MINUTES
Planning and Engineering Services Committee Meeting
Held on Monday 16 February 2015 at 4:00pm
City of Rockingham Boardroom
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### City of Rockingham
### Planning and Engineering Services Committee Meeting Minutes
### Monday 16 February 2015 - Council Boardroom

#### 1. Declaration of Opening

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

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

**2.1 Councillors**
- Cr Richard Smith (Deputy Mayor) Chairperson
- Cr Chris Elliott
- Cr Deb Hamblin
- Cr Allan Hill OAM JP
- Cr Matthew Whitfield (Deputy for Cr Pease)
- Cr Justin Smith (Observer)
- Cr Joy Stewart (Observer)

**2.2 Executive**
- Mr Bob Jeans Director Planning and Development Services
- Mr Chris Thompson Director Engineering and Parks Services
- Mr Peter Ricci Project Manager Keralup
- Mr Brett Ashby Manager Strategic Planning and Environment
- Mr Richard Rodgers Manager Building Services (until 5.02pm)
- Mr Mike Ross Manager Statutory Planning
- Mr Rod Fielding Manager Health Services (until 4.45pm)
- Mr Ian Daniels Manager Engineering Services
- Mr Allan Moles Manager Integrated Waste Services
- Ms Erika Barton Projects Officer (until 5.02pm)
- Ms Melinda Wellburn PA to Director Planning and Development Services

**2.3 Members of the Gallery:**
- 16

**2.4 Apologies:**
- Cr Ron Pease JP

**2.5 Approved Leave of Absence:**
- Nil

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

Nil
4. **Public Question Time**

4.01pm The Chairperson invited members of the Public Gallery to ask questions.

4.1 Mr Terry Sanfead, 5 Olive Hill Close, Karnup - PDS-014/15 - Development Assessment Panel Application - Educational Establishment - Lot 11, 700 and 701 Mandurah Road, Karnup

The Chairperson invited Mr Sanfead to present his questions to the Planning and Engineering Services Committee. Mr Sanfead asked the following questions:

1. The Rowe proposal is only for Lot 700 and Lot 11 and claimed the size is approximately 10.43ha in total. PDS-014/15 states Lot 701 is included with Lot 700 and Lot 11 and is 15.2ha in total which is correct?

*Ms Erika Barton confirmed that there is three lots involved in the proposal, all totalling 15.2ha in area.*

2. Is Lot 701 zoned Special Rural under TPS2?

*Ms Erika Barton confirmed that Lot 701 is zoned Special Rural.*

3. Is Lot 701 a conforming use under TPS2?

*Ms Erika Barton confirmed that Lot 701 is a conforming use.*

4. Is an Educational Establishment an X prohibited use on a lot zoned Special Rural under TPS2?

*Ms Erika Barton confirmed that an Educational Establishment is an X use in a Special Rural zone.*

5. If Lot 701 is a Special Rural lot with a conforming use that does not qualify for clause 7.3 change of a non-conforming use and an Educational Establishment is a prohibited use in a Special Rural zoning then is it the responsibility of Rockingham Town Planning to advise the Rockingham Town Council and the South-West Joint Development Assessment Panel (SWJDAP) that they must not grant planning approval for Lot 701 because it is a prohibited (X) use on Lot 701 and will they do this?

*The Chairperson advised that the question will be taken on notice.*

6. The size of the development that does not contain preserved bushland and slopes of a degree less than 1 in 20 has not been established and the requirement for an Educational Establishment of this type requires 10 to 12ha and land that has slopes of more than 1 in 20 or preserved bushland must be in addition to the 10 to 12ha Liveable Neighbourhoods Element 8 R10 how can the Planning Department or the Rockingham Town Council and the SWJDAP make a decision not knowing the actual accountable size of the development?

*The Chairperson advised that the question will be taken on notice.*

7. The School has suggested it can cart drinking water to the site because of the contamination that will occur through the sewerage system, does this mean that the neighbouring properties will also have to find or cart alternative sources of potable water?

*The Chairperson advised that the question will be taken on notice.*

8. Will a satisfactory fire protection plan have any impact on neighbouring properties?

*The Chairperson advised that the question will be taken on notice.*
9. Will a satisfactory fire protection plan retain any natural bushland on the site and if yes how much?

*The Chairperson advised that the question will be taken on notice.*

10. The report impact on Amenity Page 157 heading Amenity dot point 1
   - Visual impact - The proposed development on Lot 700 is not considered to have a visual impact, as the development will occupy existing buildings on the site.

   This is not entirely accurate there will be a number of paths, roads, hard paved car parks and the new Early Childhood building and play area all additional to what is currently on Lot 700. This will have a visual impact on the site will this be corrected in the document prepared for the Rockingham Council and the SWJDAP?

*The Chairperson advised that the question will be taken on notice.*

11. In January 2015 I asked Town Planning to see all the documentation that the Council had received from the applicant in regard to this application and was told that everything was on the website, but there is reference to a letter from the Minister for Education (Hon Peter Collier MLC) with such correspondence (dated 26 November 2014) supplied to the City of Rockingham as part of the Development Application Page 134. Will a copy of this correspondence be made available and is there any other documentation that has not been supplied to interested parties?

*The Chairperson advised that the question will be taken on notice.*

4.2 Mr Arno Staub, 2 Muros Close, Warnbro - Owner of Lot 159 Minden Lane, Baldivis - PDS-013/15 - Joint Development Assessment Panel Application - Mixed Use Development (Showroom, Gymnasium and Office)

The Chairperson invited Mr Staub to present his questions to the Planning and Engineering Services Committee. Mr Staub explained his concerns with the City’s application of the Australian Standards for carparking for the proposed development explaining that Class 2 should be applied instead of Class 3 in the City’s assessment, to allow for smaller carparking bays. Mr Arno questioned why the City declined his offer to provide a revised carparking plan?

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

4.3 Mrs Bethel Lalich, 1667 Mandurah Road, Baldivis - PDS-011/15 - Proposed Child Care Premises

The Chairperson invited Mrs Lalich to present her questions to the Planning and Engineering Services Committee. Mrs Lalich explained her objection to the proposed Child Care Centre on Lot 603 Mandurah Road on the basis that City Policies should be reviewed if the Council wants to approve the proposal. Mrs Lalich explained her concerns regarding bush fire risk being a constant threat and restricted emergency exit and the land being identified as Bush Fire Prone in Scheme Amendment No.144 initiated by Council. Mrs Lalich was also concerned about the impact of clearing mature trees for the development and asked the Committee to refuse the application.

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

4.24pm There being no further questions the Chairperson closed Public Question Time.
5. Confirmation of Minutes of the Previous Meeting

Moved Cr Hill, seconded Cr Hamblin:

That Committee CONFIRM the Minutes of the Planning and Engineering Services Committee Meeting held on 19 January 2015, as a true and accurate record.

Committee Voting – 5/0

6. Matters Arising from the Previous Minutes

Nil

7. Announcement by the Presiding Person without Discussion

4.25pm 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

4.25pm The Chairperson asked if there were any interests to declare.

There were none.

9. Petitions/Deputations/Presentations/Submissions

Nil

10. Matters for which the Meeting may be Closed

Nil

11. Bulletin Items

Planning and Development Services Information Bulletin – February 2015

Health Services

1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial and Commercial Waste Monitoring
   3.3 Community Health and Wellbeing Plan
   3.4 Health Promotion
   3.5 Mosquito Control Program
   3.6 Ocean Water and Storm Water Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls
   4.3 Food Premises Inspections
   4.4 Public Building Inspections
   4.5 Outdoor Public Event Approvals
   4.6 After Hours Noise and Smoke Nuisance Complaint Service
   4.7 Complaint - Information
   4.8 Noise Complaints - Detailed Information
   4.9 Building Plan Assessments
   4.10 Septic Tank Applications
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### Building Services

1. Building Services Team Overview
2. Human Resource update
3. Project Status Reports
4. Information Items
   4.1 Monthly Building Permit Approvals - (All Building Types)
   4.2 Private Swimming Pool and Spa Inspection Program
   4.3 Continued Service System – Where a Certificate of Design Compliance & Building Permit are Produced Individually
   4.4 Demolition Permit
   4.5 Permanent Sign Licence
   4.6 Community Sign Approval
   4.7 Temporary Sign Licence
   4.8 Street Verandah Approval
   4.9 Occupancy Permits
   4.10 Strata Titles
   4.11 Unauthorised Building Works (Section 51 of the Building Act)
   4.12 Monthly Caravan Park Site Approvals
   4.13 R Code Variations

### Strategic Planning and Environment

1. Strategic Planning and Environment Team Overview
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)
4. Information Items
   4.1 Delegated Final Adoption of Structure Plan
   4.2 Reconsideration of MRS Amendment 1261/27 - Notice of Lifting of Urban Deferment - Lots 459-461, Pt Lots 462 and 463 Baldivis Road and Portion of Pug Road, Baldivis

### Statutory Planning

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

Planning and Development Directorate

1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08)
   3.2 Northern Smart Village Sector – Masterplan, Development Policy Plan and Scheme Amendment
   3.3 Campus Sector – Masterplan, Development Policy Plan and Scheme Amendment
   3.4 Eastern Sector - Masterplan, Development Policy Plan and Scheme Amendment
   3.5 Southern Gateway Sector – Masterplanning, Development Policy Plan and TPS (LUP/1846 & LUP/1847)
   3.6 Rockingham Station Sector – Masterplanning and Development Policy Plan (LUP/1848)
   3.7 Mangles Bay Marina
   3.8 Rockingham Beach Foreshore Master Plan

Advisory Committee Minutes

Committee Recommendation

Moved Cr Hamblin, seconded Cr Whitfield:
That Councillors acknowledge having read the Planning Services Information Bulletin – February 2015 and the content be accepted.

Committee Voting – 5/0

Engineering and Parks Services Information Bulletin – February 2015

Engineering Services

1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Delegated Authority for approval of Directional Signage
   4.2 Delegated Authority for Thoroughfare Closures
   4.3 Engineering Services Design Projects 2014/2015
   4.4 Delegated Authority for approval of Engineering Drawings - Subdivisions
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**Engineering Operations**

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

**Parks Development**

1. Parks Development Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Golden Bay Shared Use Oval
   3.2 Reef Place Reserve Development
   3.3 Vegetation Prioritisation Review
   3.4 Tamworth Hill Swamp, Revegetation
   3.5 City Parks - Central Irrigation Management System
   3.6 Safety Bay Foreshore Infrastructure - Lumia Apartments Public Open Space Cash in Lieu upgrades
   3.7 Richmond Avenue Drainage Reserve Upgrade
4. Information Items
   4.1 Groundwater Monitoring
   4.2 Kulija Road Environmental Offsets
   4.3 Climate Change Mitigation
   4.4 Lake Richmond Heritage Listing
   4.5 Dixon Road Conservation Reserve AAG Funding
   4.6 Urban Water Management Referrals
   4.7 Structure Plan Approval Referrals
   4.8 Subdivision Approval Referrals
   4.9 Development Application Referrals
   4.10 Delegated Subdivision Public Open Space Practical Completion
   4.11 Delegated Subdivision Public Open Space Handovers
   4.12 Delegated Public Open Space Approvals
   4.13 Memorial Seat Approvals

**Parks Operations**

1. Parks Operation Team Overview
2. Human Resource Update

3. Project Status Reports
   3.1 Beach Lookout Replacement - Secret Harbour Foreshore
   3.2 Replace Footpath, Lookout Pad and Fencing to Lookout at Singleton Beach Foreshore
   3.3 Limestone Access Footpath Upgrades – Warnbro Foreshore - Cote D’Azur Gardens, Dieppe Lane and Bayeux Avenue.
   3.4 Replace Foreshore Conservation Fencing - Rockingham
   3.5 Replace Foreshore Conservation Fencing - Shoalwater
   3.6 Replace Foreshore Conservation Fencing – Safety Bay
   3.7 Install and Upgrade Conservation Fencing – Alf Powell Reserve (Greening Plan)
   3.8 Secret Harbour Boulevard to Secret Harbour Foreshore – Limestone Emergency Vehicle Access Road
   3.9 Kennedy Bay – Firebreak / Limestone Emergency Vehicle Access Road (Ocean Point Close – Long Beach Rise)
   3.10 Singleton Foreshore Disability Access Footpath
   3.11 Alf Powell Reserve – Install Formal Limestone Access Paths (Greening Plan)
   3.12 Baldivis Nature Reserve – Install Formal Limestone Access Paths (Greening Plan)
   3.13 Play Equipment Replacements
   3.14 Practice Cricket Net Upgrades – Shoalwater and Achiever Ovals
   3.15 Warnbro Foreshore – Lower Turf to Foreshore Footpath along Warnbro Beach Road

4. Information Items
   4.1 Parks Maintenance Program 2014/2015

**Asset Management**
1. Asset Management Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Underpass and bridge inspections and revaluation
   3.2 Drainage data collection
4. Information Items
   4.1 Asset Management Improvement Strategy
   4.2 Asset Systems Management

**Building Maintenance**
1. Building Maintenance Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Waikiki Foreshore - Replacement LED Lighting
   3.2 Anniversary Park - Upgrade of Poles, Luminaires and Switch Gear
   3.3 Autumn Centre/Warnbro Library - HVAC replacements
   3.4 Sepia Court Childcare - Replace Asbestos Fence
   3.5 City of Rockingham Depot – Air Conditioning Installation
   3.6 Aqua Jetty – Replacement of Perimeter Fencing
4. Information Items
   4.1 Building Maintenance
   4.2 Graffiti Removal
   4.3 Lighting Inspections

**Procurement and Capital Projects**
1. Procurement and Capital Projects Team Overview
2. Human Resource Update

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

4. Information Items
   4.1 Delegated Written Notification of Successful Tenders
   4.2 Delegated Approval of Tenders by CEO
   4.3 Delegated Release of Retention/Bank Guarantees
   4.4 Shoalwater North Underground Power Project
   4.5 2014/2015 Public Area Lighting and Arterial Lighting
   4.6 Lark Hill Wind Turbine
   4.7 Bent Street Boat Launching Facility – Navigation Channel
   4.8 Secret Harbour Surf Life Saving Club - Renovation
   4.9 Val Street Jetty Design
   4.10 Settlers Hill Toilet Installation (Grice Reserve)
   4.11 Mike Barnett Sporting Complex Roof Replacement
   4.12 Administration Building Upgrade of BMS
   4.13 City Centre Infrastructure Works Car Park Design and Construction
   4.14 Lark Hill Sub Metering
   4.15 Administration Building Solar System
   4.16 Aqua Jetty Roof Replacement
   4.17 Aqua Jetty Condensation Issue
   4.18 Baldivis Reserve Toilet Replacement
   4.19 Lions Park Upgrade
   4.20 Coastal Adaptation and Protection Grant
   4.21 Rockingham Day Care Fire Panel Replacement
   4.22 Lotteries House Replacement of Elevator
   4.23 Administration Building Replacement of Elevator
   4.24 Aqua Jetty Swimming Club Office
   4.25 Eighty Road Reserve Club Facility
   4.26 Laurie Stanford Reserve Development
   4.27 Rhonda Scarrott Reserve Development
   4.28 Recreational Boating Facilities Scheme Round 20 Grants
   4.29 Light Pole and Luminaire Period Tender
   4.30 Safety Bay Tennis Club
   4.31 Lifelinks – South Coast Women’s Health Building
   4.32 South Coast Aboriginal Women’s Health
   4.33 Baldivis Recreation Centre

Waste Services
1. Waste Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Kerbside collection
   4.2 Bulk verge collection
   4.3 Waste Diversion Percentage
**Millar Road Landfill and Recycling Facility**

1. Millar Road Landfill and Recycling Facility’s Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Landfill access road off Kulija Road
   3.2 Cell construction – Cell 16
   3.3 New leachate dams
4. Information Items
   4.1 Tip Passes
   4.2 Landfill Statistics

**Advisory Committee Minutes**

**Committee Recommendation**

Moved Cr Hamblin, seconded Cr Whitfield:

That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – February 2015 and the content be accepted.

