species of Black Cockatoo are:
- Carnaby’s Black Cockatoo (*Calyptorhynchus latirostris*) (Endangered);
- Baudin’s Black Cockatoo (*Calyptorhynchus baudinii*) (Vulnerable); and
- Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii naso*) (Vulnerable).

The Targeted Search for Black Cockatoos utilising the site was conducted to:
- Describe the Black Cockatoo habitat on the site;
- Assess the impact of the proposed residential development on the Black Cockatoos; and
- Ascerten whether referral of the proposed residential development is required under the EPBC Act.

The results of the Targeted Search for Black Cockatoo habitat are summarised below:
- The site contains approximately 5.43ha of foraging habitat which was classified as Poor Quality Foraging Habitat. No evidence of foraging was observed on the site. The risk of a significant impact on quality foraging habitat is considered to be low;
- The site does not contain a known roosting site and no evidence of roosting was observed;
- The site does not contain known breeding sites and no evidence of breeding was recorded on the site;
- There were 98 potential breeding habitat trees (81 Tuarts, nine Jarrahs and eight Standing Dead Trees with a diameter of 500mm or greater) recorded on the site. Four of the trees contained hollows or spouts, however only two of the trees contained a hollow or spout that were potentially large enough for breeding by Black Cockatoos. No evidence of breeding was recorded in these trees during the breeding season;
- According to the Significant Impact Guidelines 1.1 development of the site would not lead to a significant impact on Black Cockatoos;
- According to the Black Cockatoo Referral Guidelines there is a low risk of development of the site resulting in a significant impact on Forest Red-tailed Black Cockatoos and Carnaby’s Black Cockatoos;
- The surrounding Bush Forever sites provide a large amount of foraging and potential breeding habitat in close vicinity of the site and are likely to lower the impact that clearing of the site would have on Black Cockatoos;
- Referral to the Department of the Environment under the EPBC Act is recommended due to the impact on future potential breeding trees;
- Implementing avoidance and mitigation strategies such as retaining trees with large hollows and large Jarrah trees in POS and planting Tuart trees in the POS areas, would reduce the level of impact of clearing on Black Cockatoos and may mean the development would not need to be referred under the EPBC Act; and
- If the current concept plan for subdivision were to be referred under the EPBC Act the consultant considers there would be a strong likelihood that the plan would not need to be fully assessed based on the results of EPBC Act Referrals involving impacts on Black Cockatoos in the last 2 years.

Comment:
Whilst the specialist studies have concluded that the remnant vegetation on the site is generally in a "degraded" condition and that development of the site would not lead to a significant impact on Black Cockatoos, efforts should still be made to retain remnant vegetation wherever possible within Public Open Space (POS) and road reserves to enhance the visual amenity of the Structure Plan area.
**Protection of Remnant Vegetation (Cont...)**

Landscape Concept Plans provided within the Local Water Management Plan indicate that nine (9) existing trees are located within the proposed POS areas. Furthermore, 25 - 30 existing trees are located within road reserves.

Whilst it is acknowledged that proposed earthworks over the site will influence the potential to retain remnant vegetation, the site presents significant opportunities for tree retention.

In this regard, to ensure the protection and management of significant trees on the site, it is recommended that a condition of subdivision approval be imposed requiring the Applicant to prepare a Tree Protection Management Plan for approval by the WAPC and City of Rockingham, with satisfactory arrangements being made for the implementation of the approved plan.

**Recommendation:**

*That a condition of subdivision approval be imposed requiring the Applicant to prepare a Tree Protection Management Plan for approval by the WAPC and City of Rockingham, with satisfactory arrangements being made for the implementation of the approved plan.*

<table>
<thead>
<tr>
<th>Local Water Management Strategy</th>
</tr>
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</table>

**Assessment:**

The proposed drainage basin design flood depth of 0.9m for a 1 yr 1 hr ARI event is not supported. A shallower design with a maximum flood level of 0.5m is the City's preferred design criteria based on safety and aesthetics.

**Note:** The Landscape Concept Plans within the Local Water Management Strategy (LWMS) have drainage basins with retaining walls that are approximately 0.9m high. This would require that the walls be fenced or appropriate measures taken to deter people from the edge. *Liveable Neighbourhoods* suggests that urban water management measures can be incorporated into the POS areas provided that they are unfenced and do not provide a safety hazard (LN 2007, R33).

**Applicant’s Response:**

The Proponent prefers to provide innovative and aesthetically pleasing fencing around basin areas with a depth greater than 0.5m as this reduces the amount of land area required for drainage infrastructure and makes more efficient use of urban land. If the 1:1yr basins have a max. 0.5m depth, substantially more land is required to provide for the size of the drainage infrastructure, which is not the Proponent’s preference and is considered to increase development costs. The Proponent can provide to the City illustrative examples of the type of fencing considered appropriate for the development.

**Comment:**

The 1 year, 1 hour ARI basins should be constructed as biofilters to provide a suitable level of water quality treatment from stormwater runoff.

In accordance with the *Adoption Guidelines for Stormwater Biofiltration Systems* (CRCWSC, 2015), a shallower flood detention depth of 0.5m is recognised as a balance between biofiltration performance/capacity and public safety.

The proposed flood depth of 0.9m has the potential to increase the total inundation time within the basin which could lead to clogging and sediment accumulation occurring more rapidly, drowning vegetation and ultimately shortening the biofilter lifespan.

Biofilters are intended to be designed with shallow profiles and integrated into POS design. The current design is essentially a fenced sump which is a departure from water sensitive urban design principles.

As such, it is recommended that the LWMS be amended to change the proposed drainage basin design flood depth for a 1 year, 1 hour ARI event from 0.9m to 0.5m.
Local Water Management Strategy (Cont…)

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

Recommendation:

The Local Water Management Strategy being amended to change the proposed drainage basin design flood depth for a 1 year, 1 hour ARI event from 0.9m to 0.5m.

Bush Fire Management Plan

Assessment:

Bushfire Attack Level (BAL) Assessment

1. Vegetation classification needs revision and slope not provided under all areas of classified vegetation.
2. The BAL Contour Map has not assessed both temporary and permanent hazards. A revised BAL assessment that addresses both temporary and permanent hazards needs to be provided.
3. There will be areas of the proposed Structure Plan that will have temporary BAL-40 and BAL-FZ, which is not acceptable and needs to be addressed.
4. The BAL contour map also needs to show BAL-FZ and BAL-40. BAL-29 extending to the hazard is not correct. Please see example BAL contour map in new Guidelines.

Applicant’s Response:

1. Agreed and can do so as there has been further guidance notes from Department of Planning (DoP) in this regard. This can be updated in a revised Bushfire Management Plan (BMP) and slope can be provided in updated BMP.
2. Yes this can be done, DoP has also given further guidance notes on the BAL contour mapping process, this will be included in an updated BMP.
3. The client is in process of securing legal agreements with the owners to the west, south and east which is where the temporary hazards are located (BAL-FZ and BAL-40). The Proponent anticipates that at the time of subdivision conditional approval, there will be a mutual agreement in place between all neighbouring landowners and the Proponent as to management of bushfire risks to facilitate subdivision for all landowners.
4. Yes can be done in a revision of the BMP as per new guidelines, as per previous comments. The City should note that the LSP BMP was prepared and finalised on 19/10/2015 using the draft and old guidelines at the time of final report preparation and lodgement. Therefore after 8 April 2016 the BMP will be updated in line with the new Bushfire Framework.

Comment:

The responses to points 1, 2 and 4 are noted.

With respect to the response to point 3, a legal agreement is not considered to be an acceptable mechanism to address the issue of the temporary BAL-40 and BAL-FZ. Instead the development will need to be staged to avoid these areas until such a time as the hazard area has been developed.

Assessment:

Bushfire Protection Criteria

1. Asset Protection Zone (APZ) is not shown on the plans. The APZ will require minimum setbacks on some of the lots to achieve 20m. The minimum setbacks need to be determined in order to work out whether they are acceptable from a planning point of view.
Bush Fire Management Plan (Cont...)

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>2.</td>
<td>Need to demonstrate that two access points will be provided at all times, during staging; and ensuring temporary cul-de-sacs will comply.</td>
</tr>
<tr>
<td>Applicant's Response:</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Yes can be provided in updated BMP plan.</td>
</tr>
<tr>
<td>2.</td>
<td>Yes can be provided in updated BMP plan.</td>
</tr>
</tbody>
</table>

Additional Proponent Comments:
The BMP was prepared and finalised on the 19/10/2015 which is prior to the new bushfire prone area mapping, Planning (LSP) regulations, Bushfire guidelines and SPP3.7 being released. Thus some terminology/formatting needs to be revised. Also there has been a few guidance notes from DoP in the last week or so which also change the scene since final report preparation (BAL Contour Plan Note and visual Vegetation Guides).
The work that CoR has done in assessing the BMP and the provision of the detailed feedback is very helpful in moving forward. A Staging Plan can provide further clarification on how the Proponent will address existing bushfire risks in relation to the proposed LSP subdivision/development. At this stage the Proponent has not finalised a staging plan, given that earthworks will be done in one stage to coordinate the necessary cut/fill. So clearing would be done as part of the earthworks in one stage.

Comment:
Noted.

Recommendation:
The Bush Fire Management Plan being amended to articulate the manner in which development will be staged to avoid temporary BAL-40 and BAL-FZ areas until such a time as the hazard area has been developed.

Conclusion
Following the consideration of the submissions received and the City’s assessment of the Structure Plan proposal, it is recommended that the Council advise the WAPC that the Structure Plan be approved subject to the following:

- The provision of a blanket density of R30 is not supported, and the Structure Plan should be modified to provide more specific guidance on the allocation of density as provided for by Liveable Neighbourhoods.
- The Structure Plan Report and Transport Assessment Report being amended to categorise the east-west road as a Neighbourhood Connector ‘B’ road.
- The applicant being advised that that prior to the commencement of subdivisional works, that an AS2885 Qualitative Risk Assessment is to be conducted by the landowner/applicant and a Pipeline Risk Management and Protection Plan is to be prepared and implemented by the landowner/applicant to the satisfaction of the City of Rockingham, the WAPC and APA Group.
- The western Public Open Space (POS) being provided with street frontage to all four sides or alternatively, lots abutting the POS will only be supported where the lots front the POS to provide visual surveillance of the POS.
- That a condition of subdivision approval be imposed requiring the Applicant to prepare a Tree Protection Management Plan for approval by the WAPC and City of Rockingham, with satisfactory arrangements being made for the implementation of the approved plan.
- The Local Water Management Strategy being amended to change the proposed drainage basin design flood depth for a 1 year, 1 hour ARI event from 0.9m to 0.5m.
- The Bush Fire Management Plan being amended to articulate the manner in which development will be staged to avoid temporary BAL-40 and BAL-FZ areas until such a time as the hazard area has been developed.

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

That Council **ENDORSES** the following recommendations to the Western Australian Planning Commission, with respect to the proposed Structure Plan prepared over Lots 5, 6, 7 and 8 Kerosene Lane, Baldivis:

1. That the proposed Structure Plan be approved subject to the following modifications:
   (i) The provision of a blanket density of R30 is not supported, and the Structure Plan should be modified to provide more specific guidance on the allocation of density as provided for by *Liveable Neighbourhoods*.
   (ii) The Structure Plan Report and Transport Assessment Report being amended to categorise the east-west road as a Neighbourhood Connector 'B' road.
   (iii) The applicant being advised that that prior to the commencement of subdivisional works, that an AS2885 Qualitative Risk Assessment is to be conducted by the landowner/applicant and a Pipeline Risk Management and Protection Plan is to be prepared and implemented by the landowner/applicant to the satisfaction of the City of Rockingham, the WAPC and APA Group.
   (iv) The western Public Open Space (POS) being provided with street frontage to all four sides or alternatively, lots abutting the POS will only be supported where the lots front the POS to provide visual surveillance of the POS.
   (v) That a condition of subdivision approval be imposed requiring the Applicant to prepare a Tree Protection Management Plan for approval by the Western Australian Planning Commission and City of Rockingham, with satisfactory arrangements being made for the implementation of the approved plan.
   (vi) The Local Water Management Strategy being amended to change the proposed drainage basin design flood depth for a 1 year, 1 hour ARI event from 0.9m to 0.5m.
   (vii) The Bush Fire Management Plan being amended to articulate the manner in which development will be staged to avoid temporary BAL-40 and BAL-FZ areas until such a time as the hazard area has been developed.

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

Committee Recommendation

Moved Cr Whitfield; seconded Cr Liley:

That Council **ENDORSES** the following recommendations to the Western Australian Planning Commission, with respect to the proposed Structure Plan prepared over Lots 5, 6, 7 and 8 Kerosene Lane, Baldivis:

1. That the proposed Structure Plan be approved subject to the following modifications:
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(iv) The western Public Open Space (POS) being provided with street frontage to all four sides or alternatively, lots abutting the POS will only be supported where the lots front the POS to provide visual surveillance of the POS.

(v) That a condition of subdivision approval be imposed requiring the Applicant to prepare a Tree Protection Management Plan for approval by the Western Australian Planning Commission and City of Rockingham, with satisfactory arrangements being made for the implementation of the approved plan.

(vi) The Local Water Management Strategy being amended to change the proposed drainage basin design flood depth for a 1 year, 1 hour ARI event from 0.9m to 0.5m.

(vii) The Bush Fire Management Plan being amended to articulate the manner in which development will be staged to avoid temporary BAL-40 and BAL-FZ areas until such a time as the hazard area has been developed.

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

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### Planning and Development Services

#### Strategic Planning and Environment Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-022/16 Proposed Local Development Plan - Lot 2661 Palermo Cove, Lot 2662 Palisades Boulevard, Lots 2663 and 2664 Secret Harbour Boulevard, Secret Harbour</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1946-03</td>
</tr>
<tr>
<td>Risk Register No</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Feed The Tiger Pty Ltd (Trading as MacKay Urbandesign)</td>
</tr>
<tr>
<td>Owner:</td>
<td>Secret Foreshore Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 April 2016</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
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<td>Disclosure of Interest:</td>
<td>Tribunal</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<tr>
<td>Site:</td>
<td>Lot 2661 Palermo Cove, Lot 2662 Palisades Boulevard, Lots 2663 and 2664 Secret Harbour Boulevard, Secret Harbour</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>Lot 2661 = 4,266m²</td>
</tr>
<tr>
<td></td>
<td>Lot 2662 = 4,443m²</td>
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<tr>
<td></td>
<td>Lot 2663 = 2,518m²</td>
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<td>Lot 2664 = 4.8295ha</td>
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<td>LA Zoning:</td>
<td>Development</td>
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<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
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<tr>
<td>Attachments:</td>
<td>1. Proposed Local Development Plan</td>
</tr>
<tr>
<td></td>
<td>2. Indicative Development Plan</td>
</tr>
<tr>
<td></td>
<td>3. Schedule of Submissions</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photograph</td>
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<tr>
<td></td>
<td>3. Advertised Local Development Plan</td>
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<td>4. Amended Local Development Plan</td>
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<td></td>
<td>5. Amended Indicative Development Guide Plan</td>
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<td></td>
<td>6. Amended Indicative Building Massing</td>
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<tr>
<td></td>
<td>7. Photo Montages</td>
</tr>
<tr>
<td></td>
<td>8. Examples of Typical Built Form</td>
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<tr>
<td></td>
<td>9. Shadow Diagram (Midday June 21)</td>
</tr>
</tbody>
</table>
Purpose of Report

To consider a proposal to approve a Local Development Plan (LDP) for Lot 2661 Palermo Cove, Lot 2662 Palisades Boulevard, Lots 2663 and 2664 Secret Harbour Boulevard, Secret Harbour.