Committee Voting – 5/0

4.45pm - Mr Rod Fielding, Manager Health Services departed the Planning and Engineering Services Committee meeting.
### 12. Agenda Items

#### Planning and Development Services

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<th>PDS-009/15 Proposed Major Modification to Structure Plan - 'The Rivergums' (Adoption)</th>
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<tr>
<td>File No:</td>
<td>LUP/411</td>
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<tr>
<td>Risk Register No:</td>
<td>402, 403 and 404</td>
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<tr>
<td>Applicant:</td>
<td>Cedar Woods Properties Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Cedar Woods Properties Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Tristan Fernandes, Senior Strategic Planning Officer</td>
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</tbody>
</table>
| Other Contributors:    | Mr Jeff Bradbury, Coordinator Strategic Planning  
|                        | Mr Brett Ashby, Manager Strategic Planning and Environment                         |
| Date of Committee Meeting: | August 2011 (SP-044-11); March 2010 (PD39/3/10); April 2009 (PD46/4/09) |
| Previously before Council: | August 2011 (SP-044-11); March 2010 (PD39/3/10); April 2009 (PD46/4/09) |
| Disclosure of Interest: | Legislative                                                                      |
| Nature of Council’s Role in this Matter: | Legislative                                                                      |
| Site:                  | Lots 8, 801, 803 and 9020 Baldivis Road, Baldivis                                 |
| Lot Area:              | 75.47ha                                                                           |
| LA Zoning:             | Development                                                                       |
| MRS Zoning:            | Urban                                                                             |
| Attachments:           | Schedule of Submissions                                                           |
| Maps/Diagrams:         | 1. Location Plan                                                                 |
|                        | 2. Existing Rivergums (East) Structure Plan (adopted in February 2012)            |
|                        | 3. Advertised Modification to Structure Plan                                       |
|                        | 4. Advertised Residential Code Plan                                                |
|                        | 5. Location of Advertising                                                        |
Purpose of Report

To consider a proposed major modification to a Structure Plan over Lots 8, 801, 803 and 9020 Baldi Road Baldi, 'The Rivergums (East)' following the completion of public advertising.

Background

In August 2002, a Comprehensive Development Plan was adopted under Town Planning Scheme No.1 for the 'The Rivergums' Estate, providing for a contained residential cell between Baldi Road, Safety Bay Road and the Kwinana Freeway reservation.

In March 2005, the Council adopted 'The Rivergums (South)' Structure Plan over Lots 4, 8 and 50 Baldi Road extending the boundary of 'The Rivergums' estate south of the original Comprehensive Development Plan. The Structure Plan contained a 5,000m² Commercial site, for a Local Centre, provided in accordance with the City's Local Commercial Strategy.

In October 2008, additional land north and east of the original area for 'The Rivergums' Estate was rezoned from 'Rural' to 'Urban' under the Metropolitan Region Scheme and 'Development' under Town Planning Scheme No.2 to enable the urban footprint to expand such that development would extend to abut both Safety Bay Road and the Kwinana Freeway.
In April 2009, the Council considered an application seeking approval for a Structure Plan over the subject landholding, incorporating the following elements:

- 487 'R20' single residential lots;
- 47 'R30' single residential lots;
- 1 'R40' Grouped Housing Site (accommodating a maximum of 22 dwellings);
- 13.3ha of Public Open Space (POS) incorporated into four separate sites ranging in area from 0.41ha - 7.49ha; and
- A 14ha joint Primary School and High School site.

Note: The landowner and the Department of Education negotiated to co-locate the High School and Primary School onto a 14ha site located central within the subject area. This was a departure from the Baldivis (South) District Structure Plan at the time, which envisaged the High School being located adjacent to Safety Bay Road. In doing so, the Primary School was relocated to enable the sharing of facilities with the High School. This resulted in the proposed development of Lot 8 (where the Primary School is currently approved to be located) for residential purposes.

In March 2010, the Council adopted 'The Rivergums (East)' Structure Plan subject to modifications and further changes to the Local Water Management Strategy.

In February 2012, the Council (under delegated authority), adopted a minor change to 'The Rivergums' Structure Plan to introduce Stillwater Drive as a second connection to Baldivis Road to access the school precinct.

<table>
<thead>
<tr>
<th>Details</th>
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<tr>
<td><strong>Description of the Proposal (As Advertised)</strong></td>
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</table>
| - The ultimate creation of approximately 800 residential lots ranging in size from 350m² to 225m² (residential coding from R25 to R40);
- Rezoning the Local Centre site on Claret Ash Boulevard from 'Commercial' to 'Residential R40';
- Introducing criteria to guide the assessment of future applications seeking changes to residential density. Applications which comply with the following criteria will be dealt with as minor modifications to ‘The Rivergums’ Structure Plan:
  (i) R30, R40 and R60 density code is permitted upon application generally within the 800m walkable catchment of the Baldivis District Town Centre (shown as Precinct 1 on the Residential Code Plan - see Figure 4); and
  (ii) R30 or R40 density elsewhere within the Structure Plan area (shown as Precinct 2 on the Residential Code Plan shown in Figure 4), subject to compliance with the following locational criteria:
    (a) Where applicable lots do not adjoin existing residential development built outside the Structure Plan area;
    (b) Where lots are immediately adjacent or abutting Public Open Space;
    (c) Where lots are located on street corners or at the end of street blocks;
    (d) Where lots are serviced by a rear access laneway; and
    (e) Where lots are immediately adjacent to the school site.
- Changing the base density code for new residential subdivision from R20 to R25; and
- Introducing minor changes to the road network in the yet to be constructed section of the Estate.

The existing 'Rivergums (East)' Structure Plan advertised, Structure Plan modification and Residential Code Plan are provided in Figures 2, 3 and 4.
2. Existing 'Rivergums (East)' Structure Plan (adopted in February 2012)
The Rivergums Structure Plan

3. Advertised Modification to Structure Plan
4. Advertised Residential Code Plan
Implications to Consider

a. Consultation with the Community

Advertising Methodology

The proposed modification to Structure Plan was advertised for a period of 29 days, commencing on 27 October 2014 and concluding on the 24 November 2014. Public advertising was carried out in the following manner:

- Nearby owners and occupiers (1349 referrals as shown within the red border on Figure 5), servicing agencies and the Baldivis Residents Association were notified of the proposal in writing and invited to comment;
- The Proponent erected four (4) signs on site on Stillwater Drive, Crinia Drive and Claret Ash Boulevard advertising the Proposed Structure Plan;
- A notice was placed in the Weekend Courier for two weeks over the course of the advertising period, appearing in the newspaper on the 24 October 2014 and 31 October 2014; and
- Copies of the modified Structure Plan and relevant documents were made available for inspection at the City’s Administrative Offices and placed on the City’s website.

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

5. Location of Advertising

Public Submissions: Following the close of the advertising period, the City had received twenty four (24) submissions from nearby landowners.
A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment No.1 to this Report). The content of the issues raised in the submissions are summarised and addressed as follows:

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<tr>
<th>Amenity</th>
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<tr>
<td><strong>Submission:</strong></td>
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<tr>
<td>(i) Property values will be impacted by residential development from the Structure Plan area.</td>
</tr>
<tr>
<td><strong>Proponent's Response:</strong></td>
</tr>
<tr>
<td>This objection is speculative and cannot be quantified. The Rivergums is a quality Cedar Woods master planned community and there is no evidence of diminishing land values. To the contrary, a review of sales prices shows steady increases over the past years.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>The potential impact to property values is not a valid planning consideration in the City's assessment of a proposed modification to Structure Plan.</td>
</tr>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(ii) The increase in density will result in a lack of street trees as it is contended the verge will have insufficient space to provide them.</td>
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<tr>
<td><strong>Proponent's Response:</strong></td>
</tr>
<tr>
<td>Cedar Woods will continue to plant street trees in accordance with the City's requirements. It is Cedar Woods' current practice to require the planting of one street tree per lot. This is required as part of the landscape packages, funded by Cedar Woods through an incentive scheme for lot purchasers. Consequently, an increase in lot density will have a direct result of increasing the number of street trees planted throughout the estate.</td>
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<tr>
<td><strong>City's Comment:</strong></td>
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<tr>
<td>The provision of street trees within the road reserve can be further considered within an Application for Subdivision Approval. The City assesses road reserve widths to ensure they have sufficient to accommodate the provision of street trees at subdivision stage.</td>
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<tr>
<td><strong>Submission:</strong></td>
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<tr>
<td>(iii) Dwelling density proposed will encourage anti-social behaviour with the provision of social housing and rental properties.</td>
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<tr>
<td><strong>Proponent's Response:</strong></td>
</tr>
<tr>
<td>Cedar Woods is not aware of any relationship between the proposed increase in residential density and likely future behaviour of housing occupants. No social housing is proposed.</td>
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<td><strong>City's Comment:</strong></td>
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<tr>
<td>There is no basis to assert that the introduction of residential development over the subject land will generate or contribute to anti-social behaviour. The Structure Plan has been assessed to ensure that adequate surveillance is provided to all public areas, including streets, parks, and paths to discourage anti-social behaviour in accordance with the WAPC’s <em>Designing Out Crime: Planning Guidelines</em> (2006). The Guidelines outline urban design standards for crime prevention through environmental design (CPTED) to reduce the potential for crime. In this regard, the document encourages passive surveillance into the public realm provided from habitable spaces within dwellings.</td>
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<tr>
<td><strong>Submission:</strong></td>
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<tr>
<td>(iv) Introduction of further dwellings will impact the ‘semi-rural’ feel to the estate.</td>
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<tr>
<td><strong>Proponent's Response:</strong></td>
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<td>--------------------------</td>
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<tr>
<td>The Rivergums is urban residential area. It is not 'semi - rural'. Nevertheless, Cedar Woods will continue to apply its high standard to the urban landscaping, including the provision of quality parkland, in keeping with the existing local urban character of the estate.</td>
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<th><strong>City's Comment:</strong></th>
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<td>The subject landholding is zoned for urban purposes and as such the Proposed Structure Plan provides for land uses consistent with the zone classification of the land. The balance of land corridor generally bounded, Safety Bay Road, Baldivis Road the Kwinana Freeway and Furioso Green is zoned 'Urban' under the Metropolitan Region Scheme and is intended for future urban development. As such, it is intended that the existing undeveloped nature of the land in this location will progressively change to an urban context in the future.</td>
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<th><strong>Submission:</strong></th>
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<tr>
<td>(v) No update to the acoustic consultant report from the original approved Structure Plan. Properties are impacted by noise generated from the Kwinana Freeway.</td>
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<th><strong>Proponent’s Response:</strong></th>
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| The proposed LSP modifications do not give rise to the need to amend the Noise Impact Assessment (December 2011). The noise source is the Kwinana Freeway, where noise impact is largely ameliorated by the provision of a noise wall and various 'quiet' house design initiatives on affected sites, either 'Package A' or 'Package B' treatments as recommended in the Assessment.  

For areas still to be subdivided, south of the school site, affected sites are generally confined to those lots directly abutting the freeway. Any change to the final lot yield does not alter the requirement for all lots abutting the freeway alignment to incorporate the required noise amelioration treatments. |

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<th><strong>City's Comment:</strong></th>
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| Further to the Main Roads WA submission provided in response to the proposed modification to Structure Plan, the Noise Impact Assessment prepared and assessed for 'The Rivergums' (East) Structure Plan requires a review to account for the access point to the Principal Shared Path. Please see the Main Roads WA submission response for further details.  

A condition of subdivision approval will be required to ensure appropriate dwelling construction standards are implemented to mitigate against any noise impact to residential properties from the Kwinana Freeway. |

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<th><strong>Submission:</strong></th>
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<tr>
<td>(vi) There is poor internet service within the estate.</td>
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<th><strong>Proponent’s Response:</strong></th>
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<tr>
<td>The provision of internet services to The Rivergums estate is of no consequence to the proposed LSP modifications. There is a private internet wholesale service provider at The Rivergums, LBN Co / Service Elements. Concerns relating to the quality of services is better directed to this service provider.</td>
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<th><strong>City's Comment:</strong></th>
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<tbody>
<tr>
<td>This matter is not a valid planning consideration in the City's assessment of a Proposed Structure Plan.</td>
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</table>
**Commercial Centre**

**Submission:**

(i) The commercial site is important to provide a site that can encourage local business.

(ii) Local services are sought by residents such as a medical centre, hairdresser and other convenience services at the commercial centre site.

(iii) The commercial centre site enables residents to walk to local shops rather than being required to go to Baldivis Town Centre.

**Proponent’s Response:**

The proposed deletion of the Local Centre designation is seen more as an acknowledgement by Cedar Woods that the site is not suitable for the development of a local shopping centre, based on the market and economic advice provided in the revised LSP report. Reference should be made to the evidence already submitted. For this reason, the introduction of residential subdivision and development on this site is a direct consequence of its unsuitability for commercial development rather than reflecting a change in Cedar Woods’ landuse preferences.

The unsuitability of the site for a Local Centre is based on the following:

a) the historic nature of the Local Centre designation being inconsistent with current economic considerations and market preferences, as highlighted in the MMJ and Urbis advice;

b) the genuine attempts by Cedar Woods to advance the development of the Local Centre but failure to secure an anchor supermarket tenant necessary to make the centre economically successful;

c) independent third party determination by potential anchor tenants which dismisses the site as being unviable for commercial investment, compared to alternative site options in the south Baldivis locality;

d) the poor location of the site, being: disconnected/not co-located with other trip generators such as schools; disconnected from through traffic / passing trade; and having a constrained catchment, severed by the Kwinana Freeway; and

e) the further development / expansion of the Baldivis Town Centre and the preference of other Local Centre sites in South Baldivis, without the same locational disadvantages, such as Tuart Ridge.

Cedar Woods is of the view that removing the Local Centre designation is in the public interest. The site is currently fenced and vacant and fails to contribute to the local urban context and vibrancy of 'The Rivergums' estate. It will continue to remain in this state while the speculative nature of the Local Centre designation remains. Given the marginal nature of the proposal, any such Local Centre would run a high risk of becoming little more than a wasteland in the longer term, particularly when other commercial development was to take place in the south Baldivis locality, further undermining its economic sustainability.

Cedar Woods is aware, through door-knocking in the local area during the LSP advertising, that some adjoining residents prefer that the Local Centre does not proceed, acknowledging that the associated provision of servicing areas, access by commercial vehicles in the early/late hours, and late / deregulated trading hours would significantly detract from their current level of residential amenity.