Background

The following outlines the history of Development Approvals on site:

July 2007 - Development Approval issued for a Seaside Village comprising:

- Sixty six (66) single residential and short stay accommodation dwellings;
- Five (5) three-storey Multiple Dwelling buildings, comprising a total of ninety nine (99) multiple residential and short stay accommodation dwellings;
- Reception and caretaker’s dwelling building;
- Village clubhouse comprising a café, gym and change rooms, two swimming pools and spa, barbeque facilities and croquet/bocce lawns; and
- Gated pavilions at all vehicle and pedestrian entry/exit points.

November 2009 - Renewal of Development Approval issued for the Seaside Village.
1. Location Plan
The applicant seeks approval for the LDP which will provide a coherent and consistent planning framework across the site, and to set development standards that are to apply to the site’s development. Whilst there is some difference between the standard provisions within the LDP and the deemed-to-comply provisions of the R-Codes, in most case the standards contained within the LDP either provide clarification in interpretation of aspects of the R-Codes or build on the deemed-to-comply provisions of the R-Codes.

In detail, the development proposal enabled by the LDP and illustrated by the supporting Indicative Development Plan (IDP) has been justified by the proponent in the following manner:

- Predominantly residential land uses in the form of a diverse range of Single Houses, Grouped-Dwellings and Multiple Dwellings, but with a Hotel/Short-Stay development at the northern end of the site. The Hotel/Short-Stay component is envisages 80-100 room with associated café, bar, Restaurant, and leisure facilities.
− The potential for a small Convenience Store associated with the Hotel/Short-Stay component.

It is acknowledged that the proposed commercial uses (retail and hotel), are not currently permitted under the Secret Harbour Structure Plan and, therefore, may require a minor modification to the Structure Plan.

− The creation of three ‘green corridors’ that link the foreshore parkland into the heart of the precinct and offer a high degree of pedestrian permeability to the beach for residents and enable view corridors to the ocean and golf course from upper levels of the buildings.

− The establishment of a north-south spine road through the precinct.

− An interface to the foreshore reserve consisting predominantly of Grouped Dwellings with two Multiple Dwelling buildings at the northern and southern ends of the boundary with the foreshore. The Grouped Dwellings would have vehicle access from a rear lane, with ‘front-yards’ and balconies addressing the foreshore with visually permeable fencing and direct pedestrian access to the foreshore.

− An interface of individual houses to the existing Single Residential lots to the south of Palermo Drive. The incorporation of Single Houses contributes to residential diversity and also softens the interface to the existing housing south of the site.

− A site layout and a disposition of building forms that minimise the amount of overshadowing and offer the potential to optimise views, solar access and cross-ventilation. By way of illustration, a series of shadow diagrams have been included as an attachment.

− Building heights that range from two to three storeys for the southern Single Houses to three storeys for the Grouped Dwellings, and Multiple Dwelling buildings that range from three to five storeys (The initial proposal sought building heights up to seven storeys, however, as a result of the matters raised in the submissions by the public, the applicant modified the LDP to address concerns regarding building height in liaison with City Officers);

− Residential density provided at an R80 coding, consistent with the approved Secret Harbour Structure Plan.

− Car parking that is compliant with the deemed-to-comply provisions of the R-Codes.

− Landscaping in the common landscape areas is envisaged to be of a high quality and will utilise planting that is appropriate to an exposed coastal location, contributes to the beachside character, and which does not unduly restrict the potential for views of the foreshore and ocean.
3. Advertised Local Development Plan
4. Amended Local Development Plan
6. Amended Indicative Building Massing
7. Modified Photo Montages
8. Examples of Typical Built Form
9. Shadow Diagram (Midday June 21)
10. Indicative cross section of new road through LDP area
11. Indicative Foreshore Interface
View from the northern Spyglass Hill lots facing the golf course
(Viewpoint is representative of the typical distance of Spyglass Hill houses from the site)

Each square represents 1% of the field of view image (approximately 50% of the the human field of view).

Development occupies approx. 3.6% of the view image or 1.8% of the human field of view.
**Sightline from the beach to the development**

The development is predominantly obscured by the foreshore dunes when viewed from the beach. The apartment buildings are predominantly obscured by the townhouses when viewed from the eastern half of the foreshore parkland.
14. Comparative indicative building massing – View from the East

Indicative building massing – view from the east

The yellow line indicates the uppermost extent of a building mass that is consistent with the deemed-to-comply provisions of the R-Codes under the existing R80 residential coding (13m to top of wall for a concealed roof and 15m to top of pitched roof), as compared to the proposed scale of development under the LDP.
15. Comparative indicative building massing – View from the Northwest

Indicative building massing – view from the northwest.

The yellow line indicates the uppermost extent of a building mass that is consistent with the deemed-to-comply provisions of the R-Codes under the existing R80 residential coding (13m to top of wall for a concealed roof and 15m to top of pitched roof), as compared to the proposed scale of development under the LDP.
Indicative building massing – view from the northeast

The yellow line indicates the uppermost extent of a building mass that is consistent with the deemed-to-comply provisions of the R–Codes under the existing R80 residential coding (13m to top of wall for a concealed roof and 15m to top of pitched roof), as compared to the proposed scale of development under the LDP.
17. Comparative indicative building massing – view from the South

The yellow line indicates the uppermost extent of a building mass that is consistent with the deemed-to-comply provisions of the R-Codes under the existing R50 residential coding (15m to top of wall for a concealed roof and 15m to top of pitched roof), as compared to the proposed scale of development under the LDP.
Implications to Consider

a. Consultation with the Community

Advertising Methodology

The proposed LDP was advertised for public comment in accordance with the requirements of Planning and Development (Local Planning Scheme) Regulations 2015, closing on the 22 January 2016. The advertising period was undertaken in the following manner:

(i) A notice was published in the Public Notices section of the Weekend Courier newspaper on the 18 December 2015;

(ii) An advertisement was placed on the City’s website for the duration of the advertising period and copies of documents explaining the LDP were also made available for inspection at the City’s Administration Offices;

(iii) Notification letters were sent to Government Agencies (see next section);

(iv) Notification letters were sent to landowners and occupiers within a 500m radius of the site; and

(v) Three signs were displayed on site for the duration of the advertising period.
Public Submissions
At the closing of the advertising period 80 submissions were received, 3 in support and 77 objecting.
Submissions were received supporting the LDP for the following reasons:
- The area at the moment is underdeveloped; and
- The area lacks facilities.
The nature of the objections is addressed in the following table:
### Height / Visual Impact

<table>
<thead>
<tr>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) The height exceeds the maximum height permitted under R80 development.</td>
</tr>
</tbody>
</table>

**Applicant's Response:**
The existing R80 enables development up to 4 storeys as of right. It should also be noted that a five-storey development was previously approved on the Lot immediately to the north.

**City's Response:**
This proposal should be assessed on its own merits. It is acknowledged that a variation is sought to increase the permitted building height above 4 storeys. The LDP originally proposed a 23.6m (7 storey) wall height, however, as a result of public advertising, the applicant agreed to reduce the maximum height to 5 storeys. This is considered to be more compatible with the residential character of the area.

An assessment of the variation to this R-Codes provision has been undertaken in the Policy section, where it is considered that the proposal complies the relevant design principle. The variation in height to a maximum of 5 storeys is supported as this is compatible with the 5 storey development approved on the adjacent lot 2001 Secret Harbour Boulevard in 2010.

<table>
<thead>
<tr>
<th>Submission</th>
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</thead>
<tbody>
<tr>
<td>(ii) Views from Spyglass Hill (Private Land) impacted</td>
</tr>
</tbody>
</table>

**Applicant's Response:**
The development is at least 102m from the nearest part of Spyglass Hill area to the west and over 400m from the centre of the Spyglass Hill area; far enough to significantly reduce the development's visual impact.

It should be noted that given the limited height of Spyglass Hill, a three to four-storey development consistent with the deemed-to-comply provisions of the R-Codes would obscure as much of the ocean as a development of five or more storeys. In reality, the degree of obscuration of the ocean with a three-storey development is likely to be more because three-storey buildings would need to be closer together to achieve the allowable plot ratio. The additional height as proposed only has (a marginal) impact on views of the western sky over a three-storey development.

It should be noted that the percentage of the western horizon, as viewed from Spyglass Hill, affected by the development is small as illustrated in field of vision diagram (at figure 12).

**City's Response:**
The applicant's response and the demonstrated field of vision illustration provided at figure 12 are noted. When studying the field of vision illustration, it is considered that the extra storey sought through this amended LDP will have a minimal impact on the views from Spyglass Hill.

Additionally when viewing the comparison between an R-Code compliant proposal and the variation sought through the amended LDP (figures 14-17), the increase in height is considered to be acceptable from a planning point of view.

| (iii) Undesirable shadow impacts to the southern residents                 |

**Applicant's Response:**
Any shadow impacts are well within the acceptable parameters defined by the R-Codes. The shadows do not fall on any of the existing houses other than just prior to sunset, which is demonstrated by the submitted 3D computer modelling.

**City's Response:**
The R-Codes allow development, at 12.00pm on 21 June, to cast a shadow onto an adjoining R20 coded property for up to 25% of the site area. The development permitted under the amended LDP will comply with the R-Codes in this regard. There are no adverse effects of overshadowing for neighbouring properties.
### Height / Visual Impact

<table>
<thead>
<tr>
<th>(iv) Views from the beach (public land) impacted</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>Given the height of the foreshore dunes, and the extensive tree planting in the foreshore, the visual impact of the development from the beach will be limited – this has been demonstrated through an additional cross section (figure 13). The beach is an urban beach rather than being classified as a ‘wilderness’ environment – as such, there is no reason for buildings not to be visible from the beach.</td>
</tr>
<tr>
<td><strong>City's Response:</strong></td>
</tr>
<tr>
<td>As demonstrated in figure 13, the development is predominantly obscured by the foreshore dunes when viewed from the adjacent beach. The apartment buildings will be predominantly obscured by the 3 storey townhouses when viewed from the eastern half of the foreshore parkland. The three green link corridors will also serve to break up the building bulk when viewed from the beach.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(v) Opposed to Seven Storey development</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>City's Response:</strong></td>
</tr>
<tr>
<td>The LDP has been amended to reduce the proposed development height from a maximum of 7 storeys to 5 storeys and lower.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>(vi) An apartment bock is not aesthetically pleasing to the eye</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>The architectural aesthetics of the development will be determined at the Development Application stage. The LDP encourages a consistency of architectural treatment through the development so apartment buildings will have a similar architectural expression to houses within the development.</td>
</tr>
<tr>
<td><strong>City's Response:</strong></td>
</tr>
<tr>
<td>This is an R80 site that can accommodate Multiple Dwellings in accordance with the approved Secret Harbour Structure Plan. Undoubtedly, what is aesthetically pleasing is subjective. The City, however, is satisfied that the LDP has been designed to facilitate a good design outcome in this location. The detailed design will be determined at Development Application stage.</td>
</tr>
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</table>

### Property Values

<table>
<thead>
<tr>
<th>Submission</th>
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<tbody>
<tr>
<td>(i) The proposal will have a negative impact on the property values on existing residents in the locality</td>
</tr>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>Property prices are not a relevant planning consideration. However, it is very rare for new development to devalue properties in an existing area other than sometimes for immediately adjacent properties, of which there are none in this case. Analysis of redevelopment areas around the metropolitan area would confirm a significant increase in property prices as people place a value on the increase in investment and market interest in an area with extensive new development.</td>
</tr>
<tr>
<td><strong>City's Response:</strong></td>
</tr>
<tr>
<td>The impact of the proposal on property values is not a relevant planning consideration.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission</th>
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</thead>
<tbody>
<tr>
<td>(ii) Compensation if this was to go ahead would be needed.</td>
</tr>
</tbody>
</table>
### Property Values

**Applicant's Response:**
There is no mechanism for visual impact compensation within the WA planning system.

**City's Response:**
The applicant's response is noted.

### Out of Character with the area

**Submission**
(i) **The proposed buildings are not in keeping with the surrounding environment**

**Applicant's Response:**
The site is already designated under the Structure Plan as Residential R80/Short-Stay accommodation with the intent of creating an urban coastal node that is distinct from, and inherently taller and denser, than the surrounding R20 suburban areas. The proposed buildings will have a height between two and five storeys.

**City's Response:**
The adopted Secret Harbour LSP does designate this site, and the one to the north, as distinct from the remainder of Secret Harbour. As such, the development of the site contrasts with the surrounding single/double storey low density residential character. The LDP has been designed to provide a coherent planning framework for the development of the site and will facilitate a good design outcome in this location.

The LDP provides for a “staircase” transition of building height from lower densities to the south of the site. The 4-5 storey buildings are adjacent to the Golf Course.

**Submission**
(ii) **The area should remain residential only**

**Applicant's Response:**
Secret Harbour is recognised as a ‘regional beach’ serving a regional catchment (which is why it has a surf club). Therefore, it is a logical location for a hotel, especially given the increasing demand for good-quality hotel accommodation in the region.

**City's Response:**
The adopted Secret Harbour LSP identifies the site as R80/Short Stay Accommodation. The amended LDP proposes predominantly residential land uses. Any change in land use (e.g. Hotel) would require an application to modify to the Secret Harbour LSP.

**Submission**
(iii) **The proposed hotel short stay at 100 keys (rooms) is 15% of the development (apartments)**

**Applicant's Response:**
The industry standard for a viable mid-range hotel is generally a minimum of 80 keys. The final number of keys will be determined at the detailed design stage subject to the hotel operator.

**City's Response:**
The development of a hotel would first require a modification to the Secret Harbour LSP. This has not been lodged and is not being considered.

The LDP will determine building envelopes and height rather than land use.

**Submission**
(iv) **No need for another bar restaurant or café. The surf club and golf cub have these facilities**
<table>
<thead>
<tr>
<th>Submission</th>
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</thead>
<tbody>
<tr>
<td>(v) The LSP proposes commercial uses not permitted under the current Structure Plan</td>
</tr>
<tr>
<td>** Applicant's Response:**</td>
</tr>
<tr>
<td>Should the LDP be approved, an amendment will be sought to the Structure Plan to enable the non-residential components.</td>
</tr>
<tr>
<td>** City's Response:**</td>
</tr>
<tr>
<td>The adopted Secret Harbour LSP identifies the site as R80/Short Stay Accommodation. Any further change in land use would require a separate application to modify the Secret Harbour LSP.</td>
</tr>
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<tr>
<th>Submission</th>
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<tbody>
<tr>
<td>(vi) The development has a significant interface with existing residents</td>
</tr>
<tr>
<td>** Applicant's Response:**</td>
</tr>
<tr>
<td>The site has an opposing interface (i.e. across the road) with only 6 existing residential lots.</td>
</tr>
<tr>
<td>** City's Response:**</td>
</tr>
<tr>
<td>The LDP has been developed so that the interface with the Single Houses on the southern side of the site has been softened by proposing Single Houses with a maximum building height of 3 storeys. As such, it is considered that these neighbours will not be unduly impacted in terms of visual privacy or access to natural light. All other residences are separated from the development site by a strip of golf course except, for the other R80 site across Palermo Cove.</td>
</tr>
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<th>Submission</th>
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<tbody>
<tr>
<td>(vii) Oversupply of housing</td>
</tr>
<tr>
<td>** Applicant's Response:**</td>
</tr>
<tr>
<td>Development will be staged according to market demand. The additional dwellings will result in a greater population catchment to help encourage and support more local businesses.</td>
</tr>
<tr>
<td>** City's Response:**</td>
</tr>
<tr>
<td>The LDP will provide for a wider range of housing types in Secret Harbour through urban infill. The density of the development is consistent with the R80 coding.</td>
</tr>
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<table>
<thead>
<tr>
<th>Submission</th>
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</thead>
<tbody>
<tr>
<td>(viii) Secret Harbour is not a suitable suburb for such high density living.</td>
</tr>
<tr>
<td>** Applicant's Response:**</td>
</tr>
<tr>
<td>The development will provide a diversity of housing opportunity to provide choices for the many people who have different housing needs and desires from the conventional suburban offering.</td>
</tr>
<tr>
<td>** City's Response:**</td>
</tr>
<tr>
<td>The subject lot is designated as R80. The proposal will comply with the permitted density under TPS2.</td>
</tr>
</tbody>
</table>
### Property Values

<table>
<thead>
<tr>
<th>Submission</th>
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<tbody>
<tr>
<td>(ix) <strong>Not consistent with a suburban streetscape</strong></td>
</tr>
</tbody>
</table>

**Applicant’s Response:**
The reference to a suburban streetscape is not relevant because the development is specifically intended to be an urban node.