The objections that have been presented appear remote to the fact that, based on the market and viability evidence presented, a Local Centre is unlikely to proceed, even if the designation remained. The objections also refer to indirect consequences. As the Local Centre does not exist, there will be no impact on resident's current shopping patterns and behaviour. Deletion of the Local Centre designation will simply maintain the status quo.
City's Comment:
The City has assessed the modification to the Structure Plan to remove the Commercial site in accordance with its Local Commercial Strategy.

The Local Commercial Strategy defines 'The Rivergums' commercial site as a 'Local Centre' which is intended to provide convenience shops or a small strip of shops serving a walkable catchment. Full size supermarkets are generally not appropriate for such local centres.

The development of Local Centres is encouraged within the Local Commercial Strategy to compliment the retail and services needs of residents provided within larger neighbourhood centres and the Baldivis Town Centre. The provision of these centres is, however, not considered essential to the hierarchy of centres that serve the overall Baldivis community.

The Local Commercial Strategy does note that the feasibility of local centres is very difficult to achieve, and any development without a major anchor (such as a supermarket) should be viewed favourably upon application.

The assessment for the proposed removal of a Local Centre is guided by the following criteria set out in Part 2.2.4 the Local Commercial Strategy. The Policy states that "if, after a period of time satisfactory to the City, it can be shown that a Local Centre is not commercially viable and the deletion of the Centre will not significantly compromise access to commercial facilities in the locality, the City may permit the site to be developed for a non-commercial use."

The City has considered the proposal to remove the Local Centre against the criteria outlined above.

Commercial Viability

In support of the request to rezone the commercial site, the Proponent has provided a commercial report prepared by a retail planning consultant and advice from real estate agents appointed to sell the subject land.

The Retail Consultant Report provided a market analysis to determine if the site's attributes would encourage the development of a successful Local Centre. The advice outlines that the site's location and the size of its surrounding population catchment provides significant challenges to sustain a commercially viable Local Centre.

The City has considered the length of time the site has remained vacant and assessed the findings of the Retail Consultant Report. In this regard, the City has determined that in this particular instance sufficient time has lapsed for the consideration of alternative uses for the site.

In light of the above, the City supports the findings of the reports presented by the Proponent.

Access to Commercial Facilities

The Local Commercial Strategy states local centres are not essential to service the day to day needs of residents, but such centres, if built, would positively compliment the overall hierarchy of centres in Baldivis.

Due to the proximity of the proposed Tuart Ridge Neighbourhood Centre site (Planning Approval granted in July 2014) and the Baldivis Town Centre (undergoing a significant expansion), it is not considered that the deletion of 'The Rivergums' local centre site will significantly compromise residents' access to services.

In light of the above, the Proponent has satisfactorily demonstrated that a stand-alone Local Centre is not commercially viable and its removal will not significantly compromise access to commercial facilities in the locality. Notwithstanding this point, the City is of the view that 'The Rivergums' Structure Plan should maintain the opportunity for home-based businesses to establish in this location. Such uses can be considered by the City under the proposed Residential zoning.
In this regard, it is recommended that the subdivision and development of the site should facilitate the future use of the land for home-based businesses. For example, the provision of a rear laneway configuration over the site will provide greater opportunities for on-street parking and a Detailed Area Plan (DAP) can be implemented to provide specific design criteria to encourage and facilitate home-based business use. Structure Plan provisions can be included to mandate these requirements.

**Recommendation:**

Part 1 of the Structure Plan Report being modified to require a Detailed Area Plan to be prepared at subdivision stage to establish design criteria to encourage and facilitate the establishment of home-based businesses and to require that the site be developed with rear laneway access to provide for on-street parking.

**Submission:**

(iv) The location of the Commercial Centre was a factor in decision to purchase property in 'The Rivergums' and landowners were guaranteed by the Proponent that a Local Shopping Centre would be provided.

**City's Comment:**

The Commercial zoning of the site does not guarantee the establishment of a Local Centre. The City's Town Planning Scheme No.2 and Local Commercial Strategy provide for processes for the City to consider a change to the zoning contained on a Structure Plan. In this regard, the City has followed the appropriate planning processes set out in its Town Planning Scheme to consider this major modification to 'The Rivergums' Structure Plan to remove the Local Centre, which included consultation with all relevant stakeholders. The City cannot assess the proposed modifications to 'The Rivergums' Structure Plan against any commitments that may have been made by the Proponent to individual landowners.

**Submission:**

(v) The potential child care site should be relocated to the Commercial Centre site.

**City's Comment:**

Both the 'Residential' and 'Commercial' zones allow the consideration of an application to establish a Child Care Premises. If an application for such premises were received, it would be assessed against the City's planning framework and the merits of the proposal at that time.

**Submission:**

(vi) The lack of a Local Centre would impact property resale value.

**City's Comment:**

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

**Environment**

**Submission:**

(i) There is insufficient emphasis placed for the protection of wetlands and native vegetation for the future development of the estate.
Proponent's Response:
This objection appears to relate to the previous removal of the wetland public open space in the northern part of The Rivergums estate, which was undertaken in accordance with the City's request to mitigate against mosquito breeding and the associated risk to public health. The LSP does not result in any additional impact upon any existing wetland or native vegetation beyond the impact of the current LSP approval.

City's Comment:
The wetland areas contained within the underdeveloped portion of 'The Rivergums' were assessed as part of the original consideration of 'The Rivergums (East)' Structure Plan. The pre-existing wetlands were classified by the State Government Department of Environment and Conservation (now referred to as the Department of Environmental Regulation) as a Multiple Use Wetland. These wetlands are common within the Perth Metropolitan Area and are not considered to be environmentally significant.

The Flora Survey provided with 'The Rivergums (East)' Structure Plan, was assessed as part of the consideration of the original proposal. The City determined that the subject land did not have significant ecological value and additional measures to retain flora or habitat was not warranted.

**Traffic**

**Submission:**
(i) Traffic generated from the increase in density for the Structure Plan area is likely to further impact the function of Rivergums Boulevard.
(ii) Rivergums Boulevard is congested as a result of the school and bus route. It is contended that the proposed increase in density and development of the estate will further impact access and egress on Rivergums Boulevard.

**Proponent's Response:**
The revised LSP report states that due to the negligible traffic volume change expected, the previous findings contained in the 2011 Cardno Traffic Design Note remain valid and are not changed through the revised plan. The City has interpreted the current traffic assessment to accommodate a total yield of 800 lots across the undeveloped land and advises that any further increase will require a corresponding update of the accompanying traffic impact assessment.

Cedar Woods supports this position. The existing Cardno Traffic Design Note predates the opening of the high school and the construction of Stillwater Boulevard, being the third connection to Baldivis Road in the estate. It also makes provision for the impact of traffic generated by the Local Centre site, adding to traffic volumes drawn from outside areas, which is now to be removed. Consequently, some benefit will arise from updating the Advice Note with current traffic volume data and the amended landuse designations.

It is Cedar Woods expectation that subdivision will continue to be approved up to a yield of 800 lots but that a revised traffic assessment will be commissioned to justify any additional lot yield, at the subdivision stage.

**City's Comment:**
The City's assessment of the Traffic Report submitted as part of the Structure Plan proposal has determined that Rivergums Boulevard has sufficient capacity to accommodate any increase in traffic volumes resulting from the full development of the Structure Plan area.

It is, however, noted that the increase in traffic on Baldivis Road, generated from other external developments, has impacted the level of service to the intersection of Baldivis Road and Rivergums Boulevard. The City is scheduled to undertake road widening at the intersection of Baldivis Road within the 2015/2016 financial year.
As part of this upgrade the City is examining opportunities to provide improvements to left turn capability onto Baldivis Road from Rivergums Boulevard, which will improve the ability of this road to accommodate peak period school traffic.

**Submission:**

(iii) The intersection of Baldivis Road and Stillwater Drive is requested to be modified to accommodate traffic turning right out of 'The Rivergums' estate.

**City's Comment:**

The City has assessed the ability of this intersection to be modified to provide a right turn access onto Baldivis Road from Stillwater Drive. Due to the alignment of Baldivis Road and the posted speed limit, the City cannot seek to modify the intersection because the intersection sightlines will not comply with AustRoads standards.

**Submission:**

(iv) Improvements to the intersection of Rivergums Boulevard and Baldivis Road with a roundabout or traffic signals.

**City's Comment:**

There is currently insufficient space within the road reserve to accommodate a suitable roundabout at this intersection. The City has also sought advice from Main Roads WA for the provision of traffic signals. Main Roads WA have advised that the intersection does not experience sufficient traffic to warrant the provision of traffic signals.

The City proposes to undertake some widening at the intersection which will improve the left turn movement onto Baldivis Road as part of the Baldivis Road upgrade.

**Submission:**

(v) There is a lack of footpaths within the estate.

**Proponent's Response:**

Footpaths will continue to be provided in accordance with the requirements of Liveable Neighbourhoods and to the specifications of the City.

**City's Comment:**

This requirement was not in place when the early stages of 'The Rivergums' were approved. Liveable Neighbourhoods now requires a footpath be provided to at least one side of all streets.

With respect to all roads within the City not serviced by a footpath, the City will continue to assess the need to provide new footpaths using a warrant matrix and will consider the areas of greatest need for future funding.

**Structure Plan Design**

**Submission:**

(i) Land not suitable to be rezoned due to the high water table and flooding will further impact Open Space and roads.

**Proponent's Response:**

The LSP area is already appropriately zoned for the purposes for residential subdivision. The approved, and recently revised, Urban Water Management Plan is in place to address on-going water management issues.

**City's Comment:**

The subject land has been zoned by the Western Australian Planning Commission for Urban purposes. In this regard, the City will assess an Urban Water Management Plan prepared at Subdivision stage to ensure drainage is appropriately accommodated within the development.
Submission:
(iii) There is a desire for larger blocks and more parks than that shown in the Structure Plan.

Proponent’s Response:
The revised and increase in density is consistent with the housing density targets in directions 2031. Public open space provision is consistent with WAPC policy.

City’s Comment:
The Structure Plan provides for 10.3% public open space by way of 10.37 hectares of public open space. The provision of open space marginally exceeds the minimum requirement of Liveable Neighbourhoods which requires the provision of 10% of a site provided for open space.

As stated above, the City encourages developers to provide a variety of block sizes, whilst still ensuring that the State Government density targets are achieved.

b. Consultation with Government Agencies

As mentioned above, relevant government agencies and servicing authorities were notified of the proposal in writing and invited to comment, pursuant to Clause 4.2.6.5(b)(ii) of TPS2. In this regard, the City invited comments from the following agencies:

- Alinta Gas
Following the close of the advertising period, the City had received two (2) submissions from State Agencies. A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment No.1 to this Report). The content of the issues raised in the submissions are summarised and addressed as follows:

<table>
<thead>
<tr>
<th>1. Main Roads Western Australia</th>
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<td><strong>Submission:</strong></td>
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<td><strong>City’s Comment:</strong></td>
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| **Submission:** | MRWA notes that a Noise Assessment Report was previously submitted with ‘The Rivergums’ Structure Plan and has been reviewed and assessed by MRWA, in which MRWA requested a Noise Barrier to be constructed along the property boundary abutting the Kwinana Freeway. The applicant is to review the Noise Assessment Report as the proposed dual use pathways will create a ‘gap’ in the proposed noise barrier which was to be constructed along the PS/HS property boundary which abuts the Kwinana Freeway. |
| **City’s Comment:** | The submission is noted. It is recommended that the Structure Plan documentation be revised in accordance with Main Roads WA request. |

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<th>2. Department of Education</th>
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<td><strong>Submission:</strong></td>
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<td><strong>City’s Comment:</strong></td>
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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(s) contained in the Community Plan 2015-2025:

**Aspiration D:** Sustainable Environment

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

d. **Policy**

**State Planning Policies**

*Directions 2031*

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

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

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

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

*Liveable Neighbourhoods*

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

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

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

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

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

Planning Policy 3.1.2 – Local Commercial Strategy

Planning Policy 3.1.2 – Local Commercial Strategy provides guidance for the distribution and hierarchy of employment centres within the District. The subject land is located within Precinct 4 - Baldivis, which extends from Millar Road West in the north to Sixty Eight Road in the South and between the Kwinana Freeway and Mandurah Road.

Part 2.4.4 of the Strategy identifies a Local Centre located within the Structure Plan area on Claret Ash Boulevard.

The Proponent has reviewed the need for a Local Centre within the Structure Plan area and advised that the provision of a local centre within the structure plan area would be commercially unviable on the basis of the limited catchment being offered by the development, the number of established centres located elsewhere within the wider locality and the lack of passing vehicle trade.

The City has assessed the Structure Plan against the Local Commercial Strategy recommendations and accepts the justification provided by the Proponent.

e. Financial

Nil

f. Legal and Statutory

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

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

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

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

g. Risk

Risk Implications of Implementing Officer Recommendation

Nil

Risk Implications of Not Implementing Officer Recommendation

Nil

Comments

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

(i) Part 1 of the Structure Plan Report being modified to require a Detailed Area Plan to be prepared at subdivision stage to establish design criteria to encourage and facilitate the establishment of home-based businesses and to require that the site be developed with rear laneway access to provide for on-street parking; and

(ii) The Acoustic Consultant Report being revised in accordance with Main Roads WA advice.
Furthermore, the following general matters will need to be addressed at subdivision stage:

(i) That the subdivider prepares and implements the following Reports:
   - A Bush Fire Management Plan to mitigate the risk of bush fire;
   - An Urban Water Management Plan;
   - Dust Management Plan;
   - Contaminated Site Investigation;
   - Acid Sulphate Soils Assessment; and
   - Geotechnical Assessment Report.

(ii) The City to recommend a section 70A notification on Certificate of Title for Lots potentially impacted by noise as determined by the Acoustic Consultants Report as a condition of Subdivision Approval.

(iii) Detailed Area Plan(s) being prepared and approved for the development that addresses the following matters:
   - Lots with rear-loaded vehicle access;
   - Design requirements to encourage and facilitate the establishment of home-based businesses over the proposed R40 site; and
   - Lots with direct boundary frontage (primary and/or secondary) to an area of Public Open Space.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPT the major modification to ‘The Rivergums (East)’ Structure Plan subject to:

1. Part 1 of the Structure Plan Report being modified to require the following with respect to the proposed Residential R40 site (current Local Centre site) to encourage and facilitate the establishment of home-based businesses:
   (i) the site be subject of a Detailed Area Plan to be prepared at subdivision stage to establish design criteria; and
   (ii) the Structure Plan Map being modified to show a rear laneway to provide for on-street parking.

2. The Acoustic Consultant Report being revised in accordance with Main Roads WA advice.

Committee Recommendation

Moved Cr Elliott, seconded Cr Hamblin:

That Council ADOPT the major modification to ‘The Rivergums (East)’ Structure Plan subject to:

1. Part 1 of the Structure Plan Report being modified to require the following with respect to the proposed Residential R40 site (current Local Centre site) to encourage and facilitate the establishment of home-based businesses:
   (i) the site be subject of a Detailed Area Plan to be prepared at subdivision stage to establish design criteria; and
   (ii) the Structure Plan Map being modified to show a rear laneway to provide for on-street parking.