**City’s Response:**
R80 is not considered to be suburban. R80 permits Multiple Dwellings (apartments) up to four storeys in height. As such the LDP will facilitate a streetscape that is otherwise consistent with the R80 density code.

<table>
<thead>
<tr>
<th>Submission</th>
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<tbody>
<tr>
<td>(x) <strong>Golf course had to stop serving meals</strong></td>
</tr>
</tbody>
</table>

**City’s Response:**
This is a separate matter that was dealt with through an amendment to the City’s Town Planning Scheme No.2. Any change in land use for the subject site would require a modification to the Secret Harbour LSP. This has not yet been considered.

<table>
<thead>
<tr>
<th>Submission</th>
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<tbody>
<tr>
<td>(xi) <strong>There is not enough of anything in this area to accommodate such an influx of people</strong></td>
</tr>
</tbody>
</table>

**Applicant’s Response:**
The additional population of the development will, in turn, contribute to the demand for new commercial and community services.

**City’s Response:**
The density proposed by the LDP is compliant with the R80 designation under the Secret Harbour LSP. Further the additional population will support the Secret Harbour District Centre.

<table>
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<tr>
<th>Submission</th>
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<tbody>
<tr>
<td>(xii) <strong>Secret Harbour is a residential community and is not a renowned holiday destination. Secret Harbour is not listed as tourism on Tourism Australia. We see no benefits to having this development in our suburb</strong></td>
</tr>
</tbody>
</table>

**Applicant’s Response:**
Although there is limited short-stay accommodation in the area at present it does not mean that there is no rationale for it. The beach and the golf course are significant drawcards for the development of a hotel. Furthermore, a hotel could include additional amenities such as a restaurant/café/bar and a small amount of retail to the benefit of local residents. A hotel would also generate jobs in a place where there is limited local employment.

**City’s Response:**
The adopted Secret Harbour LSP identifies the site as R80/Short Stay Accommodation.

### Traffic

<table>
<thead>
<tr>
<th>Submission</th>
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</thead>
<tbody>
<tr>
<td>(i) <strong>Adverse impact due to higher road traffic</strong></td>
</tr>
</tbody>
</table>

**Applicant’s Response:**
The expected increase in traffic volumes will still remain within acceptable engineering parameters. The development will not result in the design capacity of the existing road network being exceeded; neither will it reduce the level of service on intersections within Secret Harbour. It should also be noted that the traffic report will be reviewed by the City of Rockingham’s engineers.
**Traffic (Cont…)**

**City's Response:**
The density proposed by the LDP is compliant with the R80 designation under the approved Secret Harbour LSP. As such, the traffic generated by the proposal will be consistent with what can occur under the existing zoning/density coding.
The traffic generated from the development is within the design capacity of the existing road network to accommodate. The site is also situated on Secret Harbour Boulevard which provides a direct connection to Warnbro Sound Avenue.

<table>
<thead>
<tr>
<th>Submission</th>
<th>(ii) Traffic will impact pedestrians accessing the beach</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant's Response:</strong></td>
<td>Traffic generation is within acceptable parameters. Traffic to and from the development will be moving in the same direction as pedestrians from the hinterland, so any impact on pedestrian movement will be minimal. Driveway crossovers will be limited and the frequency of crossovers will be significantly less that the surrounding suburban area. It is also worth noting that, unlike many Secret Harbour residents, the residents of the development have absolutely no need to drive to the beach. The applicant is prepared to install signage, subject to the City of Rockingham’s approval, to encourage all of the local community to slow down and take care.</td>
</tr>
</tbody>
</table>

**City's Response:**
The LDP will actually improve pedestrian activity in the area by providing three defined pedestrian green links as well as an extensive internal and external footpath system. Additionally, the traffic generated by the proposal will be consistent with what can occur under the existing zoning/density coding.
The impact of the variations to the R-Codes, sought in the LDP, are not considered to have an impact on pedestrian safety in the area. Existing residents will still be able to access the beach using Palermo Cove and Palisades Boulevard.

<table>
<thead>
<tr>
<th>Submission</th>
<th>(iii) Car parking</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant's Response:</strong></td>
<td>The development will meet its own parking needs consistent with the R-Codes and the City of Rockingham planning scheme. The development is not reliant on the existing foreshore parking.</td>
</tr>
</tbody>
</table>

**City's Response:**
Can parking will be required to be provided on-site in accordance with the R-Codes and TPS2 with some ability to provide for on-street visitor car parking.

<table>
<thead>
<tr>
<th>Submission</th>
<th>(iv) Queried why the internal north-south road will be private</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant's Response:</strong></td>
<td>The roads will have to be constructed to the relevant Australian Standards regardless of whether they are in the private or public domain. The benefit of private roads is that they enable the use of higher quality finishes and fittings rather than the basic municipal standard, and they reduce the maintenance burden on ratepayers.</td>
</tr>
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</table>

**City's Response:**
The City understands that the development will be strata titled, which enables access roads to be used by residents within the development which are under control of the Strata Body Corporate or Strata Manager.
<table>
<thead>
<tr>
<th>Submission</th>
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<tbody>
<tr>
<td><strong>(v)</strong> Will carports or garages be permitted</td>
</tr>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>No car parking, either open or within a carport, will be permitted in the street setback areas. The intention is to create a streetscape that is not dominated by garages, unlike the surrounding suburban area.</td>
</tr>
<tr>
<td><strong>City's Response:</strong></td>
</tr>
<tr>
<td>The LDP requires that garages, carports and off-street car parks must be located away from street and public parkland interfaces and/or screened from public view. As such, future development will provide a superior interface with the public realm.</td>
</tr>
</tbody>
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<thead>
<tr>
<th>Submission</th>
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<tbody>
<tr>
<td><strong>(vi)</strong> There are no public transport services available</td>
</tr>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>The Department of Transport's general approach is that public transport needs to be 'earned'. In other words, the larger the population (and, thus, the demand) the more likely that public transport provision is provided or the frequency is increased. In this respect, the additional population of the development will increase the likelihood of better Public Transport provision to Secret Harbour.</td>
</tr>
<tr>
<td><strong>City's Response:</strong></td>
</tr>
<tr>
<td>The density proposed by the LDP is compliant with the R80 designation under the Secret Harbour LSP. As such, the proposal will not require any further public transport services.</td>
</tr>
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<th>Submission</th>
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</thead>
<tbody>
<tr>
<td><strong>(vii)</strong> There are too many crossovers to the street</td>
</tr>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>The street crossovers have been limited to a maximum of one per building per street. Given the width of the main buildings, the result is far fewer crossovers than would occur if the site was subdivided into single residential lots. It should also be noted that dispersing traffic from multiple outlets as proposed results in less traffic queuing than funneling traffic through a limited number of intersections.</td>
</tr>
<tr>
<td><strong>City's Response:</strong></td>
</tr>
<tr>
<td>The LDP requires that the number of vehicle crossovers to new and existing streets to be minimised. As such, future development will provide a better interface with the public realm with more activation.</td>
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<tr>
<th>Submission</th>
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<tbody>
<tr>
<td><strong>(vii)</strong> Lack of footpaths around the development site</td>
</tr>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>The LDP requires new footpaths to be constructed in the adjacent road reserves.</td>
</tr>
<tr>
<td><strong>City's Response:</strong></td>
</tr>
<tr>
<td>Pedestrian path connections are shown on the LDP. The construction of footpaths, in accordance with the LDP, will be required at future development stage.</td>
</tr>
</tbody>
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<thead>
<tr>
<th>Antisocial behaviour</th>
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<tbody>
<tr>
<td><strong>Submission</strong></td>
</tr>
<tr>
<td><strong>(i)</strong> Increase in noise in the area</td>
</tr>
</tbody>
</table>
### Antisocial behaviour (Cont…)

**Applicant’s Response:**
Apartment dwellers typically produce less noise than house dwellers (with no lawnmowers, leaf blowers, hedge trimmers, backyard parties, barking dogs, etc.) and waste in the public domain will continue to be managed appropriately by the City of Rockingham.

The hotel component is located on the part of the site furthest from the nearest existing residential lot - a distance of approximately 310m. Therefore, any noise from the hotel is unlikely to be an issue. People buying into the development will be informed about the intention to build a hotel in the indicated location.

It should be noted that the intention is for a mid to high-quality boutique hotel and it will not be a ‘surfers/backpacker’ establishment.

**City’s Response:**
The LDP will not result in greater noise impacts on existing residential properties than what will occur under the existing zoning of the land. As with all development, the future development will be required to comply with the Environmental Protection (Noise) Regulations 1997.

### Submission

#### (ii) Increase in anti-social behaviour

**Applicant’s Response:**
The development is aimed at a similar social demographic (albeit perhaps slightly older) as the existing Secret Harbour residents so there is no reason to believe that the antisocial behaviour will be any worse than that of the current residents.

More pedestrians on the streets, and more homes with a view to streets are widely recognised to decrease crime levels and is a fundamental aspect of Crime Prevention Through Environmental Design.

**City’s Response:**
There is no evidence to suggest that the variations to the R-Codes, sought through the LDP, will result in an increase in anti-social behaviour.

### Submission

#### (iii) There appears to have been no consideration given to Crime Prevention through Environmental Design (CPTED) initiatives

**Applicant’s Response:**
CPTED is a fundamental consideration in the design and is encouraged through the provisions of the LDP and the R-Codes.

**City’s Response:**
The R-Codes and the LDP inherently include the principles of CPTED for incorporation into future development applications.

### Community impact

**Submission**

#### (i) Existing community facilities communal areas will be put under strain by the influx of people

**Applicant’s Response:**
The development will incorporate residents’ amenities such as BBQ areas either in the communal parkland or within dedicated resident amenity decks or courtyards incorporated into the apartment buildings.

**City’s Response:**
The LDP is unlikely to put a strain on existing community facilities given that the density of the development is in accordance with the approved LSP.
### Community impact (Cont…)

<table>
<thead>
<tr>
<th>Submission</th>
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<tbody>
<tr>
<td>(ii) R-Code alterations allowed for this development will set a precedent for further high rise, high density developments across Secret Harbour and other small suburbs within Rockingham</td>
</tr>
</tbody>
</table>

**Applicant's Response:**
The development does not set a local precedence because there are no other sites with a similar coding or degree of separation from existing residents other than for the similarly-coded site immediately to the north, which also forms part of the coastal node.

**City's Response:**
Precedence is not a valid planning argument as all proposals must be treated on their own merits. This site, and the one immediately to the north, are unique in that they are coded R80.

<table>
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<tr>
<th>Submission</th>
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<tbody>
<tr>
<td>(iii) The school infrastructure will not be able to cope with the increase in population</td>
</tr>
</tbody>
</table>

**Applicant's Response:**
The Department of Education have an obligation to provide sufficient education infrastructure to meet demand. School sizes are not considered to be a development constraint within the planning system. Notwithstanding the above, the types of housing proposed are more likely to appeal to retirees, empty-nesters and younger people without children. As such the demand for schooling will be less than comparable suburban development.

**City's Response:**
The variations to the R-Codes, sought through the LDP, are unlikely to put a strain on existing school infrastructure.

<table>
<thead>
<tr>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>(iv) What impact will the development have on local services?</td>
</tr>
</tbody>
</table>

**Applicant's Response:**
The City of Rockingham has an obligation to provide community services and facilities commensurate with the population and demand, regardless of whether the apartment buildings or new suburban residential estates generate demand. It should be noted that services are capable of being delivered more efficiently where the population is contained within a smaller geographic area.

**City's Response:**
The variations to the R-Codes, sought through the LDP, are unlikely to put a strain on existing local services.

<table>
<thead>
<tr>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>(v) Local internet will be affected</td>
</tr>
</tbody>
</table>

**Applicant's Response:**
The applicant will liaise with Telco/internet providers to ensure the adequate and timely provision of internet access to the development.

**City's Response:**
The applicant's response is noted.

<table>
<thead>
<tr>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>(vi) Golf Club will be affected</td>
</tr>
<tr>
<td>Community impact (Cont…)</td>
</tr>
<tr>
<td>--------------------------</td>
</tr>
<tr>
<td>Applicant’s Response:</td>
</tr>
<tr>
<td>The additional residents are likely to increase patronage of the golf club and help to sustain it through the year and in the long term.</td>
</tr>
<tr>
<td>City's Response:</td>
</tr>
<tr>
<td>The variations to the R-Codes, sought through the LDP, are unlikely to have a negative effect on the Golf Course.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>(vii) A children’s park and barbecues in a natural bush setting is preferred for the site</td>
</tr>
<tr>
<td>Applicant’s Response:</td>
</tr>
<tr>
<td>The design and management of the foreshore reserve is the responsibility of the City of Rockingham. However, a larger population will provide more of an incentive (and rate income) for the City to provide additional community infrastructure</td>
</tr>
<tr>
<td>City's Response:</td>
</tr>
<tr>
<td>This is an R80 site on the approved LSP which has been identified for higher density housing adjacent to the foreshore reserve.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>(viii) Will the existing Secret Harbour residents be able to pay to use the proposed leisure facilities?</td>
</tr>
<tr>
<td>Applicant’s Response:</td>
</tr>
<tr>
<td>The ‘country club’ membership may be extended to existing residents subject to capacity and demand.</td>
</tr>
<tr>
<td>City's Response:</td>
</tr>
<tr>
<td>The applicant’s response is noted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Variations to the Residential Design Codes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission</td>
</tr>
<tr>
<td>(i) The proposal should comply with the pot ratio requirements of the R-Codes</td>
</tr>
<tr>
<td>Applicant’s Response:</td>
</tr>
<tr>
<td>The LDP is not seeking to vary the R80 deemed-to-comply plot ratio of the R-Codes. The supporting text simply clarifies which parts of the site are taken into consideration in the plot ratio calculations.</td>
</tr>
<tr>
<td>City's Response:</td>
</tr>
<tr>
<td>The proposal is complaint with the plot ratio requirements of the R-Codes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ii) A reduction from 30% to 20% open space is sought. Is this acceptable?</td>
</tr>
<tr>
<td>Applicant’s Response:</td>
</tr>
<tr>
<td>The reduction in open space refers to the private open space for the Grouped Dwellings and single houses only and not to communal open space. The remainder of the development comfortably exceeds the deemed-to-comply provisions of the R-Codes for open space because the taller buildings enable smaller footprints, thus allowing more landscaping.</td>
</tr>
<tr>
<td>City's Response:</td>
</tr>
<tr>
<td>As noted by the applicant, this reduction refers to the private open space for the Grouped Dwellings and Single Houses only. This reduction is considered to be acceptable as the development will have access to open space with the green links to be provided, the nearby foreshore reserve and the beach. Additionally a compliant outdoor living area is to be provided in lieu of the stipulated private open space.</td>
</tr>
</tbody>
</table>
### Variations to the Residential Design Codes (Cont…)

#### Submission (iii) Too many residences for the site

**Applicant’s Response:**
In regard to Multiple Dwellings (apartments) the density control in the R-Codes is the allowable plot ratio rather than any ‘R number’.