2. The Acoustic Consultant Report being revised in accordance with Main Roads WA advice.

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Planning and Development Services
### Statutory Planning Services

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>PDS-010/15 Proposed Street Naming Theme - ‘Names of Australian Bays’</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>LUP/1514</td>
</tr>
<tr>
<td><strong>Risk Register No.:</strong></td>
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<tr>
<td><strong>Applicant:</strong></td>
<td>McMullen Nolan Group Pty Ltd</td>
</tr>
<tr>
<td><strong>Owner:</strong></td>
<td>Department of Housing and Peet Golden Bay Pty Ltd</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Miss Nicole D’Alessandro, Planning Administration Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mrs Sharon Peacock, Senior Planning Administration Officer</td>
</tr>
<tr>
<td></td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>16 February 2015</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td></td>
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<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td>Legislative</td>
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<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td>Legislative</td>
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<tr>
<td><strong>Site:</strong></td>
<td>Golden Bay Estate, Lot 9012 Warnbro Sound Avenue, Golden Bay</td>
</tr>
<tr>
<td><strong>Lot Area:</strong></td>
<td>69.3583ha</td>
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<tr>
<td><strong>LA Zoning:</strong></td>
<td>Development</td>
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<td><strong>MRS Zoning:</strong></td>
<td>Urban</td>
</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Staging Plan</td>
</tr>
<tr>
<td></td>
<td>3. Approved Subdivision Plan (June 2013)</td>
</tr>
<tr>
<td><strong>Maps/Diagrams:</strong></td>
<td></td>
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</tbody>
</table>
Purpose of Report

To consider an application seeking approval for a street naming theme based on a ‘Names of Australian Bays’ for the balance of the Golden Bay Estate located at Lot 9012 Warnbro Sound Avenue, Golden Bay.

Background

The Golden Bay Estate is located within the locality of Golden Bay and covers an area of approximately 157 hectares.

The staging plan below indicates the developed area of the Estate outlined in red, with the balance outlined in yellow.
2. Staging Plan

The Golden Bay Structure Plan, which ultimately created approximately 2,200 residential lots, was originally adopted by the Council and the WAPC in 1994 and has been the subject of various modifications which has resulted in the most recent approval granted by the WAPC in March 2012.

The estate was granted subdivision approval by the Western Australia Planning Commission (WAPC) in May for Stage 2 and June 2012 for Stage 3.

In June 2013, the WAPC granted subdivision approval for the western portion of the site, which is the area the subject of this proposal.

In December 2012, the Council previously approved a street naming theme based on ‘WA Pastoral Properties’ for the estate. The list of suitable names based on this previously approved street naming theme is now depleted and the applicant has therefore sought the Council's support for a new street naming theme for the balance of residential lots within the estate.
Details

The applicant has advised that the street names within Golden Bay Estate be based on ‘Australian Bays’. The rationale behind the proposed theme is that it represents the coastal location of the Estate and the aquatic lifestyle.

Examples of the proposed street names to be applied are as follows:

- **Waylen** - Waylen Bay is located in the Perth suburb of Applecross
- **Akuna** - Akuna Bay is located in the northern suburbs of Sydney
- **Moonta** - Moonta Bay is located in the region of the Northern Yorke Peninsular of South Australia
- **Halifax** - Halifax Bay is located in far north Queensland
- **Dolans** - Dolans Bay is located in NSW

Implications to Consider

a. **Consultation with the Community**
   - Nil

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

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

d. **Policy**
   - Nil

e. **Financial**
   - Nil

f. **Legal and Statutory**
   - The Land Administration Act 1997 (section 26A) requires developers of new subdivisions to submit street names for approval by the Council. The responsibility of approving street names rests with Geographic Names Committee. The proposed theme is in accordance with Geographic Names Committee Principles, Procedures and Guidelines.

g. **Risk**
   - **Risk Implications of Implementing Officer Recommendation**
     - Nil
   - **Risk Implications of Not Implementing Officer Recommendation**
     - Nil

Comments

The proposed street naming theme of ‘Names of Australian Bays’ is compliant with the City’s Planning Procedure 1.4 and the Geographic Names Committee Principles, Procedures and Guidelines which provides for street names which are based on ‘thematic’ as one of the preferred sources of street names.
In light of the above, it is recommended that the Council support the street naming theme of ‘Names of Australian Bays’.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council ENDORSE the proposed street naming theme of ‘Names of Australian Bays’ for the balance of the Golden Bay Estate subdivision located at Lot 9012 Warnbro Sound Avenue, Golden Bay.

### Committee Recommendation

Moved Cr Hill, seconded Cr Elliott:

That Council ENDORSE the proposed street naming theme of ‘Names of Australian Bays’ for the balance of the Golden Bay Estate subdivision located at Lot 9012 Warnbro Sound Avenue, Golden Bay.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
### Planning and Development Services

#### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-011/15 Proposed Child Care Premises</th>
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<tbody>
<tr>
<td>File No:</td>
<td>DD020.2013.00000336.1</td>
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<tr>
<td>Risk Register No:</td>
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<tr>
<td>Applicant:</td>
<td>Mr R Dicey</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr C R and Ms F J Stewart</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></td>
<td>Ms Erika Barton, Projects Officer</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>16 February 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>November 2014 (PDS-092/14); December 2014 (PDS-104/14)</td>
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<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
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</table>

| Site:                   | Lot 603 Mandurah Road, Baldivis         |
| Lot Area:               | 1.42ha                                  |
| LA Zoning:              | Rural                                   |
| MRS Zoning:             | Rural                                   |
| Attachments:            | Applicant’s Further Information         |
|                        | Schedule of Submissions                 |
| Maps/Diagrams:         | 1. Location Plan                        |
|                        | 2. Aerial Photo                         |
|                        | 3. Original Site Plan                   |
|                        | 4. Proposed Site Plan                   |
|                        | 5. Ground Floor Plan                    |
|                        | 6. Upper Floor Plan                     |
|                        | 7. Elevations (west and north)          |
|                        | 8. Elevations (east and south)          |
|                        | 9. Signage                              |
|                        | 10. Artist Impression of Signage        |
|                        | 11. Proposed Road modifications (Produced by the applicant’s Traffic Consultant ML Traffic Engineers) |
|                        | 12. Consultation Plan                   |

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 MARCH 2015

PRESIDING MEMBER
13. Existing Contours
14. Aerial Photograph Overlayed with Site Plan
15. Vegetation Classification
16. Distance to Classified Vegetation
17. Slope under Classified Vegetation
18. Bushfire Attack Level (BAL) Explanation
19. Land proposed to be designated as Bushfire Prone under TPS2 Amendment No.144

1. Location Plan

2. Aerial Photo
Purpose of Report

To re-consider an application seeking Planning Approval for a Child Care Premises (CCP) to be developed on Lot 603 Mandurah Road, Baldivis.

Background

The subject land is well vegetated, with the western portion of the lot remaining in its natural state. A ridgeline runs through the lot with a fall of 11m from east to west. There is an existing dwelling and shed located on the property.

The subject locality has a distinctly rural amenity, characterised by small scale rural and semi-rural land uses such as viticulture, plant nurseries and hobby farming and special rural residential development.

On 24 July 2012 the Western Australian Planning Commission (WAPC) granted conditional approval for a three lot subdivision for 1655 Mandurah Road, Baldivis. Lot 603 was created as a result of this subdivision. This subdivision was approved without the necessary Town Planning Scheme Amendment, required by the City’s Town Planning Scheme No.2 and Rural Land Strategy.

The application for a CCP, which is the subject of this report, was considered at the ordinary Meetings of Council held on 25 November 2014 and again on the 16 December 2014, when it was decided to refer the matter back to the Planning and Engineering Services Committee. In both instances City Officers recommended refusal of the application for the following reasons:

1. The proposed development fails to comply with the objective of the Rural Zone in Town Planning Scheme No.2, to preserve the land for farming and foster semi-rural development which is sympathetic to the character of the area, having regard to the City’s Rural Land Strategy.

2. The proposed Child Care Premises fails to meet the locational criteria of Local Planning Policy 3.3.5 – Child Care Premises in the following manner:
   - Clause 4.1 (a) – The Child Care Premises is not strategically located in an area to provide the maximum benefit to the community it serves;
   - Clause 4.1 (b) - The Child Care Premises not within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities;
   - Clause 4.1 (c) - The Child Care Premises is incompatible with surrounding land uses and has the potential to be detrimental to the amenity of neighbours due to increased vehicular traffic; and
   - Clause 4.1 (e) – The Child Care Premises is not serviced by Public Transport.

Details

The applicant seeks approval to develop a CCP on the subject site. The proposal is summarised as follows:

- Maximum of 80 children;
- Days of operation: Monday to Friday, closed Public Holidays;
- Hours of operation: 7:00am to 6:00pm (originally 6:30am to 6:00pm);
- 10 full time staff and three (3) part time staff;
- Existing double storey residence to be fitted out with required amenities;
- Outdoor play area;
- Driveway;
- 25 carparking bays, including one accessible bay; and
- One 6.4m x 1.75m advertising sign.

The applicant has provided the following justification in support of the proposal:

- Local businesses and organisations are already situated on this road;
- The right and left turning access from Ennis Road provides easy drop off and pick up for families travelling throughout the area;
- The existing building itself is very unique in nature and will allow easy conversion into a child care facility
- The proposal seeks to ensure that appropriate and flexible child care facilities are provided to accommodate the needs of the children and their carers and ensured the health and safety of children attending the services by recently exceeding and meeting the National Quality Standards set by the Australian Children’s Education and Care Quality Authority at our Waikiki centre."

The applicant has submitted a Traffic Impact Assessment (TIA) in the support of the proposal. The findings of the TIA have been summarised as follows:

- A passing turning lane right for the south approach of Mandurah Road and a turning pocket left for the north approach of Mandurah Road is required at the intersection of Mandurah Road and the child care centre access road;
- The intersection of Mandurah Road and the child care centre access road will function sufficiently during the morning drop-off and evening pick-up periods;
- The proposed provision of 25 marked on-site spaces is appropriate for an 80 children capacity child care centre;
- The proposed access, car parking and site servicing layout has been designed for an 8.8m medium rigid vehicle (MRV). Refuse collection can be undertaken onsite using MRV dimensioned vehicles. This will require waste collection to be undertaken by a private waste management contractor, which has access to smaller trucks. If refuse collection was undertaken using City’s 12.5m heavy rigid vehicle (HRV) dimensioned vehicles, kerbside collection will be required; and
- There are no traffic engineering reasons why a Child Care centre should not be approved at Lot 603 Mandurah Road, Baldivis.

**Additional Information Supplied by the Applicant**

The applicant supplied further information to all Councillors prior to the ordinary Meeting of Council held on 25 November 2014. The further information is contained in full at an Appendix to this report. The additional information, and the City’s response, is summarised below:

1. **The City’s current Child Care Policy may be in need of review in light of the Federal Government’s major overhaul of the National Child Care Regulations**

**City’s Response**

This is not a relevant Planning consideration.

The *Education and Care Services National Regulations 2012* which is subsidiary to the *Education and Care Services National Law (WA) Act 2012* have been developed to set operational standards for CCP operators. These regulations pertain to matters including operator approvals and qualifications, quality control and the health and safety of children. They do not consider town planning matters.

The City’s Planning Policy 3.3.5 - Child Care Premises (PP3.3.5) is based upon the WAPC’s Planning Bulletin No.72 Child Care Centres (PB72). PB72 was prepared in 2009 in consultation with the Department for Child Protection, Department for Communities, Department of Health, Department of Environment and Conservation and local government.

PB72 and PP3.3.5 focus on matters pertaining to the proper location, considerations and standards that apply to the development of CCP. From a planning point of view, that these matters are sufficiently addressed in both documents.

The assessment of this proposal against the locational criteria of PB72 and PP3.3.5 has determined it to be unsuitable in terms of Planning Bulletin 72 and Planning Policy 3.3.5.

It is the obligation of a CCP operator to comply with the relevant Child Care legislations as well as TPS2 and City Planning Policy.
2. Obligations under Education and Care Services National Regulations (Regulation 113)

City's Response

This is not a relevant Planning consideration.

It is the remit of the City to ensure that CCPs are appropriately located in areas that are suitable for the CCP, the surrounding land uses and the general public.

It is the remit of a CCP operator to ensure compliance with relevant Child Care statutory instruments as well as relevant planning legislation and Planning Policy.

The site is unsuitable from a locational point of view as demonstrated in the Policy section of this report.

3. The Early Childhood National Curriculum of Australia instructs educators to tailor their programs so that “Children develop a sense of belonging to groups and communities and an understanding of the reciprocal rights and responsibilities necessary for active community participation” and enable children to “begin to recognise that they have a right to belong to many communities”, including rural.

City's Response

This is not a relevant planning consideration.

It is not relevant when assessing a proposal against the objectives of the TPS2 Zoning and the Rural Land Strategy. There are many opportunities for a child, living in a rural area, to develop a sense of belonging. Attendance at a CCP, located in a Rural area, is not considered necessary to foster this sense of belonging.

4. Not allowing children the right to a “semi-rural lifestyle environment where people reside in a tranquil setting” is exclusive and discriminatory.

City's Response

This is not a relevant planning criteria for the establishment of a CCP.

By not supporting a CCP in this location the City is in no way discriminating against people including children. The assessment of the application and the recommendation is made after reviewing the proposal against relevant statutory and strategic planning instruments.

5. My World’s intends to be sympathetic to and enhance the characteristics of the land.

City's Response

A CCP is not considered to be a rural or a semi-rural land use.

It is considered to be a commercial land use that has the ability in this instance to impact on the natural environment and surrounding land uses.

6. My World would like to note that a Montessori primary school is undergoing application for approval also on Mandurah Road, Baldivis.

City's Response

The City's assessment of the Montessori planning application is not relevant to this proposal.

This application has yet to be determined.

7. My World will plant approximately 300 trees on the premises and provide black cockatoo nesting boxes to compensate the 6-8 trees removed in order to avoid any disturbance to the black cockatoo population.

City's Response

The planting of 300 trees is not a suitable offset for the removal of remnant vegetation.

The preservation of existing vegetation is a far better outcome as this vegetation contributes to the natural environment, ecology and visual amenity of the location.
8. My World is prepared to amend its sign so that it complies with the City's Policy.

City's Response
This is noted.

The applicant submitted an amended site plan (Figure 4) as a result of an objection received from a neighbour. The amended site plan relocated the access driveway and carpark away from the boundary.

With regard to finished levels for the proposed access driveway, carpark and playground the applicant has indicated the following:

"Levels for the playground would not change as there is enough flat area to erect any equipment in the existing paddock. The natural slope will be incorporated into the playground design. The top surface of the playground only would be back filled with white river sand at a depth of 500mm and finished to the natural ground level. If there are any existing trees these will not be removed and will be incorporated into the play area.

The car park is up the top near the shed and main building, is not part of the natural slope and will not require much earthworks. The driveway would go across the bottom of the block which would require a standard bobcat to remove a minimal amount of dirt to make it level. Going up the block the driveway would follow the natural slope."

The City’s response is included in the Comments section of this report.
3. Original Site Plan
4. Proposed Site Plan
5. Proposed Ground Floor Plan

6. Proposed Upper Floor Plan
7. Elevations (west and north)

8. Elevations (east and south)
9. Proposed Signage
10. Artist Impression of the Sign
11. Proposed Road Modifications Produced by the applicant's Traffic Consultant ML Traffic Engineers

SITE PLAN
SCALE 1:500

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 MARCH 2015

PRESIDING MEMBER
Implications to Consider

a. Consultation with the Community

In accordance with the requirements of Town Planning Scheme No.2 (TPS2), the application was referred to adjacent and nearby owners and occupiers for comment for a period of 14 days from 10 September 2014 to 24 September 2014.