**City’s Response:**
No variation to the density requirements of the R-Codes is sought.

#### Submission (iv) Where exemptions are sought from the R-Codes, application of design principles should respond to the existing character of the area, in terms of scale function and visual appearance

**Applicant’s Response:**
Whist the LDP seeks to vary some of the deemed to comply provisions of the R-Codes, it is consistent with, and does not seek to vary, the design principles.

**City’s Response:**
The proposed variations to the deemed to comply provisions of the R-Codes are considered to be consistent with the relevant Design Principles. See the Policy Section of the report for further information.

#### Submission (v) The development will impact the privacy of existing residential development

**Applicant’s Response:**
The separation distances for privacy between the development and existing dwellings are significantly more generous than the minimum 4.5m (windows) and 7.5m (balconies) under the R-Codes. The closest distance between an apartment and an existing dwelling is more than 30m.

**City’s Response:**
No variation to the visual privacy requirements of the R-Codes is sought.

#### LDP Design

#### Submission (i) The beach facing townhouses have impermeable and part permeable fencing in contradiction to the developer’s statement of visually permeable fencing

**Applicant’s Response:**
The foreshore fencing is partly visually permeable, consistent with best practice fencing design. It seeks a balance between privacy and passive surveillance. Passive surveillance is an important planning consideration as it results in higher levels of personal security in the public domain.

**City’s Response:**
Fencing will be required to comply with the R-Codes.

#### Submission (ii) It is queried if a hydrogeological report was used to investigate groundwater impacts from basement parking levels?

**Applicant’s Response:**
The avoidance of basement parking is a precautionary assumption in the context of likely current and future groundwater levels. The assumption will be examined through geo-technical examination at the detailed design stage.
## LDP Design (Cont…)

<table>
<thead>
<tr>
<th>City's Response:</th>
<th></th>
</tr>
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<tbody>
<tr>
<td>Should the LDP be approved, this can be investigated by the proponent at development application stage.</td>
<td></td>
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</table>

**Submission**

(iii) **The buildings will create a continuous wall of buildings to the foreshore reserve**

<table>
<thead>
<tr>
<th>Applicant's Response:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Development addressing the foreshore provides three clear and generous landscape breaks in the built form, thus avoiding a continuous wall of buildings addressing the foreshore, consistent with the stated principle.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's Response:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Building parcels have been separated in order to reduce the bulk and massing of the buildings when viewed from the beach.</td>
<td></td>
</tr>
</tbody>
</table>

**Submission**

(iv) **Setback of the development to the footpath is a concern**

<table>
<thead>
<tr>
<th>Applicant's Response:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>All of the residential buildings in the development are set back from the street boundary by 2m as per the deemed-to-comply provisions of the R-Codes for R80 development. The number of street crossovers has been minimised to avoid disruption to pedestrians and is considerably less than the frequency of crossovers in the surrounding residential areas.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>City's Response:</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>The proposal complies with the street setback requirements of the R-Codes except in two instances.</td>
<td></td>
</tr>
<tr>
<td>− A nil street setback for basement parking.</td>
<td></td>
</tr>
<tr>
<td>This variation will enable the amount of basement car-parking to be maximized. This variation is supported. See detailed assessment in the Policy section of this report.</td>
<td></td>
</tr>
<tr>
<td>− A nil street setback for mixed use Multiple Dwellings and for feature corner elements of residential buildings where identified on the LDP.</td>
<td></td>
</tr>
<tr>
<td>A nil setback is appropriate for mixed used development. Although it is not approved under the LSP, the LDP will facilitate this setback should a modification to the LSP ever be approved. This nil setback cannot be availed of unless the LSP is modified to allow commercial land uses.</td>
<td></td>
</tr>
<tr>
<td>− A nil street setback for feature corner elements of residential buildings where identified on the LDP.</td>
<td></td>
</tr>
<tr>
<td>This setback will not impact the streetscape as it will be located on the third-fifth storey.</td>
<td></td>
</tr>
</tbody>
</table>

**Submission**

(v) **It is queried why it is stated that the Indicative Development Plan should not be considered as a template for built form**

<table>
<thead>
<tr>
<th>Applicant's Response:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A degree of flexibility is required in the planning stage because the full details of a development and the future economic context for it are never known in advance.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's Response:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The IDP is only one way that the site can be developed in accordance with the LDP.</td>
<td></td>
</tr>
</tbody>
</table>

**Submission**

(vi) **The LDP submission has a number of elements which cannot be considered to be aligned with the principles of the City of Rockingham in its Community Infrastructure Plan**
<table>
<thead>
<tr>
<th><strong>LDP Design (Cont…)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>The development is consistent with the overarching principles of the Community InfraStructure Plan and will contribute to the demand required to justify better community infrastructure.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>City's Response:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The LDP is considered to be consistent with the <em>Urban Development</em> principles of the City's Community InfraStructure Plan in the following manner:</td>
</tr>
<tr>
<td>− It will provide safe, convenient and attractive neighbourhoods which offer a wide range of housing;</td>
</tr>
<tr>
<td>− It promotes resource-efficient development;</td>
</tr>
<tr>
<td>− It provides for expanding future populations;</td>
</tr>
<tr>
<td>− It provides for development that will aesthetically contribute to the public domain; and</td>
</tr>
<tr>
<td>− A Community Development levee will apply when the development occurs which will be used by the City to develop community infrastructure in accordance with the Community InfraStructure Plan.</td>
</tr>
</tbody>
</table>

**Submission**

(vii) The LDP submission has a number of elements which cannot be considered to be aligned with the objectives of the City of Rockingham Town Planning Scheme

<table>
<thead>
<tr>
<th><strong>City's Response:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The variations to the R-Codes sought through the LDP are considered to be complaint with the objectives of TPS2.</td>
</tr>
</tbody>
</table>

**Submission**

(vii) The LDP seeks to max out the site

<table>
<thead>
<tr>
<th><strong>Applicant's Response:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The LDP plan indicates maximum development envelopes and not actual building footprints. Comparison between the LDP and the IPD indicates an intention not to maximise the building footprints.</td>
</tr>
<tr>
<td>The development return is a consequence of the site areas for the townhouses and single houses, and of the deemed-to-comply maximum plot ratio for apartments under the R-Codes. In neither case does the LDP seek to vary these provisions of the R-Codes.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>City's Response:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>No variation to the density requirements of the R-Codes is sought. The extent of development sought via the LDP is compliant with the R80 Code which facilitates Multiple Dwellings, Grouped Dwellings and Single Houses.</td>
</tr>
</tbody>
</table>

**Viability**

<table>
<thead>
<tr>
<th><strong>Submission</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) A hotel will not be viable, resulting in more apartments</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Applicant's Response:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic conditions constantly fluctuate and there is currently a resurgent demand for hotel and short-stay accommodation resulting from inbound tourism on the back of a depreciated Australian dollar.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>City's Response:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The viability of a hotel is not a relevant planning consideration.</td>
</tr>
</tbody>
</table>
Viability (Cont…)

Submission
(ii) The development will not be viable in the current economic climate

Applicant's Response:
Feasibility is not a relevant planning consideration in the WA planning system

City's Response:
The applicant’s response is noted.

Environmental Impact

Submission
(i) Sufficient natural screening be provided to minimise the visual impact of the buildings

Applicant's Response:
The intention is to plant additional street trees in the adjacent street reserves to compliment the built form and provide additional shade for pedestrians.

City's Response:
A landscaping plan will be required as part of any future development application.

Future Development

Submission
(i) Should this development go to Development Assessment Panel (DAP) the CoR should make timely formal notification of the assessment meeting date to all residents within 200-500m.

Applicant's Response:
Notification of DAP meetings is the responsibility of the Department of Planning.

City's Response:
A future Development Application will not require advertising for public comment if it is compliant with the Council adopted LDP and adopted LSP.

Submission
(ii) The full development must subscribe to liveable neighbourhoods

Applicant's Response:
The development is consistent with the relevant principles of Liveable Neighbourhoods insofar as subdivision policy applies.

City's Response:
The amended LDP complies with Liveable Neighbourhoods.

b. Consultation with Government Agencies

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

- Alinta Gas;
- Department of Health;
- Department of Water;
- Public Transport Authority;
- Telstra;
- Water Corporation;
Following the close of the advertising period, the City had received three submissions from State Agencies. The content of the submissions are summarised and addressed as follows:

### Department of Health

**Submission:**

(i) **Water and Wastewater Disposal**

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

City’s Comment:

Noted.

(ii) **Increased Density – Public Health Impacts**

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

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

Applicant’s Comment:

Resident amenity and sound attenuation have been important design considerations to date and will be considered in greater detail at the detailed design stages.

City’s Comment:

The development is required to comply with the Building Code of Australia. The development will also be required to comply with the Environmental Protection (Noise) Regulations 1997.

### Water Corporation

**Submission:**

(i) **Water and Wastewater**

Reticulated water and sewerage is currently available to the subject land.

All water and wastewater main extensions, if required for the development site, must be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.

Applicant’s Comment:

Noted. Infrastructure will be consistent with the requirements of the Water Corporation and further consultation with the Water Corporation will occur during the detailed design stages.

City’s Comment:

Noted.
Water Corporation (Cont…)

**Submission:**

**(ii) General comments**

The principle followed by the Water Corporation for the funding of subdivision or development is one of user pays. The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water and Sewerage headworks may also be required. In addition the developer may be required to fund new works or the upgrading of existing works and protection of all works. Any temporary works needed are required to be fully funded by the developer. The Water Corporation may also require land being ceded free of cost for works.

**City’s Comment:**

Noted.

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**Telstra**

**Submission:**

**(i) No objection**

**City’s Comment:**

Noted.

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c. **Strategic**

**Community Plan**

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

**Aspiration D:** Sustainable Environment

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

d. **Policy**

**Liveable Neighbourhoods**

Liveable Neighbourhoods (LN) has been prepared to implement the objectives of the State Planning Strategy and State Sustainability Strategy to create communities that reduce dependency on private vehicles and are more energy and land efficient, and operates as a sustainable development control policy to guide Structure Planning and subdivision.

The amended LDP complies with the provisions of LN.

**State Planning Policy 3.1 - Residential Design Codes**

The R-Codes provide a comprehensive basis for the control of residential development throughout Western Australia. The R-Codes aim to address emerging design trends, promote sustainability, improve clarity and highlight assessment pathways to facilitate better residential design outcomes throughout Western Australia.

All residential development is to comply with the requirements of the R-Codes. The R-Codes have been prepared to provide a straightforward pathway to approval via the deemed-to-comply provisions. Where a proposal does not achieve the deemed-to-comply provisions it must seeks to apply one or more design principles. All R-Codes provisions, with the exception of the site area requirements, are open to the exercise of judgement based on the design principles and the relevant objectives for that element.
The areas where the LDP seeks to vary the deemed-to-comply (DTC) provision of the R-Codes are identified in the table below:

<table>
<thead>
<tr>
<th>R-Code Deemed-to-Comply Provision</th>
<th>R-Code - Design Principle</th>
<th>LDP Variation</th>
<th>City Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5.1.6 Building height</strong> &lt;br&gt;Single/Grouped Dwellings Houses &lt;br&gt;7m maximum wall height</td>
<td>Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains: &lt;br&gt;− adequate access to direct sun into buildings and appurtenant open spaces; &lt;br&gt;− adequate daylight to major openings into habitable rooms; and &lt;br&gt;− access to views of significance.</td>
<td>A 10.4 (3 storeys) wall height and an additional 1m for a flat roof is sought.</td>
<td>The increase in height for the Single/Grouped Dwellings will not: &lt;br&gt;− limit access to direct sun for adjacent properties; &lt;br&gt;− limit daylight to major openings into habitable rooms for adjacent properties; and &lt;br&gt;− impact views of significance. &lt;br&gt;As such, the design principle is considered to be compliant and the variation is supported.</td>
</tr>
<tr>
<td><strong>6.1.2 Building Height</strong> &lt;br&gt;Multiple Dwellings &lt;br&gt;13m (4 storeys) maximum wall height</td>
<td>Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains: &lt;br&gt;− adequate access to direct sun into buildings and appurtenant open spaces; &lt;br&gt;− adequate daylight to major openings into habitable rooms; &lt;br&gt;− access to views of significance; &lt;br&gt;− buildings present a human scale for pedestrians; &lt;br&gt;− building façades designed to reduce the perception of height through design measures; and</td>
<td>A 17.2 (5 storeys) wall height and an additional 1m for a flat roof is sought.</td>
<td>The LDP originally proposed a 23.6m (7 storeys) wall height, however, as a result of public advertising, the applicant agreed to reduce the height to 5 storeys. &lt;br&gt;Given that the site is regionally significant, with limited interface to existing residents, the increase in building height will still comply with the relevant design principle and this variation to the DTC is considered to be acceptable.</td>
</tr>
<tr>
<td>R-Code Deemed-to-Comply Provision</td>
<td>R-Code - Design Principle</td>
<td>LDP Variation</td>
<td>City Comments</td>
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<tr>
<td>-----------------------------------</td>
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<td>---------------</td>
<td>---------------</td>
</tr>
<tr>
<td>6.1.3 Street Setback</td>
<td>Buildings are set back from street boundaries (primary and secondary) an appropriate distance to ensure they:</td>
<td>Nil setback is sought for street setbacks for semi-basement parking podium less than 1.5m above ground level.</td>
<td>Permitting a nil setback for basement parking will enable basement car-parking to be maximized. This will be beneficial as it will reduce the visual impact of car parking on the streetscape. The wall of the basement parking will also serve to delineate between the private and the public realm. This interface can be soften with a landscaped strip as demonstrated on the applicants cross-sections. It should be noted that the buildings themselves will still be set back as per the R-Codes. As such the variation will be considered acceptable if this is supported by a hydrological report.</td>
</tr>
<tr>
<td>2m street setback</td>
<td>− contribute to the desired streetscape;</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>− provide articulation of the building on the primary and secondary streets;</td>
<td></td>
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<td></td>
<td>− allow for minor projections that add interest and reflect the character of the</td>
<td></td>
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<tr>
<td></td>
<td>− street without impacting on the appearance of bulk over the site;</td>
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<td></td>
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<tr>
<td></td>
<td>− are appropriate to its location, respecting the adjoining development and existing streetscape; and</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>− facilitate the provision of weather protection where appropriate.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1.3 Lot boundary setbacks</td>
<td>Buildings set back from lot boundaries so as to:</td>
<td>0m setback to shared side boundaries unrestricted in length and up to 3 storeys for Single/Grouped Dwellings.</td>
<td>The variations will facilitate an attractive terraced style development. It will not have any impact on adjoining land or properties and complies with the relevant design principle. As such, the variation is supported.</td>
</tr>
<tr>
<td>Single/ Grouped Dwellings Houses</td>
<td>− reduce impacts of building bulk on adjoining properties;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>− provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>− minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Setback dependent wall length, wall height and whether the wall has an opening or not)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-Code Deemed-to-Comply Provision</td>
<td>R-Code Design Principle</td>
<td>LDP Variation</td>
<td>City Comments</td>
</tr>
<tr>
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</tbody>
</table>
| Buildings built up to boundaries (other than the street boundary) where this:  
  - makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;  
  - does not compromise the design principle contained in clause 5.1.3 P3.1;  
  - does not have any adverse impact on the amenity of the adjoining property;  
  - ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and  
  positively contributes to the prevailing development context and streetscape. | A reduction in open space to 20% of the lot area for grouped/single dwellings, and clarification that the open space can be at any level is sought. | As noted by the applicant, this reduction refers to the private open space for the Grouped Dwellings and single houses only. This reduction is considered to be acceptable as the development will have access to open space with the green links to be provided, the nearby foreshore reserve and the beach. Additionally a compliant outdoor living area is to be provided in lieu of the stipulated open space. The development as a whole will provide an abundance of open space, thus complying with the relevant design principle. As such the variation is supported. | 5.1.4 Private Open Space  
Single/Grouped Dwellings Houses  
Provision of 30% open space  
Development incorporates suitable open space for its context to:  
  - reflect the existing and/or desired streetscape character or as outlined under the local planning framework;  
  - provide access to natural sunlight for the dwelling;  
  - reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework; |


<table>
<thead>
<tr>
<th>R-Code Deemed-to-Comply Provision</th>
<th>R-Code - Design Principle</th>
<th>LDP Variation</th>
<th>City Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>- provide an attractive setting for the buildings, landscape, vegetation and streetscape; - provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and - provide space for external fixtures and essential facilities.</td>
<td>Buildings designed to provide for surveillance (actual or perceived) between individual dwellings and the street and between common areas and the street, which minimise opportunities for concealment and entrapment.</td>
<td>A variation is sought to raise the 1m height of basement parking to 1.5m</td>
<td>This variation is sought to enable greater flexibility in accommodating changes in ground level and reducing risks associated with groundwater. The variation is offset by the fact that passive surveillance will be provided from multiple levels meeting the relevant design principle. Accordingly point 2.19 of the proposed LDP states that development must optimise the opportunities for passive surveillance from dwellings of the adjacent public realm. As such the variation will be considered acceptable if this is supported by a hydrological report.</td>
</tr>
</tbody>
</table>

6.2.1 Street Surveillance
Basement parking structures between a street frontage and the main front elevation are to be no more than 1m above natural ground level at any point.

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

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

Schedule 2 - Deemed Provision

Clause 51 - Consideration of submissions

In accordance Clause 51 the local government:

(a) must consider all submissions in relation to a local development plan made to the Council within the period specified in a notice advertising a proposed local development plan; and
Clause 55 - Publication of local development plan approved by local government

If the local government approves a local development plan the Council must publish the local development plan on the website of the Council.

Clause 67 - Matters to be considered by local government

Clause 67 outlines the matters to which the Council is to give due regard when considered relevant to an application. Where relevant, these have been discussed in the Planning Assessment.

Town Planning Scheme No.2 (TPS 2)

The subject land is zoned as Development under TPS2.

Clause 4.2.3 of TPS2 states that the purpose of the Development Zone is to:

(a) To identify areas requiring comprehensive planning prior to subdivision and development.

(b) To coordinate subdivision, land use and development in areas requiring comprehensive planning.

The Development zoning triggers the requirement for comprehensive planning, in the form of a Structure Plan. The Secret Harbour LSP, which designates the site as Residential R80/Short Stay Accommodation, has been approved over the subject land. As such, the development of the land must comply with the R80 R-Code unless variations are granted through the LDP process.

The R80 code is aimed primarily at Multiple Dwelling high density development. Multiple Dwellings yield more lots/units than Single Houses or Grouped Dwellings, as they (Multiple Dwellings) are controlled via plot ratio, maximum building height, setbacks and minimum open space rather than the minimum and average site area.

R80 allows four storey residential development with a maximum height of 15m as of right. The applicant seeks allowance for an increase in one storey for both the Grouped Dwellings and the Multiple Dwellings. Considering the size and the location of the site and as seen in the assessment of the LDP against the relevant design principles of the R-Codes, the variation in height is supported.

g. Risk

Nil

Comments

As demonstrated in the consultation section of this report, the amended LDP satisfactorily addresses the concerns relating the building height, views, compatibility with setting and traffic that some members of the community raised. This has been assisted in part by the applicant’s agreement to reduce the maximum building height from 7 storeys to 5 storeys.

It should be noted that the LDP does not seek to increase the plot ratio from that permitted under the R-Codes. R80 allows a maximum plot ratio of 1.0 meaning that the site has the ability to accommodate 58,973m² of residential floor space. Considering that the average Multiple Dwelling (apartment) size in Perth for a two-bedroom apartment is 67m² (according to Urbis-published in the West Australian on December 6, 2015), the site has a potential yield of 880 Multiple Dwellings of this size. The applicant has indicated that the yield for this proposal is notionally 571, of which 517 are apartments and 54 Grouped Dwellings. This is significantly below the maximum permitted dwelling yield.
The size and location of this site, nestled between the beach and the golf course, provides an opportunity to accommodate the building height and density proposed and to provide a landmark development. It is considered that this LDP will provide the coherent and co-ordinated planning framework across the site. It is recommended that the LDP be approved by the Council.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the proposed Local Development Plan dated March 2016 for Lot 2661 Palermo Cove, Lot 2662 Palisades Boulevard, Lots 2663 and 2664 Secret Harbour Boulevard, Secret Harbour subject to the following modification highlighted in bold:

"DESIGN ELEMENTS
b) Setbacks
   (ii) All major elements of building structure including balconies must be contained behind the setback line with the exception of:
       • corner feature elements, which may project up to 0.5m into the setback area.
       • a ‘podium’ parking structure, which may constructed to a 0m setback provided that it is no more than 1.5m above an adjacent footpath (subject to confirmation through a hydrological report that the groundwater levels on the site require an elevated basement parking structure)."

Committee Recommendation

Moved Cr Liley seconded Cr Summers
That Council APPROVES the proposed Local Development Plan dated March 2016 for Lot 2661 Palermo Cove, Lot 2662 Palisades Boulevard, Lots 2663 and 2664 Secret Harbour Boulevard, Secret Harbour subject to the following modification highlighted in bold:

"DESIGN ELEMENTS
b) Setbacks
   (ii) All major elements of building structure including balconies must be contained behind the setback line with the exception of:
       • corner feature elements, which may project up to 0.5m into the setback area.
       • a ‘podium’ parking structure, which may constructed to a 0m setback provided that it is no more than 1.5m above an adjacent footpath (subject to confirmation through a hydrological report that the groundwater levels on the site require an elevated basement parking structure)."

Committee Voting – 4/1
(Cr Summers voted against)

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
| Reference No & Subject: | PDS-023/16  
Reconsideration of Intersection Upgrade Condition - Place of Worship |
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<td>Risk Register No:</td>
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<tr>
<td>Applicant:</td>
<td>Alita Construction Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Samoan Independent Seventh Day Adventist Church (WA Division) Incorporated</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 April 2016</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>August 2014 (PDS-059/14)</td>
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<td>Disclosure of Interest:</td>
<td>Tribunal</td>
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<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
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<tr>
<td>Site:</td>
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</tr>
<tr>
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</tr>
<tr>
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<td>MRS Zoning:</td>
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<td>1. Aerial View</td>
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<td>2. Site Development Plan</td>
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<td></td>
<td>3. Traffic Count at Intersection of Mundijong Rd and St. Albans Rd (0900-1000)</td>
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<tr>
<td></td>
<td>4. Traffic Count at Intersection of Mundijong Rd and St. Albans Rd (1000-1000)</td>
</tr>
<tr>
<td></td>
<td>5. Church Seating Plan</td>
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Purpose of Report

To reconsider Condition 18 of the Development Approval for a Place of Worship at Lot 588 (No.162) Haines Road, Baldivis.

Background

In August 2014, the Council granted conditional Development Approval for a Place of Worship at Lot 588 (162) Haines Road, Baldivis. On the basis of the traffic impact assessment (TIA), submitted by the applicant in support of the development, the following condition was applied:

“18. Prior to the occupation of the development:
   (i) an auxiliary lane must be provided on Mundijong Road for vehicles turning right into Telephone Lane;
   (ii) a left turning lane must be provided on Mundijong Road for vehicles turning left into Telephone Lane,

   in accordance with the intersection plan contained within the traffic impact assessment Report prepared by ML Traffic Engineers Version 2 (May 2014) and detailed design drawings to be approved by the City, prior to commencement of construction.”

Prior to the determination of the proposal, the applicant confirmed in an email that they were aware of the proposed condition for the intersection modifications.

On 28 November 2014, the Western Australian Planning Commission (WAPC) under the Metropolitan Region Scheme (MRS) granted approval to the same development, but excluded condition 18.

A Building Permit for the development was issued in October 2015.
2. Site Development Plan

Details

The applicant seeks approval to delete Condition 18 which was recommended within the applicant’s TIA. The applicant, however, has submitted a revised traffic note which states the following:

− “Religious services will be held on one day per week (Saturday) with approximately 25 patrons attending;

− On one Saturday per month the maximum capacity of 125 patrons will attend the Church, this number has been reduced from 250 patrons identified in the original proposal;

− It is expected that the vehicle occupancy will be 3.5 passengers per car given that the patrons will be families in the majority. This results in 36 vehicles in the peak hour of traffic (once a month on a Saturday);

− The directional split of the vehicle movements to/from the Church will be 60% from the North and 40% from the South;

− There will be two services per Saturday, one at 9:30am and one at 1:00pm. Lunch will be served at 2:00pm. It is anticipated that the patrons may leave after either service or after lunch; and

− The Church will implement a traffic management plan that will exclude patrons from using the Telephone Road / Mundijong Road intersection and instead use the St Albans Road / Mundijong Road intersection.”

As such, for the reasons listed above, the applicant considers that Condition 18 is unnecessary.
Implications to Consider

a. Consultation with the Community
   Nil

b. Consultation with Government Agencies
   As the condition requires works on Mundijong Road, which is classified as an Other Regional Road under the Metropolitan Region Scheme, the proposal was referred to the Department of Planning for comment.

1. Department of Planning

   Submission (i):
   Original Development Proposal
   The Department of Planning’s Infrastructure and Land Use Coordination (ILUC) transport division assessed that the (now approved) location for the proposed place of worship along Haines Road is more than 2 kilometres from Mundijong Road. As such, it was not anticipated that the trip generation from the now approved location would impact on the Other Regional Road.

   City Comment:
   The DoP’s response is noted, however, it was the applicant’s own TIA that identified the need for the intersection modifications. The City’s Engineers agreed with this assessment and the condition was applied accordingly.

   Submission (ii):
   Proposal to Remove Condition 18 After Approval
   It acknowledged that the City’s Engineering section has analysed the submitted revised traffic note and has found that upgrades may still be necessary to either the intersections between Mundijong Road and Telephone Lane, or Mundijong Road and St Albans.

   The percentage of heavy vehicles on the local road network, the rural standard of the roads and the detailed crash history seems to indicate that there may be the need to upgrade these intersections, regardless of the proposed development. It is the DoP’s recommendation that the findings of the City’s Engineering section be applied. However, a cost sharing arrangement for the intersection upgrades could be negotiated between the City and the applicant. In addition, there may be other similar land uses in future that attract additional traffic that would also need to contribute to upgrade the local road network.

   City Comment:
   The City agrees with the response from the DoP’s. As such, Condition 18 could be modified in order to obtain a contribution from the landowner towards the required intersection modifications for the intersection of Mundijong Road and St Albans Road in lieu of the intersection of Mundijong Road and Telephone Lane.

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

   **Aspiration D:** Sustainable Environment

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

d. Policy
   Nil
e. Financial

A preliminary costing for a proposed right turn movement into St Albans Road from Mundijong Road has been estimated at $215,305. Once a detail intersection design has been undertaken a final cost will be determined. It is recommended that the proponent makes a 47% pro rata contribution to the proposed works with the balance of 53% of the cost being funded by the City of around $114,111.

Currently there is no budget allocation for the intersection improvement. Funds will be sourced and allocated, subject to Council approval, within the 2017/2018 budget or via a budget amendment.

f. Legal and Statutory

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 - Deemed Provision

Clause 77 - Amending or cancelling development approval

Clause 77 permits the Council to consider a modification to the approved development including:

(b) to amend or delete any condition to which the approval is subject; and

(c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved.

Clause 77 also permits the Council to determine an application made to amend an approval, by approving the application with or without conditions.

g. Risk

High:

- There is a high personal health and safety risk to motorists, potential serious injury if the intersection of Mundijong and St Albans Roads is not upgraded in accordance with Austroads prior to the occupation of the Place of Public Worship on Lot 588 Haines Road, Baldivis.

Comments

Requirement for Intersection Treatments

The applicant has advised that church patrons will no longer seek to use the Mundijong Road / Telephone Lane intersection but instead use the Mundijong Road/St Albans Road intersection. This is considered to be appropriate as this intersection provides greater sight distances and is considered to be a safer alternative.

The City undertook turning counts on Saturday 2 April 2016 for periods 9:00am-10:00am and 10:00am-11:00am.
3. Traffic Count at Intersection of Mundijong Rd and St. Albans Rd (0900-1000)

4. Traffic Count at Intersection of Mundijong Rd and St. Albans Rd (1000-1100)

It is noted that section 4.8 of Austroads’ Guide to Road Design Part 4A requires that, given the through traffic using Mundijong Road, the design speed of Mundijong Road and the number of turning vehicles at St Albans Road, turn treatments will be required at the Mundijong Road / St Albans Road intersection as a result of this development.
The applicant’s revised traffic note states that the church development will generate 22 turning vehicles at the St. Albans intersection. This puts the intersection over the threshold for where right turning treatments are required (it should also be acknowledged that other vehicles will also be turning during this peak hour).

The City must also consider the general road user’s safety by ensuring that turning traffic, generated by this development, will not impede the through traffic on Mundijong Road. A west bound deceleration lane (turning pocket) on Mundijong Road will avoid this type of conflict by providing turning traffic with the ability to slow down in a separate lane without disrupting the through traffic behind. Mundijong road carries a high percentage of heavy vehicle usage (13.7%) and is a high speed road (80km/h - 110km/h). There is also a history of rear end crashes involving right turn movements into St Albans Road south. As such, the left turning pocket is required for safety reasons.

For these reasons it is considered that the turn treatments previously identified are required at the Mundijong Road/St Albans Road intersection.

It should be noted that the Cable Ski Water Park, located on the south-eastern corner of the Mundijong Road/St Albans Road intersection was not required to make a contribution to intersection upgrades when it received Development Approval in January 2013. In 2012, when the Cable Ski Water Park was being assessed, the through traffic volume per day on Mundijong Road was approximately 1000 vehicles lower that it is at present. As such, the development was deemed acceptable without intersection upgrades.

Size of the Church

It is also noted that the footprint of the church building has not been decreased to reflect the anticipated drop in patron numbers. The seating plan provided shows a capacity for 408 patrons which greatly exceeds the anticipated 125 patrons. It is therefore considered that, although the numbers of the Church may have decreased recently, there is an intent to grow the Church in the future based on building’s design. Any further growth of the Church will put further pressure on the Mundijong Road/St Albans Road intersection. As such, the intersection treatments are recommended to be required.
5. Church Seating Plan

Condition 18

Based on the technical assessment of the revised traffic note, it has been determined that the intersection treatments identified in Condition 18 are indeed warranted. It should, however, be noted that the treatments will now be required at the Mundijong Road/St Albans Road intersection rather than the Mundijong Road/Telephone Lane intersection. The DoP's advice is, however, noted and it is recommended that the condition be modified to require the proponent to make a pro rata contribution of 47% to the intersection modifications rather than be responsible for the full cost of the works.