At the close of the advertising period five submissions, all objecting to the proposal, were received. A consultation plan is depicted below:

The key points raised in submissions, along with the City's comments, are provided below:

<table>
<thead>
<tr>
<th>Amenity</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(i) The proposed development will have a detrimental impact on the visual amenity enjoyed from surrounding land.</td>
</tr>
</tbody>
</table>

**Applicant's Response:**

The scale and character of the existing building will not be changed (as specified in the plans submitted for the proposed centre). The facilities will be maintained to a higher standard than they are currently, only natural colours will be used both inside and outside the building, the visual amenity will actually become more aesthetically pleasing with this maintenance and the panoramic vistas to the subject site and its immediate surrounds will in no way be detrimentally impacted or affected. As previously mentioned, we plan to dramatically improve the visual impact of the property with a particular focus on the landscaping. All improvements will be submitted to, and approved by, the City.

The car park is proposed to be relocated away from the adjoining neighbour boundary.
City's Response:
Any impact on the visual amenity of the location is a relevant consideration. Although Council could reasonably condition the implementation of a landscaping plan, to reduce the visual impact of the proposal, the preservation of existing vegetation constitutes a superior outcome as this vegetation contributes to the existing visual amenity of the location.

Although the applicant has indicated that the proposed access way, carpark and outdoor play area removal of six to eight trees, the City is concerned that more may actually be required to be removed. A site visit confirmed that significant native vegetation is present in the areas where the access driveway, carpark and outdoor play area are proposed to be located. Due to the steep topography of the site, the construction of the access driveway, carpark and outdoor play area will require significant cut and fill. Additionally, the City considers that the removal of a significant amount of remnant vegetation will be necessary. The applicant has been requested to provide a tree survey, however, this has not been provided to date.

Submission
(ii) The land use is incompatible with adjoining land uses.

City's Response:
The proposal is considered to be incompatible with adding land uses for the following reasons:
- Increased vehicle movements associated with the development; and
- It will required significant changes to the existing landscape including loss of vegetation and modification to landform;
This is discussed in further detail in the Comments section of the report.

Submission
(iii) Noise will impact on the amenity of surrounding properties.

Applicant's Response:
The parking has been reconfigured to remove traffic from the adjoining neighbour boundary.

City's Response:
Noise from the proposal, including children playing and vehicles entering and exiting the premises, is required to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (Regulations). Due to the size of the property the City’s Health Services is satisfied that the proposal could comply with the Regulations.

Submission
(iv) The volume of vehicle moments is completely incongruous with that of surrounding properties.

City's Response:
It is noted that the number of vehicle movements likely to be generated by the proposed CCP is significantly different than what occurs presently in the location and is also not what is to be expected within a Rural zone. This has the potential to detrimentally impact on the amenity of neighbouring landowners.

It is considered that the maximum number of vehicle movements per day, based on 80 children and 13 staff, could be 186. Even the maximum number of children utilised the bus service to be provided by the CCP (48 based on 2 x 14 seater busses and 1 x 20 seater bus) there could be potentially 96 vehicle movements per day. It is noted that there is no guarantee that a bus service would be offered in perpetuity or that any of the children attending the CCP would use the service, even if offered.
Submission
(v) Does not comply with hours of operation outlined in Planning Bulletin 72 and LPP 3.3.5.

Applicant's Response:
The CCP will limit its hours of operation from 7 am to 6 pm on weekdays only. Outside of these business hours, when residents are generally not at work, there will be no activity on-site.

City's Response:
The applicant’s revised hours of operation complies with the hours of operation in PP3.3.5.

Location

Submission
(i) The proposal is not sympathetic to the characteristics of the area in which it is located.

City's Response:
The proposal has been assessed against the provisions of both TPS2 and PP3.1.1, It does not comply with the objectives of TPS2 and PP3.1.1 for the following reasons:
• It is incompatible with adjoining land uses; and
• It will have a significant impact on the landscape and the landform as its development will required the removal of a significant amount of native vegetation and required significant cut and fill.

See Comments section and Policy section of the report for detailed assessment.

Submission
(ii) The proposal does not comply with location criteria of Planning Bulletin 72 and Planning Policy 3.3.5.

Applicant's Response:
There is an existing child care service located within the Rural Zone, which demonstrates that this use is consistent with the objective of the zone; Christian Youth Camps (CYC) CARE operates on Mandurah Road, Cooloongup and provides Before School Care and After School Care and Vacation Care for school aged children. It operates on all state school days opening from 7.00am to 6.00 pm and caters for the needs of up to 140 primary school aged children for all school days and 70 children during the public school holiday period.

(i) Planning Bulletin 72 lists a number of different locational criteria, including the one mentioned above, and states that a Child Care “may” meet those criteria, rather than “must” meet those criteria. Although the proposed centre is not within easy walking distance of commercial, recreational or community nodes and education facilities, it is located in a very central and convenient location for the intended purpose.

The future proposed redevelopment of Mandurah Road connects three populated areas with limited child care facilities; those being Warnbro, Baldivis and Secret Harbour. Also the proposed site is consistent with the location of many community facilities that are located along Mandurah Road (including an existing child care service).

(ii) With a future proposed school within a 5 minute drive from the proposed site, adjoining uses that are compatible with the proposed child care centre are set to increase. As mentioned above, there are many other examples of compatible services located along Mandurah Road.

(iii) My World Child Care provides a courtesy pickup and drop-off service to its clients and staff.
City's Response:
The proposal fails to comply with the locational criteria of PB72 and PP3.3.5 in the following ways:

(i) As noted by the applicant, the site is not within walking distance of commercial, recreation and community nodes;

(ii) It is not located in an area where adjoining uses are compatible with a CCP; The example of the existing CCP at 861 Mandurah Road, Baldivis is not considered relevant as the prevailing context of both CCPs differs. The proposed Montessori school on Mandurah Road has yet to be considered by the Council and should not be considered as justification for a CCP in this location; and

(iii) It is not located near public transport services. It is noted that a pick up and drop off service may be offered, however, this is considered to be limited in comparison to public transport and such a service is at the discretion of the operator, or and future operators, and could be withdrawn at any stage for any reason.

It is noted that the number of vehicle movements likely to be generated by the proposed CCP is significantly different than what occurs presently in the location and is also not what is to be expected within a Rural zone. This has the potential to detrimentally impact on the amenity of neighbouring landowners.

The applicant's response refers to the Christian Youth Camps (CYC) CCP approved at 861 Mandurah Road, Baldivis. The argument of precedent can only be used in circumstances where the prevailing context is identical. In this instance this is not considered so, for the following reasons:

• The initial CYC CCP was approved under a former Town Planning Scheme No.1;
• It was approved prior to PP3.3.5 and Planning Bulletin 72;
• Rather than Rural Residential properties, the CYC CCP is bounded by a ‘Lifestyle Village’ to the directly to the North and a ‘Church’ and ‘School’ directly to the South.
• A portion of 861 is zoned as ‘Development’ under TPS2 and ‘Urban’ under the MRS.

Submission
(iii) There is no supporting infrastructure to establish the CCP.

City's Response:
It is noted that that infrastructure such as public transport and pedestrian facilities are not available to the site.

Submission
(iv) No public transport facilities in the area.

Applicant's Response:
My World Child Care provides a courtesy pickup and drop-off service to its clients and staff. This service operates within a 20 km radius of our centres and is at no additional cost to the families or staff. This service benefits families who:

• Do not have vehicles or the finances to run these vehicles;
• Have illness and/or disabilities that hinder them in transporting their children;
• Families who have been instructed by the Department of Child Protection to put their children into child care or need the encouragement to seek education for their kindy aged children.

This service is also of benefit to staff that do not have vehicles or are unable to drive. This courtesy bus not only picks up from homes but is also able to pick up from the local train stations and bus stops, thus increasing the 20 km transport radius to all of Perth that is serviced by public transport. Note - our centre in Waikiki conducts pickups and drop offs to Baldivis. With approval of the new centre approximately 15 to 20 families currently attending our Waikiki centre would transfer to this centre as it would be a more convenient location.
The following schools are in close proximity to the proposed centre. My World has many buses available to drop off and collect students to and from these schools.

- Baldivis Secondary College;
- Baldivis Primary School;
- Tranby College;
- Settlers Primary School;
- Makybe Rise Primary School;
- Port Kennedy Primary School;
- St Bernadettes Primary;
- Endeavour Education Support Centre;
- Peel Language Development School;
- Secret Harbour Primary School; and
- Comet Bay College

City's Response:
Public transport is not available for the subject lot and the applicant's bus service could stop at any time.
The locational requirements of PP3.3.5 seek to locate CCP near Public Transport.
The trip generation may have the potential to be reduced with the bus collection and drop off service offered by the CCP, however, this is completely at the discretion of the operator, or any successor, and is considered to be insufficient compared to Public Transport.

Servicing

Submission

(i) Groundwater availability and Effluent Disposal are concerns.

Applicant's Response:
In regards to water usage, we will meet and be in line with and restrictions and requirements that are required. We do plan to aim at being self-sufficient with our water usage via sustainable practices such as implementing rain water collection which, is not currently being utilized to its full efficiency at the location.

There are a number of existing groups in the locality that have similar water usage needs:

- CYC Care;
- Baldivis Children's Forrest;
- Rockingham Holiday Village;
- Tuart Lakes Lifestyle Village;
- Vernon Arms Tavern;
- The Old Barnyard Restaurant;
- Free Reformed Churches of Australia;
- Munja Gardens Function Centre.

With regard to wastewater the location which the property falls into is not classed as a catchment area. As a result leach drains are being considered as well as non-leach drain options. Any effluent disposal systems will be subject to shire approval in accordance with any restrictions. Thus, these requirements will be met.
City's Response:
The applicant's response is noted. The City's Health Services is satisfied that water supply is satisfactory for the proposal. Should approval be granted, a new septic system, to the satisfaction of the City, would be required prior to occupation of the development.

Traffic

Submission

(i) Concerned with the impact this development could have upon vehicular traffic safety.

Applicant's Response:
The TIA issued by ML Traffic Engineers road traffic matters that are relevant to this application in the context of the site’s location, being specifically vehicle access including safe provisions for turning, on-site manoeuvrability, traffic generation and parking generation.

As such, the information contained within this assessment is deemed relevant and sufficient for the purpose of assessment of the application by the planning authority. The traffic report concludes that there are no traffic engineering reasons why a CCP should not be approved at Lot 603 Mandurah Road, Baldivis.

City's Response:
The City's Engineering Services has assessed the TIA and advised that a road safety audit, undertaken by an accredited auditor, will be required prior to construction of the proposed road modifications proceeding. It has been advised that should the modifications be designed as per the City's and MRWA's requirements and an acceptable road safety audit report is provided then the impact on the safety of users along Mandurah Road or those entering/exiting the site is considered to be acceptable.

b. Consultation with Government Agencies

Due to the proximity of Lot 603 to a road reserved as an Other Regional Road under the Metropolitan Region Scheme (MRS), the application was referred to the Department of Planning (DoP) for comment.

The following response was received:

Department of Planning DoP

Though the Department has no objections to the proposal based on regional transport planning grounds, the following advice is provided:

- The Department is concerned with safety of the proposed access arrangements following deviation of Mandurah Road. Vehicles exiting the subject lot may not be able to safely make a right turn movement out of the subject lot. Given that this access will be to/from a future local road, the City will ultimately be responsible for determining whether the right-out movement can be safely performed. However the Department suggests that the City consider limiting this access to left-in/left-out operation only.

- To clarify, access to the subject lot was previously considered by the Department in 1999 based on a rural residential land use. The proposed child care centre presents a significant increase in traffic volumes accessing the subject lot, hence the need for the assessment.

- Though it is acknowledged that traffic conditions post deviation of Mandurah Road will be more desirable for access to the subject lot, the City should note that the local road network is likely to maintain a higher level of background traffic than anticipated by the applicant’s traffic consultants. This should be factored into the City's assessment.

- It is anticipated that the City will determine the need for the proposed left turn bay and approach taper upon detailed design of the future road network.
City's Response:
The advice provided by the DoP is noted, however, the City's Engineering Services has advised that the deviation of Mandurah Road in this location is unlikely to occur due to the nature and scope of works required (an overpass). Therefore, it is expected that traffic levels on this portion of Mandurah Road will not reduce due to the deviation being unlikely.

The City's Engineering Services has assessed the TIA and advised that, should the proposed road modifications be carried out in accordance with the City's and MRWA's specifications and an acceptable road safety audit be undertaken, the impact on the safety of users along Mandurah Road or those entering/exiting the site is considered to be acceptable.

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

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

d. Policy
State Planning Policy No.2.1 – Peel Harvey Coastal Plain Catchment (SPP2.1)
The purpose of SPP2.1, prepared by the WAPC, is to improve the social, economic, ecological, aesthetic, and recreational potential of the Peel-Harvey Coastal Plain Catchment, whilst balancing land uses changes and economic growth of the catchment as to avoid and minimise environmental damage.

SPP2.1 provides the following with respect to rural residential lots over 4,000m²:

"Existing vegetation should be retained except where there are defined building envelopes, approved utility requirements and firebreaks. Where lots do not have defined building envelopes, existing vegetation may be removed from an area of up to 1000m² for the construction of approved buildings except where special approval is granted for a greater area of clearing"

An area of approximately 2,700m² has already been cleared on the lot for the existing house and shed. This is significantly larger than the 1,000m² permitted by SPP2.1. It is considered that, with the addition of an access way, carpark and play area, the area of vegetation required to be cleared on the lot, in addition to that already clear, is unacceptable. As such, the proposal fails to comply with the above requirements of SPP2.

Planning Bulletin No. 72 - Child Care Centres (PB72)
The WAPC’s Planning Bulletin aims to outline a consistent policy approach to planning for childcare centres.

The Bulletin has been prepared in consultation with the Department for Child Protection, Department for Communities, Department of Health, Department of Environment and Conservation and local government.

PB72 acknowledges that CCPs provide a much needed community function, but many are operated as a commercial venture, with market forces influencing the location and availability of the service. While the WAPC strongly supports the provision of necessary facilities, it is important to emphasise that the need for a service does not justify development in inappropriate locations.

The provisions of PB72 have been incorporated into the City’s Local Planning Policy 3.3.5 Child Care Premises (PP3.3.5).
The proposed development fails to meet the locational criteria of PB72 as is outlined in the assessment against PP3.3.5.

Planning Policy No. 3.1.1 – Rural Land Strategy (PP3.1.1)

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

PP3.1.1 considers the City’s rural land in terms of ‘Planning Units’, which are further divided into Planning Precincts.

PP3.1.1 identifies the lot as being within the Spearwood Ridge and Doghill Landscape Character Type.