In light of the above, it is recommended that the application seeking to remove the condition be refused and a modified approval be issued with an alternative Condition 18 as follows:

18. Prior to the occupation of the development and upon the finalisation of a detailed design, the landowner must make a 47% pro-rata contribution to the City towards the cost of upgrading the intersection of Mundijong Road and St Albans Road as follows:

   (i) an auxiliary lane on Mundijong Road for vehicles turning right into St Albans Road; and

   (ii) Costs associated with preparing a detailed design of the intersection upgrade.
Officer Recommendation

That Council:

1. **REFUSES** the application seeking to delete condition 18 of the Development Approval, dated 27 August 2014, for a Place of Worship at Lot 588 (No.162) Haines Road, Baldivis; and

2. **APPROVES** an amendment to Condition 18 of the Development Approval, dated 27 August 2014, for a Place of Worship at Lot 588 (No.162) Haines Road, Baldivis and issues an amended Development Approval, subject to the changes highlighted in bold, as follows:

1. No vehicle parking associated with the development is permitted along Haines Road at any time.
2. The car park must:
   (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking, prior to applying for a Building Permit;
   (ii) include one car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work; and
   (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;

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

3. All Finished Floor Levels must be a minimum of 4.1m AHD.
4. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, during construction.
5. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City, and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to applying for a Building Permit.
6. The development must be connected to an alternative on-site wastewater system designed to reduce Phosphorus, Pathogenic Microbes, Biological oxygen demand, and Non-filterable residue, and constructed to the satisfaction of the City.
7. Materials, sea containers, goods or bins must not be stored within the car park at any time.
8. The new crossover onto Haines Road must be designed and constructed in accordance with the City's specifications, prior to the occupation of the development.
9. A bin storage area must be designed with a size suitable to service the development and screened from view of Haines Road, to the satisfaction of the City, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.
10. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit.
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City.

11. The landscape buffer must be vegetated such that the development minimises visual impact from Haines Road and the western neighbour, to the satisfaction of the City, prior to the commencement of development and must be retained and maintained in good condition at all times.

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

13. A Fire Management Plan must be prepared in accordance with the Western Australian Planning Commission's Planning for Bush Fire Protection Edition 2, to the satisfaction of the City, prior to applying for a Building Permit.

All works required by the approved Fire Management Plan must be carried out for the duration of development.

14. An Acoustic Report must be prepared which demonstrates that the completed development complies with the Environmental Protection (Noise) Regulations 1997, and including the following information, to the satisfaction of the City, prior to the occupation of the development:

   (i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;

   (ii) tonality, modulation and impulsiveness; and

   (iii) confirm the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

15. Floodlighting must not be illuminated after 10:00pm or before 7:00am.

   All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.

16. A Schedule of the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be provided to the satisfaction of the City, prior to applying for a Building Permit.

   The development must be finished in accordance with the Schedule provided and approved by the City, prior to occupation of the development.

17. All buildings and structures must be designed to be setback at least 30 metres from the road frontage and at least 10 metres from all other boundaries, prior to applying for a Building Permit.

   Clearing of vegetation within these setback areas must not be undertaken at any time, other than for the purpose of providing a firebreak or a vehicular access way.

18. Prior to the occupation of the development and upon the finalisation of a detailed design, the landowner must make a 47% pro-rata contribution to the City towards the cost of upgrading the intersection of Mundijong Road and St Albans Road as follows:

   (i) an auxiliary lane on Mundijong Road for vehicles turning right into St Albans Road; and
(ii) Costs associated with preparing a detailed design of the intersection upgrade.

Footnotes:
(i) A separate approval from the City’s Health Services is required under the Health (Public Building) Regulations 1992. This is required prior to the lodgement of an application for a Building Permit-Certified. The applicant should liaise with the City’s Health Services in this regard.
(ii) The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City’s Health Services for information and conforming requirements.
(iii) A separate approval from the City’s Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City’s Health Services in this regard.
(iv) With respect to Condition 10, the applicant and owner should liaise with the City’s Parks Services to confirm requirements for landscaping plans.”

Committee Recommendation

Moved Cr Whitfield; seconded Cr Liley:

That Council:

1. **REFUSES** the application seeking to delete condition 18 of the Development Approval, dated 27 August 2014, for a Place of Worship at Lot 588 (No.162) Haines Road, Baldivis; and

2. **APPROVES** an amendment to Condition 18 of the Development Approval, dated 27 August 2014, for a Place of Worship at Lot 588 (No.162) Haines Road, Baldivis and issues an amended Development Approval, subject to the changes highlighted in bold, as follows:

1. No vehicle parking associated with the development is permitted along Haines Road at any time.

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

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

3. All Finished Floor Levels must be a minimum of 4.1m AHD.

4. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, during construction.

5. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City, and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to applying for a Building Permit.
6. The development must be connected to an alternative on-site wastewater system designed to reduce Phosphorus, Pathogenic Microbes, Biological oxygen demand, and Non-filterable residue, and constructed to the satisfaction of the City.

7. Materials, sea containers, goods or bins must not be stored within the car park at any time.

8. The new crossover onto Haines Road must be designed and constructed in accordance with the City's specifications, prior to the occupation of the development.

9. A bin storage area must be designed with a size suitable to service the development and screened from view of Haines Road, to the satisfaction of the City, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.

10. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit.
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) Landscape buffer to Haines Road and the western boundary.
   The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City.

11. The landscape buffer must be vegetated such that the development minimises visual impact from Haines Road and the western neighbour, to the satisfaction of the City, prior to the commencement of development and must be retained and maintained in good condition at all times.

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

13. A Fire Management Plan must be prepared in accordance with the Western Australian Planning Commission’s Planning for Bush Fire Protection Edition 2, to the satisfaction of the City, prior to applying for a Building Permit.
   All works required by the approved Fire Management Plan must be carried out for the duration of development.

14. An Acoustic Report must be prepared which demonstrates that the completed development complies with the Environmental Protection (Noise) Regulations 1997, and including the following information, to the satisfaction of the City, prior to the occupation of the development:
   (i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
   (ii) tonality, modulation and impulsiveness; and
   (iii) confirm the implementation of noise attenuation measures.
   Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

15. Floodlighting must not be illuminated after 10:00pm or before 7:00am.
   All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.
16. A Schedule of the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be provided to the satisfaction of the City, prior to applying for a Building Permit.

The development must be finished in accordance with the Schedule provided and approved by the City, prior to occupation of the development.

17. All buildings and structures must be designed to be setback at least 30 metres from the road frontage and at least 10 metres from all other boundaries, prior to applying for a Building Permit - Certified.

Clearing of vegetation within these setback areas must not be undertaken at any time, other than for the purpose of providing a firebreak or a vehicular access way.

18. Prior to the occupation of the development and upon the finalisation of a detailed design, the landowner must make a 47% pro-rata contribution to the City towards the cost of upgrading the intersection of Mundijong Road and St Albans Road as follows:

(i) an auxiliary lane on Mundijong Road for vehicles turning right into St Albans Road; and

(ii) Costs associated with preparing a detailed design of the intersection upgrade.

Footnotes:

(i) A separate approval from the City’s Health Services is required under the Health (Public Building) Regulations 1992. This is required prior to the lodgement of an application for a Building Permit - Certified. The applicant should liaise with the City’s Health Services in this regard.

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

(iii) A separate approval from the City’s Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City’s Health Services in this regard.

(iv) With respect to Condition 10, the applicant and owner should liaise with the City’s Parks Services to confirm requirements for landscaping plans.”

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Planning and Development Services
### Directorate Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-024/16 Modification to Joint Development Assessment Panel Approval - Additions and Alterations to Secret Harbour District Shopping Centre - Lots 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2014.00000411.003</td>
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<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Greg Rowe Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Perpetual Limited</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning, Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 April 2016</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>Lot 2003 = 30,580m²</td>
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<td></td>
<td>Lot 2010 = 27,493m²</td>
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<td>Lot 2013 = 3,522m²</td>
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<td>LA Zoning:</td>
<td>District Town Centre</td>
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<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Responsible Authority Report</td>
</tr>
</tbody>
</table>
| Maps/Diagrams:          | 1. Location Plan  
                           2. Aerial Photo  
                           3. Site Plan  
                           4. Inclusion of Gate at Oasis Drive Crossover (Elevation)  
                           5. Inclusion of Gate at Oasis Drive Crossover (Site Plan)  
                           6. Secret Harbour IDP |
1. Location Plan

2. Aerial Photo

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 MAY 2016

PRESIDING MEMBER
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application to amend the Development Approval for a modified condition and associated works for the proposed additions and alterations to the Secret Harbour District Shopping Centre on Lots 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour.

Background

History of Approvals

The following outlines the history of Development Approvals on site:

- February 2005 - Development Approval issued - Stage 1 Shopping Centre
- September 2005 - Development Approval issued - Tavern and Drive Thru Bottle shop
- September 2006 - Subdivision Approval issued - to excise the Tavern from the Shopping Centre Site
- May 2007 - Development Approval issued - Service Station
- September 2007 - Development Approval issued - Two (2) pylon signs and associated signage (Caltex)
- October 2007 - Development Approval issued - revised Tavern design
- May 2009 - Modification to Development Approval issued - Alfresco Area of Tavern
- February 2015 - JDAP Development Approval issued - Extension to Secret Harbour Shopping Centre
- May 2015 - JDAP Development Approval issued - Fast Food Outlet (McDonalds)
- October 2015 - Modification to JDAP Development Approval issued - Extension to Secret Harbour Shopping Centre
- November 2015 - Modification to JDAP Development Approval issued - Fast Food Outlet (McDonalds)
- November 2015 - JDAP Development Approval issued - Shop (Liquor Store)
- January 2016 - Modification to JDAP Development Approval (Form 2) Refused - Extension to Secret Harbour Shopping Centre. The Form 2 application proposed:
  - the removal of a portion of the Oasis Drive central median;
  - the inclusion of a boom gate at the Oasis Drive Access Street; and
  - a modified condition 21 reading: “Heavy vehicles may only access the southern driveway on Oasis Drive from south of the site and are not to travel along Oasis Drive between the northern driveway and the southern driveway.”
- January 2016 - An application for review (appeal) was lodged with the State Administrative Tribunal (SAT) in relation to the refusal of the modified proposal including the proposed modified condition.

Existing Site Improvements

The existing Secret Harbour Shopping Centre is contained wholly within Lot 2003. It is a single storey building that contains 5,246m² of floor space. The Centre comprises one (1) supermarket (3,800m²), 1,620m² of specialty stores, and an associated car park containing 390 parking spaces.

A Caltex Service Station is located on the north eastern corner of Lot 2003.

The site has two (2) vehicular access points from Warnbro Sound Ave, one (1) from Secret Harbour Boulevard and two (2) from Oasis Drive.

The adjacent Lot 2002 contains the Whistling Kite Tavern and drive thru bottle shop. Site works for the Shopping Centre expansion commenced in February 2016.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 MAY 2016

PRESIDING MEMBER
Details

The Metro South-West Joint Development Assessment Panel (SWJDAP) was invited to reconsider its decision to refuse the JDAP Form 2 application for the reconsideration of a Development Approval condition pursuant to section 31 of the State Administrative Tribunal Act 2004.

The refusal related to the removal of a portion of the Oasis Drive central median, the inclusion of a boom gate at the Oasis Drive Access Street; and a modified condition 21.

The approved condition 21 states that:

“Heavy vehicles are not permitted to gain access to or from the site via the southern access driveway on Oasis Drive.”

The applicant proposed to amend the condition to read:

“Heavy vehicles may only access the southern driveway on Oasis Drive from south of the site and are not to travel along Oasis Drive between the northern driveway and the southern driveway”

As part of the reconsideration, the applicant provided two options:

Option 1 - Maintain the existing Loading Dock. Heavy vehicles obtain access to the site from Oasis Drive travelling South (Left in) and egress the site via Oneida Road (Left out). (Number of vehicles limited two semi-trailer trucks per day access Oasis Drive. This would be limited to between 7am - 10am, 4pm - 6pm and 8pm - 10pm - Monday to Friday, 7am - 10am, 3pm - 6pm Saturdays, 12 - 5pm Sundays and public holidays.

Option 2 - Flip the Loading Dock. Heavy vehicles obtain access to the site from Oneida Road travelling West (Right in) and egress the site via Oasis Drive (Left out).

In support of the two options the applicant submitted the following swept path plans:

(a) Option 1 - Left In Oasis Drive - Vehicle Turning Circle Plan - Semi-Trailer 19m at 10kmp/h

4. Option 1: Access
### Option 1 - Left Out Oneida Road - Vehicle Turning Circle Plan - Semi-Trailer 19m at 10kmp/h

#### 5. Option 1: Egress

### Option 2 - Flipped Loading Dock - Right In Oneida Road - Vehicle Turning Circle Plan - Semi-Trailer 19m at 10kmp/h

#### 6. Option 2: Access
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 MAY 2016

PRESIDING MEMBER

(d) Option 2 - Flipped Loading Dock - Left Out Oasis Drive - Vehicle Turning Circle Plan - Semi-Trailer 19m at 10kmp/h

7. Option 2: Egress

Implications to Consider

a. Consultation with the Community
As the proposed amendment is consistent with the scale identified for the site by the Local Commercial Strategy, and is generally consistent with the IDP for Secret Harbour, advertising is not required.

b. Consultation with Government Agencies
The first application was referred to the Department of Planning for comment as the site has direct access to Warnbro Sound Avenue (Other Regional Road) and the proposed development has the potential to increase traffic flows by more than 100 vehicles per hour in peak period. As the modified condition and associated works will have no further impact on Warnbro Sound Avenue, it was not considered necessary to refer the proposal again.

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

Aspiration D: Sustainable Environment

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

d. Policy
State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP4.2)
The purpose of SPP4.2 *inter alia* is to specify broad planning requirements for the planning and development of new activity centres in Perth and Peel.
Clause 5.4 - Urban Form

The proposed modified condition is consistent with the urban form requirements of SPP4.2 by virtue of the fact that amenity of the main street will not be impacted as the central median will be retained. The pedestrian environment will not be unduly impacted as the heavy vehicle movements will be limited in number and contained to certain hours outside of when the main street will be at its busiest.

Planning Policy 3.2.3 - Secret Harbour Town Centre (PP3.2.3)

PP3.2.3 provides guidance on development of land within the Secret Harbour Town Centre.

Clause 3 - Policy Objectives

The objectives of PP3.2.3 are:

(i) To create a Town Centre which will be the primary social and commercial focus of the locality and surrounding district.

(ii) To achieve an integrated townscape character that incorporates Main Street design principles.

(iii) To create a built environment and landscape that will make a substantial contribution to the sense of community and identity of Secret Harbour.

(iv) To achieve a contemporary, mixed use development by incorporating the best features of commercially successful townscapes.

(v) To allow the Town Centre to grow in stages, whilst maintaining a ‘sense of being’ at every stage.

(vi) To maintain flexibility to ensure that various land use combinations can be incorporated as demand emerges.

The proposed modified condition is not considered to compromise the objectives of PP3.2.3 as the main street will not be impacted and the pedestrian environment will not be unduly impacted.

Indicative Development Plan (IDP)

Clause 5 of PP3.2.5 requires the Council to have regard to the IDP in applying PP3.2.3. The IDP is contained within Figure 8.

The proposed modified condition is consistent with the IDP which identifies a landscaped median along the extent of the Oasis Drive main street.
8. Indicative Development Plan
General Requirements

PP3.2.2 includes general requirements as well as specific precinct requirements applying to development. The relevant requirement is outlined below, along with a comment on compliance with this requirement.

Table 1: PP3.2.2 General Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Comment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Guidelines</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Generally</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(xv) Service access, including refuse and bin storage for all commercial buildings, should be from the rear of street front premises.</td>
<td>Although the amended proposal will obtain access from the Oasis Drive main street, the amenity of the main street will not be impacted as the central median will be retained. The pedestrian environment will not be unduly impacted as the heavy vehicle movements will be limited in number and contained to certain hours outside of when the street will be at its busiest.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

e. Financial

Nil

f. Legal and Statutory

State Administrative Tribunal Act 2004

If invited by SAT, the SWJDAP has the ability to reconsider its decision pursuant to Section 31(2) of the State Administrative Tribunal Act 2004. This Responsible Authority Report (RAR) forms the assessment for the SWJDAP to reconsider its decision.

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 Deemed Provision

Clause 67 outlines the matters to which the Local Government is to give due regard when considered relevant to an application. Where relevant, these have been discussed in the Planning Assessment.

Clause 77 permits the Local Government to consider a modification to the approved development including:

(b) to amend or delete any condition to which the approval is subject;

(c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved.

Town Planning Scheme No.2 (TPS2)

The proposal was assessed against the requirements of TPS2 and is compliant. Details of the relevant Clauses of TPS2 and an explanation of how the development is compliant are as follows:

Clause 4.5 - District Town Centre Zone

The proposed modified condition 21, arising out of the applicant’s Option 1, is considered to be consistent with the District Town Centre Zone’s objective of achieving a ‘main street’ Town Centre, as outlined in Clause 4.5.1 of TPS2. The proposed modified condition also complies with the relevant provision of the City's Planning Policy 3.2.3 - Secret Harbour Town Centre (PP3.2.3), which is addressed below.
Clause 4.5.3 - Planning Principles

The Council is required to have due regard to a number of planning principles in determining any development application. The relevant principles have been considered in relation to this application in the full assessment provided in the RAR attached to this report. The proposal is considered to consistent with the planning principles.

g. Risk

Nil

Comments

The applicant has presented two options for consideration:

- Option 1 Existing Loading Dock - Left In Oasis Drive Left Out Oneida Road; and
- Option 2 Flipped Loading Dock - Left In Oneida Road Left Out Oasis Drive.

Option 1  Existing Loading Dock - Left In Oasis Drive Left Out Oneida Road

City Response:

These movements are considered to be safe from a traffic engineering point of view. It should, however, be noted that the pedestrian crossing point on Oasis Drive at this access point and the tactile indicators should be located outside of the truck swept path area. A new condition is recommended to address this matter.

It is also considered appropriate to restrict the number of service vehicles to a maximum of two per day and limit the hours that the vehicles may access the site, via this access street, to between the hours of 7.00am - 10.00am in the mornings and 4.00pm - 7.00pm in the evenings. This will ensure that the amenity of the Oasis Drive main street is maintained and that the development complies with the TPS2, SPP4.2 and PP3.2.3.

It is noted that in order for service vehicle movements to function appropriately, the corner of the proposed main street expansion is proposed to be shaved off to accommodate the left turn radius of a delivery vehicle entering the site from Oasis Drive.

An advice note has been recommended advising that the retention of the main street expansion is considered to be more important than retention of the proposed car bays. Any future development application for the main street expansion will require the removal of some of the proposed car bays in order to meet the built form requirements for the main street and facilitate the heavy vehicle turning movements.

In summary, Option 1 is supported subject to the modified condition, additional condition and additional advice note being applied.

Option 2  Flipped Loading Dock - Left In Oneida Road Left Out Oasis Drive

City Response:

These movements are not supported from a traffic engineering point of view.

In order to accommodate this turning movement the pedestrian crossing distance across the revised crossover would be significantly greater in width and could lead to issues for people with a disability (particularly visual impairment). The geometry of the crossover with Oasis Drive and the geometry of the Oasis Drive and Oneida Rd intersection would also need to be significantly modified, leading to much higher speeds possible for normal passenger vehicles which would lead to significantly diminished road safety outcomes.

In summary, Option 2 is not supported on safety grounds.

Conclusion

The modified condition 21, arising out of the applicant’s Option 1, will ensure that the amenity of the main street will not be impacted as the central median will be retained. The pedestrian environment will not be unduly impacted as the heavy vehicle movements will be limited in number and contained to certain hours outside of when the street will be at its busiest.
Regulation 17(4)(a) of the Planning and Development (Development Assessment Panels) Regulations 2011 gives the JDAP the ability to add an additional condition 22 when considering a Form 2 application. As such, it is also recommended that an additional condition is applied to rationalise the proposed conflict between the proposed footpath and the vehicle swept paths.

NOTE: It should be noted that stamped approved plans issued by the JDAP on 2 October 2015 show the modified median as proposed by the applicant. It is requested that this error on the plans is rectified as the modification of this median has not be permitted through the previous approvals.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ADOPTS** the Responsible Authority Report for the proposed additions and alterations to the existing Secret Harbour District Shopping Centre at Lot 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 17 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

*That the Metro South-West Joint Development Assessment Panel, pursuant to Section 31 of the State Administrative Tribunal Act 2004 in respect of SAT application DR 32 of 2016, resolves to:

1. **Reconsider** its decision dated 21 January 2016;
2. **Approve** the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 dated 3rd December 2015 and accompanying plans:
   - Vehicle Turning Circle Plan - Semi-Trailer 19m at 10kmp/h, Drawing No. KC00258.000_S30a, dated 23.03.16;
   - Vehicle Turning Circle Plan - Semi-Trailer 19m at 10kmp/h, Drawing No. KC00258.000_S30b, dated 23.03.16;

in accordance with the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Metropolitan Region Scheme, subject to the approvals dated 18 February 2015 and 12 October 2015 and the following amended condition No. 21, additional condition No. 22 and additional advice note No.12:

**Conditions**

21. A maximum of two (2) semi-trailer vehicles per day may access the site via the southern access driveway on Oasis Drive. These vehicles may only access the site between the hours of 7.00am - 10.00am in the mornings and 4.00pm - 7.00pm in the evenings. The vehicles must exit the site via the Oneida Road access driveway in accordance with Option 1 access proposed by the applicant.

28. Prior to applying for a Building Permit, detailed plans and specifications must be submitted to and approved by the City of Rockingham for the proposed access street intersection with Oasis Drive.

The access street intersection must be constructed in accordance with the approved plans prior to occupation of the development.

**Advice Note**

12. The landowner/applicant is advised that the future main street expansion will take precedence over the proposed car parking bays adjacent to pad site three. Any future development application for the main street expansion will require the removal of some of the proposed car bays in order to meet the built form requirements for the main street and facilitate the heavy vehicle turning movements.
Committee Recommendation

Moved Cr Summers; seconded Cr Smith:

That Council **ADOPTS** the Responsible Authority Report for the proposed additions and alterations to the existing Secret Harbour District Shopping Centre at Lot 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 17 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

*That the Metro South-West Joint Development Assessment Panel, pursuant to Section 31 of the State Administrative Tribunal Act 2004 in respect of SAT application DR 32 of 2016, resolves to:

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   - Vehicle Turning Circle Plan - Semi-Trailer 19m at 10kmp/h, Drawing No. KC00258.000_S30b, dated 23.03.16;

   in accordance with the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Metropolitan Region Scheme, subject to the approvals dated 18 February 2015 and 12 October 2015 and the following amended condition No. 21, additional condition No. 22 and additional advice note No.12:

**Conditions**

- A maximum of three (3) semi-trailer vehicles per day may access the site via the southern access driveway on Oasis Drive. These vehicles may only access the site between the hours of 7.00am - 10.00am in the mornings and 4.00pm - 7.00pm in the evenings. The vehicles must exit the site via the Oneida Road access driveway in accordance with Option 1 access proposed by the applicant.
- Prior to applying for a Building Permit, detailed plans and specifications must be submitted to and approved by the City of Rockingham for the proposed access street intersection with Oasis Drive.

The access street intersection must be constructed in accordance with the approved plans prior to occupation of the development.

**Advice Note**

- The landowner/applicant is advised that the future main street expansion will take precedence over the proposed car parking bays adjacent to pad site three. Any future development application for the main street expansion will require the removal of some of the proposed car bays in order to meet the built form requirements for the main street and facilitate the heavy vehicle turning movements.

Committee Voting – 5/0

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

The proponent had indicated up to three (3) truck movements could occur on any one day and that to restrict the movements to two (2) could adversely affect the efficiency of the proponent’s business.

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Purpose of Report

Provide Council with details of the tenders received for Tender T15/16-77 – Supply of one (1) new landfill and earthworks compactor, document the results of the tender assessment and make recommendations regarding award of the tender.

## Background

Tender T15/16-77 – Supply of one (1) new landfill and earthworks compactor was advertised in the West Australian on Saturday, 9 January 2016. The Tender closed at 2:00pm, Thursday, 28 January 2016 and was publicly opened immediately after the closing time.

## Details

The scope of work for this contract comprises the supply of one new landfill and earthworks compactor, to replace an existing Bomag landfill compactor at the Millar Road Landfill Facility, with options for a Service Agreement or Full Maintenance Agreement.
Tender submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
<th>Plant Details</th>
<th>Tendered Price (Exclusive of GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>WesTrac Pty Ltd (Non-compliant tender)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>BT Equipment Pty Ltd trading as Tutt Bryant Equipment (Part of the Tutt Bryant Group)</td>
<td>Bomag BC772RB-2 Landfill Compactor</td>
<td>$745,617</td>
</tr>
<tr>
<td>GCM Enviro Pty Ltd</td>
<td>Tana E380 Landfill Compactor</td>
<td>$775,000</td>
</tr>
</tbody>
</table>

The tender submission received from WesTrac Pty Ltd did not comply with the Form of Tender and was therefore deemed non-compliant and did not form part of the comprehensive evaluation.

A panel comprising of the City's Manager Integrated Waste Services, Coordinator Fleet Services and Senior Landfill Services Officer undertook tender evaluations. Both items of plant were also subjected to mechanical and operator assessments undertaken by suitably qualified and experienced City officers.

The evaluation of the tender submissions was undertaken in accordance with the advertised tender assessment criteria and produced the following weighted scores:

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Performance and Experience</th>
<th>Tendered Prices</th>
<th>Total Weighted Scores</th>
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<tbody>
<tr>
<td>BT Equipment Pty Ltd trading as Tutt Bryant Equipment (Part of the Tutt Bryant Group)</td>
<td>10.0</td>
<td>29.7</td>
<td>40.0</td>
<td>79.7</td>
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<tr>
<td>GCM Enviro Pty Ltd</td>
<td>14.0</td>
<td>24.3</td>
<td>38.5</td>
<td>76.8</td>
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</table>

BT Equipment Pty Ltd trading as Tutt Bryant Equipment (Part of the Tutt Bryant Group) did not offer an option for either a Service Agreement or Full Maintenance Agreement, and this is reflected in their level of service score.

GCM Enviro Pty Ltd offered a Service Agreement for 48 months at $2,291 (Exclusive of GST) per month (total of $109,972) or a Full maintenance Agreement for 48 months at $2,555 (Exclusive of GST) per month (total of $122,672).

**Implications to Consider**

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

b. **Consultation with Government Agencies**  
   Not Applicable

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

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

In accordance with the City’s Purchasing Policy, for purchases above $150,000, a public tender process is to be conducted in accordance with the provision of section 3.57 of the Local Government Act 1995; and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11A(1).

e. **Financial**

$905,000 was included in the 2015/2016 annual budget for the purchase of a new landfill compactor. The existing Bomag landfill compactor will be sent to public auction for disposal.

f. **Legal and Statutory**


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

g. **Risk**

Nil

**Comments**

It is a condition of the Licence issued under the Environmental Protection Act 1986, Part V, for the Millar Road Landfill Facility that waste is levelled and compacted. The City currently operates two Bomag Landfill Compactors to ensure compliance with this requirement.

Following consideration of the tenders received the submission from BT Equipment Pty Ltd trading as Tutt Bryant Equipment (Part of the Tutt Bryant Group) for a Bomag BC772RB-2 Landfill Compactor is considered the best value to the City and therefore recommended as the preferred tenderer.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council:

1. **REJECTS** the non-compliant tender received from WesTrac Pty Ltd as it did not comply with the Form of Tender.

2. **ACCEPTS** the tender submitted from BT Equipment Pty Ltd trading as Tutt Bryant Equipment (Part of the Tutt Bryant Group), 50 Great Eastern Highway, South Guildford WA 6055 for Tender T15/16-77 – Supply of one (1) new landfill and earthworks compactor, in accordance with the tender documentation, for the Bomag BC772RB-2 Landfill Compactor, for the total price of $745,617.73 (excluding GST).

**Committee Recommendation**

Moved Cr Whitfield; seconded Cr Smith:

That Council:

1. **REJECTS** the non-compliant tender received from WesTrac Pty Ltd as it did not comply with the Form of Tender.

2. **ACCEPTS** the tender submitted from BT Equipment Pty Ltd trading as Tutt Bryant Equipment (Part of the Tutt Bryant Group), 50 Great Eastern Highway, South Guildford WA 6055 for Tender T15/16-77 – Supply of one (1) new landfill and earthworks compactor, in accordance with the tender documentation, for the Bomag BC772RB-2 Landfill Compactor, for the total price of $745,617.73 (excluding GST).

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
<table>
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<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-012/16 Heavy Vehicle Haulage Application – Accredited Mass Management Scheme</th>
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<tbody>
<tr>
<td>File No:</td>
<td>TFT/6</td>
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<tr>
<td>Risk Register No:</td>
<td></td>
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<tr>
<td>Proponent/s:</td>
<td>Fuel Distributors of Western Australia Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Qaisar Mehboob, Engineering Technical Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Scott Lambie, Coordinator Traffic Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 April 2016</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Advocacy</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Rockingham Beach Road, East Rockingham</td>
</tr>
<tr>
<td>Lot Area:</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td></td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Aerial View of Proposed Truck Route</td>
</tr>
<tr>
<td></td>
<td>2. Typical RAV 3 / RAV 4 vehicle configurations</td>
</tr>
</tbody>
</table>

**Figure 1 - Proposed Haulage Route**
Purpose of Report

For Council to consider support for an application from a heavy vehicle operator to run bulk haulage operations under the ‘Accredited Mass Management Scheme’ along Rockingham Beach Road from the City of Rockingham northern boundary to the CBH terminal.

Background

The City has received a request from a heavy haulage operator for support to run heavy haulage operations under the Accredited Mass Management Scheme (AMMS) Level 3.

The section of Rockingham Beach Road from the City of Rockingham boundary to CBH terminal (a total distance of 890 metres) which is already on the Restricted Access Vehicle (RAV) Network, caters for and is designed appropriately for standard heavy haulage operations.

Details

The proponent has proposed the use of RAV Network 3 and 4 Vehicles under Main Roads Accredited Mass Management Scheme (AMMS) Level 3 to transport fuel to the CBH grain terminal.

<table>
<thead>
<tr>
<th>Vehicle description and configuration</th>
<th>Max. Length</th>
<th>Max. Width</th>
<th>Max. Height</th>
<th>Permit Network</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Mover, semi trailer &amp; 5 axle dog trailer</td>
<td>27.5m</td>
<td>2.7m</td>
<td>VSR</td>
<td>RAV Network 3</td>
</tr>
<tr>
<td>Prime Mover, semi trailer &amp; 6 axle dog trailer</td>
<td>27.5m</td>
<td>2.7m</td>
<td>VSR</td>
<td>RAV Network 4</td>
</tr>
</tbody>
</table>

Figure 2 - Typical RAV 3 / RAV 4 vehicle configurations

Main Roads WA (MRWA), in association with the transport industry, has recognised there are efficiencies to be generated by the availability of increased axle (truck) group loadings, under the AMMS Scheme. The AMMS has been designed to reward operators who can demonstrate consistent loading controls and practices.

The fundamental principle is that loading controls within the vehicle, accurately determine individual axle group weights of vehicles, prior to entering the public road network and that the operator must maintain an auditable trail for compliance monitoring practices. The compliance checking is undertaken by Main Roads WA Heavy Vehicles section.