The subject property is located within ‘Planning Unit 4’. The primary objective for this Planning Unit is to encourage special rural/special residential development which recognises and enhances the landscape and natural resource attributes of the unit and provides a natural viewshed to Mandurah Road and a rural context to proposed urban development to the east. It is in this regard that the proposal was assessed as follows:

**Landform**

The property rises from RL 9.8m AHD along its western boundary to a height of RL 20.8m AHD at its highest point of the ridge line and then falls again to its eastern boundary. The proposed CCP is to be located utilising the existing dwelling, with the play area adjoining the western side of the dwelling, where the land reduces significantly in elevation towards Mandurah Road. The carpark and play area is likely to require significant cut and fill and will significantly modify the natural topography/landform of the site and result in a loss of remnant vegetation. The proposed development is considered to be incompatible with maintaining the natural landform characteristics of the site, which is a primary objective of PP3.1.1.
PP3.1.1 states that a 40m landscape buffer strip is to be maintained along Mandurah Road to protect the viewshed as it also performs as a buffer function between Mandurah Road/Lake Walyungup (Bush Forever Site 356) and the proposed Baldivis Urban Area and urban settlements to the west. This viewshed of the subject site comprises of native vegetation rising up to the ridgeline. The proposed access driveway, carpark and play area intrude within the 40m landscape buffer.

The applicant has advised that the proposed car parking area will result in the removal of 6-8 significant trees. In addition, it is also considered that the works required to accommodate the access driveway and play area will result in significant tree removal to achieve design levels, and useable play spaces for the differing ages of children to be cared for at the CCP. Furthermore, the required turning pocket, heading south along Mandurah Road, will also require the removal of vegetation from the road reserve. Removal of existing native vegetation will detract from the rural viewshed along Mandurah Road.

Visual Landscape Evaluation (2012)

In 2012 Council adopted a Visual Landscape Evaluation (VLE) of the land adjacent to Mandurah Road in Singleton, Golden Bay and Secret Harbour. The VLE evaluates the visual landscape character, identifies landscape and visual sensitivities, and develops strategies for managing visual landscape character.

Although the subject lot is outside of the study area it is situated along Mandurah Road and it is comparable in characteristics such as landform, topography and biodiversity. Within the VLE, landscape character value was comprised of homogenous characteristics in terms of landform, vegetation, built form and/or land use.

The subject land is well vegetated, with the western portion of the lot remaining in its natural state (as can be seen in Figure 10). A significant ridgeline runs through the lot with a fall of 11m from east to west. The subject locality has a distinctly rural amenity, characterised by small scale rural and semi-rural land uses such as viticulture, plant nurseries and hobby farming and special rural residential development. Within the VLE landscape that contains remnant vegetation and undulating topography has been attributed the highest value. As such the visual management strategies proposed in the VLE can be applied to this proposal.
Landscape and Visual Management Strategies of the VLE include:

- Appropriate setback for development;
- Retention of existing vegetation;
- Installation of screen planting; and
- Strict limitations and vetting of development plans to restrict cut/fill levels and intrusion of vertical retaining elements

The proposed access driveway, carpark and play area intrude within the 40m landscape buffer as required by PP3.1.1, will require the removal of vegetation and require cut and fill to facilitate their development on the steep slope of the site. As such the proposal is considered to be inconsistent with the management strategies proposed by the VLE.

Baldivis Rural Wedge Study (2004)

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

Selected aims of the study were to:

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

The study identified the ridgeline, which also runs through Lot 603, as a significant and defining feature. Due to the nature of the topography the higher areas have not been cleared for agricultural purposes in the past and, as a result, retain portions of the original vegetation complex, predominantly several stands of Tuart.

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

It is therefore considered imperative that the landform and vegetation leading to the ridgeline remain intact. As noted earlier in the Policy section of this report, the construction of the driveway, carpark and play areas will have a significant impact requiring clearing and re-contouring of the land.

Planning Policy No. 3.3.5 – Child Care Premises (PP3.3.5)

The proposal has been assessed against the requirements of the City’s PP3.3.2 and fails to comply with the fundamental policy criteria in respect of location, poor walkability, no public transport and impact on the amenity of the rural area.

The following are objectives of PP3.3.5:

"- To secure the amenity of the locality by ensuring that Child Care Premises (CCP) are consistent with the scale and character of the immediate area;
- To ensure that appropriate and flexible child care facilities are provided to accommodate the needs of the children and their carers.
- To consider the health and safety of children attending the Child Care Premises within the confines of the planning system."

The below table is an assessment against the location requirements of PP3.3.5, where a CCP is considered to be suitable:
<table>
<thead>
<tr>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distributed strategically to provide the maximum benefit to the community it serves.</td>
<td>The proposed CCP is located in isolation from compatible land uses, commercial development and residential development of sufficient density.</td>
<td>No</td>
</tr>
<tr>
<td>Within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities.</td>
<td>No commercial, recreation or community nodes and education facilities existing within a walkable distance from the CCP.</td>
<td>No</td>
</tr>
<tr>
<td>Located in areas where adjoining uses are compatible with a Child Care Premises (includes considering all permissible uses under the zoning of adjoining properties).</td>
<td>The proposed CCP is not considered to be compatible with adjoining rural/residential land uses. This is highlighted by the significant opposition to the proposal.</td>
<td>No</td>
</tr>
<tr>
<td>Serviced by public transport (where available).</td>
<td>The CCP is not served by Public Transport.</td>
<td>No</td>
</tr>
<tr>
<td>Considered suitable from a traffic engineering/safety point of view.</td>
<td>The TIA submitted is considered to be satisfactory.</td>
<td>Yes</td>
</tr>
<tr>
<td>Of sufficient size and dimension to accommodate the development without affecting the amenity of the area.</td>
<td>The size and nature of the proposal is considered to have the potential to affect the amenity of the Rural area in which it is proposed to be located.</td>
<td>No</td>
</tr>
</tbody>
</table>

If the Council is of the view to approve the CCP, it should first review PP3.3.5 as the proposal fails to comply with the policy criteria that are used to assess the suitability of applications within the district.

Planning for Bush Fire Protection Guidelines (PfBFP Guidelines)

The PfBFP Guidelines outline the requirements for the assessment of bushfire hazard in relation to new development, with the overarching intent of providing an appropriate level of protection to life and property where a bushfire risk is identified.

The subject site is located within 100m of vegetation that is considered to be bushfire prone vegetation by the PfBFP Guidelines. As such, an assessment of the bushfire risk is required to be provided in accordance with the PfBFP Guidelines. This is normally provided in the form of Fire Management Plan (FMP). The City requested a FMP be provided by the applicant for this development, however, at the time of the preparation of this report, the applicant had not furnished the City with the plan.

In the absence of the FMP, the City has undertaken an assessment of the bushfire risk for the proposed development, in accordance with the PfBFP Guidelines. The assessment is known as a Bushfire Attack Level (BAL) assessment and is based on:

- Vegetation Classification (see Figure 15);
- The distance to the classified vegetation (see figure 16); and
- The slope under the classified vegetation (see figure 17).
15. Vegetation Classification

16. Distance to Classified Vegetation
17. Slope under Classified Vegetation

The City has undertaken two BAL assessments. The first was based on the site as it currently is, with no vegetation clearing. The results are outlined in the table below.

<table>
<thead>
<tr>
<th>Building Face</th>
<th>Vegetation Class</th>
<th>Setback from Vegetation (meters)</th>
<th>Slope (°)</th>
<th>BAL Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Woodland (N)</td>
<td>15.8m</td>
<td>Flat</td>
<td>BAL-29</td>
</tr>
<tr>
<td></td>
<td>Scrub (N / NE / NW)</td>
<td>&lt;2m</td>
<td>Flat</td>
<td>BAL-FZ</td>
</tr>
<tr>
<td>East</td>
<td>Scrub (E)</td>
<td>4m</td>
<td>Flat</td>
<td>BAL-FZ</td>
</tr>
<tr>
<td></td>
<td>Woodland (NE)</td>
<td>34.7m</td>
<td>&gt;0-5</td>
<td>BAL-19</td>
</tr>
<tr>
<td>South</td>
<td>Forest (S)</td>
<td>14.5m</td>
<td>Flat</td>
<td>BAL-FZ</td>
</tr>
<tr>
<td></td>
<td>Woodland (S)</td>
<td>5.4m</td>
<td>Flat</td>
<td>BAL-FZ</td>
</tr>
<tr>
<td>West</td>
<td>Forest (SW)</td>
<td>14.5m</td>
<td>Flat</td>
<td>BAL-FZ</td>
</tr>
<tr>
<td></td>
<td>Woodland (W)</td>
<td>7.5m</td>
<td>Flat</td>
<td>BAL-FZ</td>
</tr>
<tr>
<td></td>
<td>Scrub (W)</td>
<td>&lt;2m</td>
<td>Flat</td>
<td>BAL-FZ</td>
</tr>
</tbody>
</table>

The second assessment was based on providing a 20m separation between the building to be used for the childcare premises and the classified vegetation. This 20m separation would be required as part of the PIBFP Guidelines, in the form of a Building Protection Zone (discussed further below). The results are outlined in the table below.
### BAL assessment for exposed interface areas with 20m BPZ

<table>
<thead>
<tr>
<th>Building Face</th>
<th>Vegetation Class</th>
<th>Setback from Vegetation (meters)</th>
<th>Slope (°)</th>
<th>BAL Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Woodland (N)</td>
<td>20m</td>
<td>&gt;0-5</td>
<td>BAL-29</td>
</tr>
<tr>
<td>East</td>
<td>Woodland (NE)</td>
<td>34.7m</td>
<td>&gt;0-5</td>
<td>BAL-19</td>
</tr>
<tr>
<td></td>
<td>Woodland (SE)</td>
<td>20m</td>
<td>Flat</td>
<td>BAL-19</td>
</tr>
<tr>
<td>South</td>
<td>Forest (S / SW)</td>
<td>20m</td>
<td>Flat</td>
<td>BAL-40</td>
</tr>
<tr>
<td></td>
<td>Woodland (S)</td>
<td>20m</td>
<td>Flat</td>
<td>BAL-19</td>
</tr>
<tr>
<td>West</td>
<td>Forest (SW)</td>
<td>20m</td>
<td>&gt;0-5</td>
<td>BAL-40</td>
</tr>
<tr>
<td></td>
<td>Woodland (W)</td>
<td>20m</td>
<td></td>
<td>BAL-29</td>
</tr>
</tbody>
</table>

The figure below illustrates what each of the BAL levels means.

18. Bushfire Attack Level (BAL) Explanation

The PfBFP Guidelines do not support the siting of development in either BAL-40 or BAL-FZ. To achieve a lower BAL, further clearing of vegetation would be required. Specifically, clearing to provide a minimum of 21m separation to the Forest vegetation class would be needed.

No assessment of the impact of the clearing required to provide an acceptable level of hazard separation has been provided. It would seem that the extent of clearing required to achieve an acceptable level would be contrary to the RLS and particularly the objective of Planning Unit 4.

The PfBFP Guidelines provide a number of bushfire protection criteria that need to be addressed to ensure development is appropriately located and protected. These criteria are outlined below, with an assessment of the development provided.

<table>
<thead>
<tr>
<th>Required</th>
<th>Provided/Comment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Element 1: Location</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A1.1 Development Location</td>
<td>The subdivision/development is located on land that is not subject to either an extreme bush fire hazard land classification or requires construction standards to BAL-40 or BAL-FZ.</td>
<td>The development is located in an area of BAL-40 and BAL-FZ without any clearing. With a 20m BPZ, the development remains partially in an area of BAL-40.</td>
</tr>
<tr>
<td>Required</td>
<td>Provided/Comment</td>
<td>Compliance</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>The BAL could be further reduced through greater vegetation clearing.</td>
<td>The impact of this has not been assessed.</td>
<td></td>
</tr>
<tr>
<td>Element 2: Vehicular Access</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A2.1 Two Access Routes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two different vehicular access routes, both of which connect to the</td>
<td>Only one access route provided that connects to the public road network and that</td>
<td>No</td>
</tr>
<tr>
<td>public road network, are available to all residents/the public at all</td>
<td>is available at all times.</td>
<td></td>
</tr>
<tr>
<td>times.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A2.5 Private driveways</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constructed private driveways meet the following requirements:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• required where house site is more than 50 metres from a public road</td>
<td>&gt;100m from Mandurah Road</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>• minimum trafficable surface: 4 metres</td>
<td>Unknown as site plan is not to scale. Sufficient area exists to provide 4m width.</td>
<td>Yes (can comply)</td>
</tr>
<tr>
<td>• horizontal clearance: 6 metres</td>
<td>Unknown from information provided. Site inspection would indicate it would be</td>
<td>Unknown</td>
</tr>
<tr>
<td></td>
<td>less than 6m. It is likely that pruning and or removal would have a significant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>impact on the trees in this location.</td>
<td></td>
</tr>
<tr>
<td>• vertical clearance: 4 metres</td>
<td>Unknown from information provided. Site inspection would indicate it would be</td>
<td>Unknown</td>
</tr>
<tr>
<td></td>
<td>less than 4m. It is likely that pruning would have a significant impact on the</td>
<td></td>
</tr>
<tr>
<td></td>
<td>trees in this location.</td>
<td></td>
</tr>
<tr>
<td>• maximum grades: 1 in 8</td>
<td>Unknown from the information provided. However would appear grades could be 1 in</td>
<td>Unknown</td>
</tr>
<tr>
<td>• maximum grade over &lt;50 metres: 1 in 5</td>
<td>Unknown from the information provided. However would appear grades could be 1 in</td>
<td>Unknown</td>
</tr>
<tr>
<td>• maximum average grade: 1 in 7</td>
<td>Unknown from the information provided. However would appear grades could be 1 in</td>
<td>Unknown</td>
</tr>
<tr>
<td>• minimum weight capacity: 15 tonnes</td>
<td>This could be conditioned.</td>
<td>Yes</td>
</tr>
<tr>
<td>• maximum crossfall: 1 in 33</td>
<td>Unknown from the information provided.</td>
<td>Unknown</td>
</tr>
<tr>
<td>• curves minimum inner radius: 12 metres</td>
<td>Unknown from the information provided.</td>
<td>Unknown</td>
</tr>
<tr>
<td>Required</td>
<td>Provided/Comment</td>
<td>Compliance</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>• passing bays: every 200 metres with a minimum length of 20 metres and a minimum width of 2 metres (ie the combined width of the passing bay and constructed private driveway to be minimum 6 metres)</td>
<td>Unknown from the information provided. This could possibly be conditioned.</td>
<td>Unknown</td>
</tr>
<tr>
<td>• turn around areas designed to accommodate 3.4 fire appliances and to enable them to turn around safely: every 500 metres and within 50 metres of a house.</td>
<td>Not clear from the information provided that a 3.4 fire appliance could turn around in this location.</td>
<td>Unknown</td>
</tr>
</tbody>
</table>

**A2.9 Firebreak Widths**

Lots greater than 0.5 hectares must have an internal perimeter firebreak of a minimum 3 metres width. This is required under current Fire Control Notice requirements. Yes