The accredited operator is Fuel Distributors of Western Australia Pty Ltd and the fuel supply contract is ongoing in nature. The anticipated number of trips to the CBH Terminal for fuel supply will be three in each direction over a period of two weeks. The City’s support of this AMMS application will assist the operator in terms of cost saving as a result of an overall reduction in the number of truck trips.

MRWA is ultimately the approval agency for all heavy haulage operations of this type, however they work under certain policies that ensures support from the Local Government (LG) is obtained for this scheme to operate on local government roads prior to approval being given.

To provide a continuous connection, the operator has already obtained support from the City of Kwinana, for a period of 12 months, for a section of Kwinana Beach Road which forms a part of proposed haulage route.

Implications to Consider

a. Consultation with the Community
   - Not Applicable

b. Consultation with Government Agencies
   - City officers have consulted with MRWA Heavy Vehicle Services and the City of Kwinana, who were generally supportive of the proposal.
c. Strategic

Community Plan

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

Aspiration C: Quality Leadership

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

d. Policy

Nil

e. Financial

Western Australia Local Government Association (WALGA) studies have shown that accelerated wear and tear of roads will occur when subjected to the higher axle loading permitted under the AMMS scheme. Therefore, maintenance cost of roads that are exposed to regular and higher proportions of AMMS approved vehicles are likely to increase over time.

f. Legal and Statutory

Road Traffic (Vehicles) Act 2012 Section 39(1) (Restriction on access of complying restricted access vehicles to certain roads) states that a person connected with a complying restricted access vehicle commits an offence if the vehicle is on the road without an access approval for the vehicle to be on the road.

Road Traffic (Vehicles) Act 2012 Section 40(1) (Access Approvals) states that the Commissioner of Main Roads may give an access approval for a complying restricted access vehicle to be on the road.

Local Government Act 1995 Section 9.46 (1) (Things may be alleged to be property of local government) states Land or anything else, that –

(a) belongs or belonged to a local government; or
(b) is or was vested in or under the control or management of a local government,

may be alleged to be or have been the property of the local government, as the case requires.

g. Risk

Nil

Comments

The portion of Rockingham Beach Road that will be used under the AMMS has been designed for heavy haulage vehicles and is already included within the Restricted Access Vehicle Networks as approved by MRWA. As the number of truck movements subject to the AMMS scheme will be infrequent at six movements (three loaded and three empty) in total every two weeks, approval of the application is unlikely to result in a long term negative impact on Rockingham Beach Road or the Rockingham community.

Voting Requirements

Simple Majority

Officer Recommendation

That Council SUPPORTS the application from Fuel Distributors of Western Australia Pty Ltd, Lot 3, Kwinana Beach Road WA 6167, to Main Roads WA, to run heavy vehicles under the Accredited Mass Management Scheme along the Rockingham Beach Road from the City of Rockingham boundary to the CBH terminal (890 metres), for a period of 12 months beginning 1 May 2016.
Committee Recommendation

Moved Cr Whitfield; seconded Cr Smith:

That Council *Supports* the application from Fuel Distributors of Western Australia Pty Ltd, Lot 3, Kwinana Beach Road WA 6167, to Main Roads WA, to run heavy vehicles under the Accredited Mass Management Scheme along the Rockingham Beach Road from the City of Rockingham boundary to the CBH terminal (890 metres), for a period of 12 months beginning 1 May 2016.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### Engineering and Parks Services

#### Engineering Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-013/16</th>
<th>Investigation of need for additional traffic signals on Warnbro Sound Avenue between Safety Bay Road and Palm Springs Boulevard</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>WAR9-07</td>
<td></td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Cr Leigh Liley</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Scott Lambie, Coordinator Traffic Services</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 April 2016</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Advocacy</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Warnbro Sound Avenue – SLK 0.0 to SLK 2.12</td>
<td></td>
</tr>
<tr>
<td>Lot Area:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
<td>1. Locality Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Typical three legged intersection (Kingsbridge Road)</td>
</tr>
</tbody>
</table>
Purpose of Report

For Council to consider the results of the investigation into the need for an additional set of traffic control signals along Warnbro Sound Avenue between Safety Bay Road and Palm Springs Boulevard in Warnbro.

Background

In November 2015, the following Notice of Motion by Cr Liley was supported by Council:

“That Council DIRECT the Chief Executive Officer to undertake an investigation to determine if there is a need for an additional set of traffic lights along Warnbro Sound Avenue between Safety Bay Road and Palm Springs Boulevard, Warnbro.”

Details

Warnbro Sound Avenue is a four lane carriageway classified as a District Distributor Road under the Main Roads Metropolitan Road Hierarchy and carries a traffic volume of around 31,000 vehicles per day (two way flow).

The road is designed to provide an efficient north / south arterial route through the southern coastal suburbs of Warnbro, Port Kennedy, Secret Harbour and Golden Bay. The land use on both sides of the road is generally residential with minimal direct property access onto the carriageway.

The section of Warnbro Sound Avenue investigated for additional traffic signals, stretches between Safety Bay Road and Palm Springs Boulevard. The identified section has a length of approximately 2.05 km and contains seven intersections, excluding the intersections at both ends. All of the midblock intersections are three legged T intersections.

Main Roads crash data notes that for the five years ending December 2014, there were 74 reported crashes within the identified section of road which, on average, is 1.85 crashes per intersection per year. Recent speed monitoring data was obtained in December 2015 with the following results:
After the examination of traffic volumes of the various side streets, it was determined that the intersection of Warnbro Sound Avenue and Kingsbridge Road was the most appropriate for a detailed intersection performance analysis due to it being one of the highest volume side streets and its central location in relation to the existing roundabout at Safety Bay Road to the north and the existing traffic signals at Palm Springs Boulevard to the south. Holcombe Road was found to have the highest daily traffic volume of all side roads in this section of Warnbro Sound Avenue, however its proximity (500 metres) to the existing set of traffic signals at Palm Springs Boulevard made this location impractical for traffic signals.

Independent traffic consultants were engaged to undertake a SIDRA analysis (Signalised and unsignalised Intersection Design Research Aid) of the intersection, using the latest traffic count data obtained by the City. A SIDRA analysis uses specialised computer software to model the performance of an intersection. The Analysis was undertaken on both the existing morning and afternoon peak hour periods which would represent the worst case scenario in performance throughout a typical day. A similar analysis was also undertaken to simulate the intersection performance should traffic signals be installed.

The SIDRA intersection analysis program was then utilised to assess the Levels of Service, peak hour operating efficiencies and vehicular queuing and delays at this location under each traffic control scenario.

The results of the SIDRA analysis provide outputs of four standard measures of operation performance, being Degree of Saturation (DoS), Average Delay, Queue Length, and Level of Service (LoS).

**Degree of Saturation** is a measure of how much physical capacity is being used with reference to the full capability of the particular movement, approach, or overall intersection. A DoS of 1.0 equates to full theoretical capacity although in some instances this level is exceeded in practice. SIDRA uses maximum acceptable DoS of 0.90 for signalised intersections for its Design Life analysis. Design engineers typically set a maximum DoS threshold of 0.95 for new intersection layouts or modifications.

**Average Delay** reports the average delay per vehicle in seconds experienced by all vehicles in a particular lane, approach, or for the intersection as a whole. For severely congested intersections the average delay begins to climb exponentially.

**Queue Length** measures the length of approach queues. In this document we have reported queue length in terms of the length of queue at the 95th percentile (the maximum queue length that will not be exceeded for 95 percent of the time). Queue lengths provide a useful indication of the impact of signals on network performance. It also enables the traffic engineer to consider the likely impact of queues blocking back and impacting on upstream intersections and accesses.

**Level of Service (LoS)** is a combined appreciation of queuing incidence and delay time incurred, producing an alphanumeric ranking of A through F. A LoS of A indicates an excellent level of service whereby drivers delay is at a minimum and they clear the intersection at each change of signals or soon after arrival with little if any queuing. Values of B through D are acceptable in normal traffic conditions. Whilst values of E and F are typically considered undesirable, within central business district areas with significant vehicular and pedestrian numbers, corresponding delays/queues are unavoidable and hence, are generally accepted by road users.

The results of the SIDRA analysis under the existing unsignalised and future potential signalisation are shown on the following tables:

<table>
<thead>
<tr>
<th>Traffic Lane and Direction</th>
<th>North Bound Left Lane</th>
<th>North Bound Right Lane</th>
<th>South Bound Right Lane</th>
<th>South Bound Left Lane</th>
</tr>
</thead>
<tbody>
<tr>
<td>85 Percentile Speed</td>
<td>72.4 km/h</td>
<td>75.6 km/h</td>
<td>74.2 km/h</td>
<td>71.3 km/h</td>
</tr>
<tr>
<td>December 2015</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### MOVEMENT SUMMARY

**Site: Wambro Sound Ave/Kingsbridge Rd - Existing A.M. Peak Hour**

**Existing A.M. Peak Hour**

Giveaway / Yield (Two-Way)

<table>
<thead>
<tr>
<th>Movement Performance - Vehicles</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>South: Wambro Sound Ave - South</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mov ID</td>
</tr>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Approach</td>
</tr>
<tr>
<td><strong>North: Wambro Sound Ave - North</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mov ID</td>
</tr>
<tr>
<td></td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Approach</td>
</tr>
<tr>
<td><strong>West: Kingsbridge Road - West</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mov ID</td>
</tr>
<tr>
<td></td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Approach</td>
</tr>
<tr>
<td><strong>All Vehicles</strong></td>
<td>2095</td>
</tr>
</tbody>
</table>

Table 1: Existing A.M. Peak Hour – Unsignalised

### MOVEMENT SUMMARY

**Site: Wambro Sound Ave/Kingsbridge Rd - Existing P.M. Peak Hour - Copy**

**Existing P.M. Peak Hour**

Giveaway / Yield (Two-Way)

<table>
<thead>
<tr>
<th>Movement Performance - Vehicles</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>South: Wambro Sound Ave - South</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mov ID</td>
</tr>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Approach</td>
</tr>
<tr>
<td><strong>North: Wambro Sound Ave - North</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mov ID</td>
</tr>
<tr>
<td></td>
<td>5</td>
</tr>
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<td></td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Approach</td>
</tr>
<tr>
<td><strong>West: Kingsbridge Road - West</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mov ID</td>
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<tr>
<td></td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Approach</td>
</tr>
<tr>
<td><strong>All Vehicles</strong></td>
<td>2412</td>
</tr>
</tbody>
</table>

Table 2: Existing P.M. Peak Hour – Unsignalised
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 MAY 2016

PRESIDING MEMBER

Main Roads WA is the approving regulatory body for the modification or installation of traffic signals within Western Australia. When new traffic signals are being considered, Main Roads have a set of stringent warrants that must be met before a detailed assessment of the new signal proposal will be undertaken. These warrants are as follows:

**Intersection Vehicle Volumes**

For intersections, the approach vehicle volumes shall be at least:

- 900 vehicles per hour on the major road (total both directions) and the minor road concurrently carrying at least 100 vehicles per hour on at least one approach, over any four hours of an average day, and
- 10,000 vehicles approaching (total for all approaches) between 7am and 7pm on the same day.

While the volume warrants for Warnbro Sound Avenue are achieved, the approach traffic volume on Kingsbridge Road only exceeds 100 vehicles per hour once (rather than the required four times) on an average week day.

**Crash History**

For existing intersections, an average of three or more casualty crashes per year over a recent five year period shall have been recorded and that traffic signal control would have been the most effective form of treatment to prevent these crashes from occurring.

A review of the existing crash history at this intersection indicates that a total of five crashes have occurred during the five year reporting period 2010-2014. Of these five crashes, only two were considered of a casualty crash severity.

### Implications to Consider

<table>
<thead>
<tr>
<th>a.</th>
<th>Consultation with the Community</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nil</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>b.</th>
<th>Consultation with Government Agencies</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Authorisation to install traffic signals lies with the Commissioner of Main Roads WA. As a result, the City would require in principal approval from Main Roads WA in order to begin the process of installing traffic signals at any particular intersection.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>c.</th>
<th>Strategic</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Community Plan</td>
</tr>
<tr>
<td></td>
<td>This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:</td>
</tr>
<tr>
<td></td>
<td><strong>Aspiration C:</strong> Quality Leadership</td>
</tr>
<tr>
<td></td>
<td><strong>Strategic Objective:</strong> Infrastructure – Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>d.</th>
<th>Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nil</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>e.</th>
<th>Financial</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>It would be expected that expenditure of approximately $400 000 would be required to appropriately reconstruct an intersection and install traffic signals within this section of Warnbro Sound Avenue. No funds are currently identified in the business plan for this project.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>f.</th>
<th>Legal and Statutory</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Road Traffic Act 1974 (Regulations) Section 111(2)(a)(iii) allows for the Governor of Western Australia to make regulations empowering Main Roads to erect traffic signs and traffic control devices.</td>
</tr>
<tr>
<td></td>
<td>Main Roads Act 1930 section 16(1b) and (1c) The Commissioner is deemed to always having the authorization to operate traffic signs and traffic control signals and similar devices.</td>
</tr>
<tr>
<td></td>
<td>Local Government Act 1995 Section 9.46(1) provides that roads vested under the control and management of a local government are to be considered property of the local government.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>g.</th>
<th>Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nil</td>
</tr>
</tbody>
</table>
Comments

The results of the SIDRA assessment indicate that the existing unsignalised intersection is operating efficiently, with minimal vehicular queuing or delays on all approaches, including the Kingsbridge Road outbound approach. Under future signalisation, the LoS on the priority north-south movement along Warnbro Sound Avenue would deteriorate to a lower LoS C with 95th percentile queuing within the through movement extending to in excess of 80 metres during the p.m. peak hour. No operational benefits would result from signalisation under the current demand scenario and could lead to higher volumes of traffic using lower order north-south routes to avoid the traffic signals.

Analysis against the Main Roads warrants for traffic signals show that the warrants for traffic volume on the minor road and intersection crash history requirements are not being achieved. The meeting of these warrants is required to obtain first level consideration for a traffic signal proposal.

As a result, Main Roads WA, as the approving authority, would be highly unlikely to even consider an application from the City for traffic signals along Warnbro Sound Avenue, between Safety Bay Road and Palm Springs Boulevard.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ACCEPTS the finding of the investigation into the need for an additional set of traffic lights along Warnbro Sound Avenue between Safety Bay Road and Palm Springs Boulevard, Warnbro, noting that there is no operational benefit from signalisation under the current traffic demand.

Committee Recommendation

Moved Cr Liley; seconded Cr Whitfield;

That the Chief Executive Officer UNDERTAKES a further investigation into ways to improve road safety, reduce speeding and improve ingress/egress along Warnbro Sound Avenue between Safety Bay Road and Palm Springs Boulevard.

Committee Voting – 5/0

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

The Committee acknowledged the report undertaken and noted that the intersection of Kingsbridge Road and Warnbro Sound Avenue was subject to traffic management by school wardens five days a week during the peak periods of the day, and requested data for another of the intersections to compare whether the data obtained at Kingsbridge Road was indeed indicative of normal traffic movements along the 2.05km section of Warnbro Sound Avenue.

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></td>
<td>Addendum Agenda</td>
</tr>
<tr>
<td></td>
<td>Nil</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></td>
<td>Notices of Motion for Consideration at the Following Meeting</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<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></td>
<td>Matters Behind Closed Doors</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Date and Time of Next Meeting</td>
</tr>
<tr>
<td></td>
<td>The next Planning and Engineering Services Committee Meeting will be held on <strong>Monday 16 May 2016</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</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 and Engineering Services Committee meeting, and declared the meeting closed at <strong>5:15pm</strong>.</td>
</tr>
</tbody>
</table>