**Element 3: Water**

**Non-reticulated areas**

<table>
<thead>
<tr>
<th>Required</th>
<th>Provided/Comment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>A3.2 Water tanks with a hydrant or standpipe are provided and meet the following requirements: Volume: 50,000 litres per tank</td>
<td>The City's position for non-reticulated areas is to preferably have each development with its own tank as opposed to a communal tank. The tank(s) must provide: - A minimum dedicated static water supply of 10,000 litres/dwelling. - Above ground tanks are to be constructed of concrete, steel or corrugated iron. Plastic tanks are not to be used. Raised tanks are to have their stands constructed of non-combustible materials and heat shielding provided. - The water supply must be located in a position accessible the outer edge of the building. - The tank must be fitted with both a 50mm cam-lock fitting with a full flow valve and a 125mm Storz coupling with a full flow valve. - All above ground water pipes must be of non-corrodible and non-combustible materials.</td>
<td>Unknown</td>
</tr>
<tr>
<td>• Ratio of tanks to lots: 1 tank per 25 lots (or part thereof)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Tank location: tanks are located to allow a 2.4 appliance to achieve a 20 minute turn around time at legal road speeds from the tanks to the furthest dwelling site within the residential development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Tank construction: above ground tanks are constructed of concrete or metal and the stands of raised tanks are constructed using non-combustible materials and heat shielding where appropriate (i.e. heat shielding will be required in the case of metal tank stands)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• It is the responsibility of the local government to ensure that these tanks are full of water</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Required</td>
<td>Provided/Comment</td>
<td>Compliance</td>
</tr>
<tr>
<td>----------</td>
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<td>------------</td>
</tr>
<tr>
<td>• Pipe construction: galvanised or copper pipe are used above ground, although PVC pipe may be used if buried 300 millimetres below ground</td>
<td>• A hardstand and turn around area, suitable for a 2.4 appliance, is provided within 3 metres of the water tank.</td>
<td></td>
</tr>
<tr>
<td>• Couplings are to be in accordance with the FESA guidelines available at <a href="http://www.fesa.wa.gov.au">www.fesa.wa.gov.au</a></td>
<td>• The land owner is to ensure the tank is at full capacity at all times and in good working order.</td>
<td></td>
</tr>
<tr>
<td>• Procedures are put in place to ensure water tanks are maintained at full capacity at all times</td>
<td>It has not been demonstrated that this water supply could be provided in addition to any potable supply required.</td>
<td></td>
</tr>
<tr>
<td>• Hardstand and turn around area suitable for a 3.4 appliance are provided within 3 metres of each water tank</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Water tanks and associated facilities are vested in the relevant local government.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Element 4: Siting of Development**

**A4.1 Hazard separation – moderate to extreme bush fire hazard level**

Every building is sited a minimum distance of 100 metres from any vegetation classified under table 1 and figure 1 as forests, woodlands, closed shrub, open shrub, mallee/mulga and rainforest (i.e. in an area with an moderate or extreme bush fire hazard level) or has its construction standard increased to align with the appropriate bush fire attack level for that location. Under AS 3959, the distance between the predominant vegetation and the building can be reduced but, the construction standard must be increased. The proposed development is not sited 100m from the classified vegetation. Compliance with AS3959 is only required by the Building Code of Australia (BCA) for Residential Buildings (i.e. Classes 1 and 2). Despite this, compliance can still be required with AS3959 by a Planning Approval. Nevertheless, BAL-29 is the highest BAL that supported by the PfBFP Guidelines. Further clearing is required to achieve the appropriate BAL, the impacts of which are unknown. The impacts should be ascertained to determine the acceptability of the clearing based on RLS requirements.

**A4.3 Building Protection Zone (BPZ)**

Every building is surrounded by a building protection zone that meets the following requirements:
- **Width:** 20 metres measured from any external wall of the building
- **Location:** within the boundaries of the lot on which the building is situated

A BPZ has not been provided as part of the development. As such no assessment of the impact of the vegetation clearing required to facilitate the BPZ has been undertaken. The impacts should be ascertained to determine the acceptability of the clearing based on RLS requirements.

Further assessment required to determine.
<table>
<thead>
<tr>
<th>Required</th>
<th>Provided/Comment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Fuel load: reduced to and maintained at 2 tonnes per hectare</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Trees (crowns) are a minimum of 10 metres apart</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Trees are low pruned at least to a height of 2 metres</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• No tall shrub or tree is located within 2 metres of a building (including windows)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• There are no tree crowns overhanging the building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Fences and sheds within the building protection zone are constructed using non-combustible materials (e.g. Colorbond iron, brick, limestone)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Shrubs in the building protection zone have no dead material within the plant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Tall shrubs in the building protection zone are not planted in clumps close to the building i.e. within 3 metres</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trees in the building protection zone have no dead material within the plant's crown or on the bole.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**A4.4 Hazard Separation Zone (HSZ)**

Every building and its contiguous building protection zone is surrounded by a hazard separation zone that meets the following requirements:

- Minimum width: 80 metres in the case of vegetation classified under table 1 and figure 1 as forests, woodlands, closed shrub, open shrub, mallee/mulga and rainforest, measured from the outer edge of the building protection zone

- Location: within the boundaries of the lot on which the building is situated or, where this is not possible or desirable, within the boundaries of the overall residential development in which the building is proposed to be located

The development will not provide a HSZ, as the hazard separation area is being reduced in accordance with A4.1.

Yes
- Fuel load: reduced to and maintained at between 5 and 8 tonnes per hectare for jarrah/marri dominated forest and woodlands, below 12-15t/ha in mallee heath and below 15t/ha in karri forest
- Trees (crowns) are a minimum of 10 metres apart
- Trees in the hazard separation zone have no dead material within the plant’s crown or on the bole.

### Element 5: Design of development

#### A5.1 Compliant development

For development that complies with acceptable solutions A4.1, A4.2, A4.3 and A4.4 there are no special design requirements.

- Insufficient information to determine
- Unknown

#### A5.2 Non-compliant development

For development that does not comply with acceptable solutions A4.1, A4.2, A4.3 and A4.4 there is no acceptable solution. All such proposals must be assessed under performance criterion P5.

- Insufficient information to determine
- Unknown

Aside from the extent of clearing required to provide for an appropriate hazard separation, the City has significant concerns relating to the specific land use being located in a bushfire prone area with poor accessibility.

The figure below shows the extent of bushfire prone land (identified by the City's Draft TPS Amendment No.144) in the immediate vicinity of the site. It can be seen that there are significant tracts of bushfire prone land in every direction from the site.

19. Land proposed to be designated as Bushfire Prone under TPS2 Amendment No.144
The occupants of childcare centres are more vulnerable to bushfire attack because:
- They present organisational difficulties for evacuation and/or management. Childcare centres often have fixed ratios of staff to children that are based on supervision rather than emergency response and evacuation requirements;
- They may be more vulnerable through stress and anxiety arising from bushfire threat and smoke;
- There may be communication barriers;
- Supervision during a bushfire may be difficult;
- Logistical arrangements for the number of children may be complicated in terms of transport and alternate accommodation;
- The occupants are not able to assist with property protection.
- In WA there are no specific provisions in the PfBFP Guidelines that reflect these specific constraints of the land use. In New South Wales there are, however, specific requirements for such development, which should be used as best practice. These are known as Special Fire Protection Purpose (SFPP) developments.
- The NSW PfBFP Guidelines provide the following relevant requirements for SFPP land uses:

**Asset Protection Zones (APZ)**

**Performance Criteria:** Radiant heat levels of greater than 10kW/m² will not be experienced by occupants or emergency services workers entering or exiting a building.

**City Comment:**
An APZ is the equivalent to the BPZ and HSZ in WA. To achieve this, the APZs for SFPP developments are 3 to 4 times larger than for a normal development. Thus for the development the following APZs are required. This would essentially require fuel reduction and clearing over the entire site.

<table>
<thead>
<tr>
<th>Vegetation Class</th>
<th>Effective Slope</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Flat</td>
</tr>
<tr>
<td>Forest</td>
<td>60m</td>
</tr>
<tr>
<td>Woodland</td>
<td>40m</td>
</tr>
<tr>
<td>Scrub</td>
<td>45m</td>
</tr>
</tbody>
</table>

**Performance Criteria:** Exits are located away from the hazard side of the building.

**City Comment:**
The Toddlers Indoor room would exit straight towards the greatest hazard (south).

**Emergency and Evacuation Planning**

Evacuation at the last minute ahead of a bushfire is very dangerous, and potentially exposes people to smoke, radiant heat and embers. It is for this reason that SFPP developments have increased setback requirements to meet evacuation/relocation and emergency planning objectives and also have a requirement for site specific emergency plans.

This is particularly important where the affected people are very young or aged, or where the population is poorly prepared for the bushfire event, either because of a lack of understanding (e.g. tourists) or limited language skills (e.g. recent migrants).
SFPPs\(^1\) Seniors Living, schools, hospitals, child care, nursing homes and other SFPPs should all have suitable management arrangements and structures capable of developing and implementing an emergency plan.

**Performance Criteria:** An Emergency and Evacuation Management Plan is approved by the relevant fire authority for the area.

**City Comment:**
The applicant has not provided an Emergency and Evacuation Management Plan.

**Performance Criteria:** Suitable management arrangements are established for consultation and implementation of the emergency and evacuation plan.

**City Comment:**
The Acceptable Solutions for this Performance Criterion includes:

- An Emergency Planning Committee is established to consult with residents (and their families in the case of aged care accommodation and schools) and staff in developing and implementing an Emergency Procedures Manual.

- Detailed plans of all Emergency Assembly Areas including “onsite” and “offsite” arrangements as stated in AS 3745-2002 are clearly displayed, and an annual (as a minimum) trial emergency evacuation is conducted.

Neither has been considered as part of this application.

Given the above, it can be seen that the subject site is a less than suitable location for a child care premise. Substantial vegetation clearing would be required to provide an appropriate level of hazard separation for the development. This vegetation removal and modification is contrary to the objective of the RLS and thus TPS2. Even with clearing, the site remains located in a significantly bushfire prone locality. With the limited access (north or south only on Mandurah Road) and the difficulties associated with the mobility of the occupants, it is considered to be an inappropriate location for the proposed development.

**Planning Policy 3.3.1 - Control of Advertisements (PP3.3.1)**

Clause 4.3 - Planning Considerations – Pylon Sign
The original proposed sign is not consistent with the provision of PP3.3.1 as it is 6.4m high in lieu of the permissible 6m and has an area of 9.6m\(^2\) in lieu of the permissible 4m\(^2\). It is acknowledged that the applicant will modify the sign to comply with the provision of PP3.3.1.

e. **Financial**
Nil

f. **Legal and Statutory**

Metropolitan Region Scheme (MRS)
The subject property is zoned ‘Rural’ under the MRS and is therefore affected by Clause 32 (Resolution No.55 – *Development in the Rural Zone*) under the MRS.

The application must also be determined by the WAPC, pursuant to the MRS. The City will provide its comments and recommendations to the WAPC following the Council’s decision on the proposal under TPS2.

Planning Approval is therefore required from the WAPC (MRS) and the Council (TPS2) in order for the applicant to proceed with the development.

**Town Planning Scheme No.2 (TPS2)**

**Permissibility**

Child Care Premises is interpreted under TPS2 as follows:

---

\(^1\) Correction of typographical error
"means premises used to provide a child care service within the meaning of the Child Care Services Act 2007, but does not include a Family Day Care Centre"

A Child Care Premises is not permitted, within the Rural Zone, unless Council has exercised its discretion by granting Planning Approval.

Rural Zone

The objective of the Rural Zone is to preserve land for farming and foster semirural development, which is sympathetic to the particular characteristics of the area in which it is located.

The proposed CCP will require removal of significant woodland vegetation and re-contouring of land which is likely to have a detrimental impact on the rural amenity of the land when viewed from Mandurah Road. It will generate a significant number of vehicle movements that is not what is typical or expected within a Rural Zone, therefore, which will impact on the amenity of the surrounding landowners. It is therefore considered that the proposal is inconsistent with the objective of the Rural zone.

Setbacks

TPS2 requires all development to be setback 30m from Mandurah Road and 10m from all other boundaries. It is noted that there is an inconsistency with the 40m setback required by PP3.1.1. The 30m setback required by TPS2 applies to all land within the Rural Zone, whereas the 40m setback required by PP3.1.1 is only required along certain road frontages such as Mandurah Road. The intent of the 40m setback is to protect the rural views of Mandurah Road and by retaining a generous landscape buffer. Although the proposal complies with the TPS2 setback of 30m, it is considered that in this location, a 40m setback is appropriate as per PP3.1.1.

Clause 4.15 - Carparking

Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table No.2 of TPS2.

Considerations under Clause 6.6

The significant earthworks and removal of vegetation required to construct the proposed development could adversely impact the character of the Mandurah Road viewshed.

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

"(i) The likely effect of the proposal on the natural environment and any means that are proposed to protect or mitigate impacts on the natural environment;
(ii) The preservation of the amenity of the locality;
(iii) The relationship of the proposal to the development of adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal; and
(iv) Any relevant submissions received on the application."

Whilst it is acknowledged that the applicant has committed to revegetating areas of the site, this is not considered an adequate substitute for the loss of vegetation across the site.

g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil
Comments

The proposed CCP raises planning concerns which are considered by the City to be fatal flaws to the proposed development. These matters are explained below and form the basis for the City’s refusal recommendations.

**PP3.3.5**

As demonstrated in the Policy section of this report the proposed location is considered to be unsuitable for a CCP. The lot is isolated from residential localities, compatible land uses and public transport. It is considered that the proposed site for the CPP fails to comply with the basic locational criteria of PP3.3.5.

PP3.3.5 is an adopted Policy of Council that serves to guide the Council in its consideration of the development of CCPs within the City. As the proposal is inconsistent with a City Policy, if the Council wishes to approve the application, the proposal should be deferred pending a review of PP3.3.5. It is considered that an undesirable precedent will be set indicating that a departure from an adopted Planning Policy is acceptable.

**Environmental Impact**

The City has conducted the following environmental assessment of the proposal which concluded that the application will have an unacceptable environmental impact:

- The lot consists of Cottesloe Complex which is regionally significant as less than 10% remains on the Swan Coastal Plain. The lot is well vegetated, with the western portion of the land remaining in its natural state. A site visit confirmed this and revealed the presence of a number of healthy *Eucalyptus, Banksia* and *Agonis* species.

- Although the applicant has indicated that only 6-8 trees will be removed to facilitate the construction of the access way, carpark and outdoor play area, without a plan identifying exactly which trees are to be removed, this remains uncertain. Given the scope of works proposed, the City considers that the extent of the clearing will be more significant.

- The City has identified potential Carnaby’s Black Cockatoo foraging and breeding habitats on the lot. The City is concerned that much of this potential habitat will be cleared to facilitate the construction of the access way, carpark and outdoor play area.

- It is noted that significant vegetation has already been cleared in the area proposed to contain the outdoor play area. This clearing has been undertaken without the prior approval of the City, however, it is unclear if the removed trees were dead, diseased or dangerous. In any case the landowner should have provided the City with an arborist’s report identifying trees to be removed in accordance with TPS2 provisions.

**Amenity**

The proposed development will have an adverse impact on the amenity of neighbours for the following reasons:

**Operation**

The nature of the development is such that children will be dropped off and collected on weekdays. The volume of traffic entering and exiting the site, and the increase in the number of people utilising the site, is considered to be significantly greater than the surrounding rural properties and what is to be expected within a Rural zone. For this reason, the operation of the proposed development is likely to detrimentally impact the existing rural amenity of the locality. It is noted that submissioners were also concerned about the potential impact on their amenity.

**Visual Impact**

One of the primary objectives of Planning Unit No.4 is to provide a natural viewshed to Mandurah Road, with buildings required to be setback a minimum of 40m from Mandurah Road. Development is required to be of a scale that minimises intrusion into the landscape.

The proposed development includes access, car parking and a portion of the outdoor play area within the 40m setback. Given the steep topography of the site and the extent of earthworks proposed, the proposed the development will significantly modify the natural topography/landform of the site and result in a loss of remnant vegetation. The proposed development will have a detrimental visual impact on the landscape.
In regards to the applicant’s further information pertaining to the finished levels of the development, the following response is provided by the City. As can be seen in the site plan at figure 4, the contour plan at figure 13, the aerial overlay at figure 14 and the slope plan at figure 17, the proposed access way, carpark and play area are located on a steep slope in areas of significant vegetation. As such the applicant’s intention to retain vegetation and utilise minimal cutting and filling is considered to be unfeasible. Without the provisions of proper plans identifying trees to be retained and finished levels, the City cannot know for certain what the impact of the development will be on the property. After undertaken significant on-site and desktop analysis of the proposal, the City considers that the development will have an unacceptable impact on the remnant vegetation and landform of the site.

**Land Use Compatibility**

TPS2 requires the Council to consider to the compatibility of a use or development with its setting. The surrounding land is largely occupied by rural housing and small scale rural and agricultural pursuits. The proposed development is therefore considered incompatible with the existing surrounding land uses. This was also a reason why neighbours objected to the proposal.

**Rural Zone**

The proposed CCP will require removal of significant woodland vegetation and re-contouring of the land which will have a detrimental impact on the rural amenity of the land when viewed from Mandurah Road. The proposal will also generate a significant number of vehicle movements that is not what is typical or expected within a Rural Zone. These additional vehicle movements will impact on the amenity of the surrounding landowners. It is therefore considered that the proposal is inconsistent with the Rural zone objectives in TPS2.

**Conclusion**

On the basis that the proposal is incompatible with the surrounding land uses, inconsistent with PP3.3.5, has the potential to impact detrimentally on the amenity of the location, will have a detrimental impact on the environment and is unsafe from a bush fire risk perspective, the proposal is recommended for refusal. If the Council was of the view to granting planning approval to the proposed development it is strongly recommended that Council review PP3.3.5so its Policy framework is consistent and reflects its position regarding the locational criteria applying to CCPs in the district.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **REFUSE** the application for the proposed Child Care Premises on Lot 603 Mandurah Road, for the following reasons:

1. The location of the proposed Child Care Premises is unsuitable and the proposal fails to meet the locational criteria of Local Planning Policy 3.3.5 – Child Care Premises in the following manner:
   - The proposed Child Care Premises is not strategically located in an area to provide the maximum benefit to the community it serves [Clause 4.1 (a)];
   - The proposed Child Care Premises not within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities (Clause 4.1 (b));
   - The proposed Child Care Premises is incompatible with surrounding land uses and has the potential to be detrimental to the amenity of neighbours due to increased vehicular traffic (Clause 4.1 (c)); and
   - The proposed Child Care Premises is not serviced by Public Transport (Clause 4.1 (e)).

2. The proposed Child Care Premises will require the removal of significant vegetation and the re-contouring of land, which will have a detrimental impact on the natural viewshed to Mandurah Road. This is inconsistent with the primary objective of Planning Unit 4 of Planning Policy 3.1.1 – **Rural Land Strategy** to encourage development which recognises and enhances the landscape and natural resource attributes of the unit and retain the natural viewshed to Mandurah Road.
Committee Recommendation

Moved Cr Hill, seconded Cr Hamblin:

That Council REFUSE the application for the proposed Child Care Premises on Lot 603 Mandurah Road, for the following reasons:

1. The location of the proposed Child Care Premises is unsuitable and the proposal fails to meet the locational criteria of Local Planning Policy 3.3.5 – Child Care Premises in the following manner:

   The proposed Child Care Premises is not strategically located in an area to provide the maximum benefit to the community it serves [Clause 4.1 (a)];
   - The Child Care Premises not within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities (Clause 4.1 (b));
   - The proposed Child Care Premises is incompatible with surrounding land uses and has the potential to be detrimental to the amenity of neighbours due to increased vehicular traffic (Clause 4.1 (c)); and
   - The proposed Child Care Premises is not serviced by Public Transport (Clause 4.1 (e)).

2. The proposed Child Care Premises will require the removal of significant vegetation and the re-contouring of land, which will have a detrimental impact on the natural viewshed to Mandurah Road. This is inconsistent with the primary objective of Planning Unit 4 of Planning Policy 3.1.1 – Rural Land Strategy to encourage development which recognises and enhances the landscape and natural resource attributes of the area and retain the natural viewshed to Mandurah Road.

3. The proposed Child Care Premises will have an adverse impact on the amenity of the adjoining land through:

   - Increased vehicle movements associated with the development;
   - It is an incompatible (non-rural) land use; and
   - Significant changes to the existing landscape including loss of vegetation and modification to landform; and

4. The proposed Child Care Premises will have an unacceptable impact on the natural environment including loss of native vegetation and potential Carnaby's Black Cockatoo breeding habitats and changes to the natural contours of the ridge line.

5. The proposal is considered to be unacceptable from a bushfire risk perspective.

6. The proposed Child Care Premises is incompatible with characteristics of the area in which it is located and therefore fails to comply with the Objectives of the Rural Zone in Town Planning Scheme No.2.

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

Not Applicable

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

Not Applicable
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-012/15 Single House – Front Door and Open Space Variations</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD001.2014.00004668.001</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Aussie Living Homes Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr A Lukies</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>16 February 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 546 McDonald Road, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>300m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Development (Residential R30)</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
</tr>
<tr>
<td></td>
<td>3. Site Plan</td>
</tr>
<tr>
<td></td>
<td>4. Floor Plan</td>
</tr>
<tr>
<td></td>
<td>5. Elevations</td>
</tr>
<tr>
<td></td>
<td>6. Primary Street Facade</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial Photo
Purpose of Report

To consider an application for an R-Codes approval for a Single House on Lot 546 McDonald Road, Baldivis.

Background

In March 2012, the City approved a minor modification to the Chimes Structure Plan to increase the density of the Structure Plan area from 20.2 dwellings per hectare to 25.1 dwellings per hectare by ‘up-coding’ the R-Coding of the lots. The subject site is designed as Residential R30 on the approved Structure Plan.

Details

The applicant seeks an R-Codes Approval for the following variations to the proposed Single House:

- A side front entry door instead of a front door oriented and accessible directly from the street, and defined by an architectural entrance colonnade;
- Open Space variation from 45 to 43%;

The applicant considers the architectural entrance colonnade demonstrates compliance with the front door requirements of the R-Codes and is not a variation. The applicant’s justification for the reduction of Open Space is as follows:

“As per performance criteria 5.1.4 the proposed residence has been designed to allow sufficient open space around the building to complement the design of the residence.

The proposed design will provide access to natural sunlight for the dwelling and outdoor living areas.

The proposed design has taken into consideration the future occupants of the type and density of the dwelling.

The proposed open space provision complies with the minimum 40% on accordance with the Detailed Area Plans for Stages 1, 2 and 3 in the Chimes Estate. The residence will reflect the existing and/or desired streetscape character of the Estate."
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 MARCH 2015

PRESIDING MEMBER
5. Elevations

**Implications to Consider**

a. **Consultation with the Community**
   
   Nil

b. **Consultation with Government Agencies**
   
   Nil

c. **Strategic**

   **Community Plan**

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

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

d. Policy

State Planning Policy 3.1 - Residential Design Codes (R-Codes)

The R-Codes provide two avenues that an applicant can choose to seek approval. The first being a proposal which complies in all respects with the Deemed-to-Comply provisions of the R-Codes, which are a set of standard requirements, or the second being, whether it meets the Design Principles (i.e. a set of specific criteria).

Proposals for Single Houses considered against the Design Principles of the R-Codes, require a Codes variation application, which therefore requires the exercise of discretion by the Council.

The applicant seeks variation to Clause 5.2.3 relating to Street Surveillance by not having a front door visible from McDonald Road and Clause 5.4.2, relating to a reduction in Open Space from 45% to 42.62%. The City considers the proposed development does not comply with the Design Principles.

In accordance with Clause 2.52 of the R-Codes the determination by a decision maker on the suitability of a proposal, shall regard to the following:

(a) any relevant purpose, objectives and provisions of the scheme;
(b) any relevant objectives and provisions of the R-Codes;
(c) a provision of a local planning policy adopted by the decision-maker consistent with and pursuant to the R-Codes; and
(d) orderly and proper planning.

Street Surveillance

The Deemed-to-Comply and Design Principles relevant to Street Surveillance are as follows:

<table>
<thead>
<tr>
<th>Design Principles</th>
<th>Deemed-to-Comply</th>
<th>Compliant Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>P3</td>
<td></td>
<td></td>
</tr>
<tr>
<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>C3.1 The street elevation(s) of the dwelling to address the street with clearly definable entry points visible and accessed from the street.</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>C3.2 At least one major opening from a habitable room of the dwelling faces the street and the pedestrian or vehicular approach to the dwelling.</td>
<td>Yes – A major opening can be one or more windows which in aggregate exceed 1m²</td>
</tr>
</tbody>
</table>
6. Primary Street Façade

The proposed development fails to comply with the R-Codes as a clearly definable entry point is not visible from the street. Further, the architectural colonnade feature proposed adjoining the office provides minimal interaction with the street and provides an opportunity for concealment down the side of the dwelling and therefore fails to comply with the R-Codes.

**Open Space**

The Deemed-to-Comply and Design Principles relevant to Open Space are as follows:

<table>
<thead>
<tr>
<th>Deemed-to-Comply</th>
<th>Design Principles</th>
<th>Compliant Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>C4 Open space 45%.</td>
<td>P4 Development incorporates suitable open space for its context to:</td>
<td>Desired Streetscape/Character</td>
</tr>
<tr>
<td></td>
<td>- reflect the existing and/or desired streetscape character or as outlined under the local planning framework;</td>
<td>No - TPS2 and Policy 3.3.20 require an interactive frontage and high quality form of development that contributes positively to streetscape</td>
</tr>
<tr>
<td></td>
<td>- provide access to natural sunlight for the dwelling;</td>
<td>Natural Sunlight</td>
</tr>
<tr>
<td></td>
<td>- reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;</td>
<td>Yes.</td>
</tr>
<tr>
<td></td>
<td>- provide an attractive setting for the buildings, landscape, vegetation and streetscape;</td>
<td>Reduce Building Bulk</td>
</tr>
<tr>
<td></td>
<td>- provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and</td>
<td>No – Although the City’s objective is provide larger function courtyard areas in one defined space</td>
</tr>
<tr>
<td></td>
<td>- provide space for external fixtures and essential facilities.</td>
<td>Attractive Setting</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No – the proposed increase building area provides limit areas for landscaping and vegetation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Functional Open Space</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No – A depth of only 3m has been provided</td>
</tr>
<tr>
<td></td>
<td></td>
<td>External Fixtures</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yes.</td>
</tr>
</tbody>
</table>
The 2.38% variation to Open Space (7.14m²) could instead be used to increase the size of the backyard to provide a more functional area for the future occupants of the dwelling.

Planning Policy 3.3.20 - Residential Design Codes Alternative Acceptable Development Provisions (PP3.3.20)

The purpose of PP3.3.20 is to set out the objectives and policy provisions which the Council shall have regard to in the assessment and determination of applications for Building Permits and Development Approval seeking to apply the R-Codes.

PP3.3.20 provides the following acceptable development provision relating to interaction with public spaces (now known as Deemed to Comply provisions).

<table>
<thead>
<tr>
<th>New Design Criteria</th>
<th>New Deemed-to-Comply Provision</th>
<th>Complaint Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings designed to provide for interaction with public spaces including streets, parks and pedestrian thoroughfares.</td>
<td>Where a dwelling is adjacent to a public street, the major entry (front door) must be orientated towards the street.</td>
<td>No. Interaction with the street is limited to the two windows to the office.</td>
</tr>
</tbody>
</table>

The proposed development fails to comply with PP3.3.20 as the front door is orientated towards the northern boundary, not the street. There is little interaction with the street due to the dominance of the double garage.

e. **Financial**

   Nil

f. **Legal and Statutory**

   *Town Planning Scheme No.2 (TPS2)*

   The subject site is zoned Development under TPS2 and is designated ‘Residential R30’ on the Chimes Structure Plan.

   The proposed development of a Single House is a Permitted use in a Residential zone.

   *Clause 4.1.3 - Special Application of Residential Design Codes*

   Clause 4.1.3 requires any person who wishes the Council to exercise its discretion in respect of any particular provision of the Residential Design Codes relating to the erection of a Single House shall, at the time of lodging an application for a Building Permit or earlier, apply for Council's Planning Approval for the exercise of discretion.

   The Council may exercise its discretion with or without conditions or may refuse to grant its consent.

   g. **Risk**

   *Risk Implications of Implementing Officer Recommendation*

   Nil

   *Risk Implications of Not Implementing Officer Recommendation*

   Nil

**Comments**

The proposed development fails to comply with the R-Codes and PP3.3.20 as the front door is orientated towards the northern boundary, not the street.

The City has become increasingly concerned that key variations sought to the R-Codes are resulting in poor streetscapes and unusable outdoor areas and backyards. It has been observed that key variations sought to primary setbacks, streetscape and open space requirements for front-loaded lots have resulted in small lots being over-developed. This overdevelopment is contributing to poor streetscape outcomes, primarily due to garage dominance and insufficient frontage for the dwelling to counter balance the garage, especially on narrow lots.
The proposed development provides almost no interaction with the street other than two small office windows. In this case, by not having a front door entrance to the dwelling the garage has become the dominant element of the dwelling making it appear ‘unbalanced’. The side entry, which is located behind the office, does not align with Crime Prevention Through Environmental Design Principles (CPTED) by having an area of the dwelling which provides an opportunity for concealment.

The City has approached the applicant regarding the R-Code variations; however, the applicant has advised that it is not willing to modify the design as it considers it complies with the Deemed-to-Comply provision of the R-Codes, other than Open Space.

Given other dwellings in McDonald Street will be required to adhere to the requirements of the R-Codes, an entry point which is not visible from the street, in this case, will result in negative impact on the streetscape.

It is considered that the proposed development will result in a poor streetscape outcome and is recommended for refusal.

---

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **REFUSE** the application for an R-Codes approval for a Single House on Lot 546 McDonald Road, Baldivis for the following reasons:

1. The proposed development fails to comply with the Acceptable Development provisions and Design Principles of the Residential Design Codes, in respect of Clause 5.2.3 - Street Surveillance and the Design Criteria of Planning Policy 3.3.20 - Residential Design Codes, for the following reasons:
   - the front door is neither clearly visible from McDonald Street nor the front entrance appropriate defined;
   - the development results in a poor streetscape outcome by limiting the interaction with street to the balance of the dwelling not occupied by the garage; and
   - an area of concealment will be provided along the side of the dwelling which is inconsistent with CPTED principles.

2. The proposed development fails to comply with the Design Principles provisions of the Residential Design Codes, in respect of Clause 5.1.4 - Open Space, for the following reasons:
   - insufficient Open Space is provided;
   - does not reflect the existing and/or desired streetscape character as outlined under TPS.2 and PP 3.3.20 to provide an interactive frontage to dwellings and high quality form of development that contributes positively to streetscape;
   - does not provide an attractive setting for the buildings, landscape, vegetation and streetscape with limited backyard area; and
   - provides limited opportunities for residents to use space external around the dwelling given it is limited to an area at the rear of the dwelling with a 3m depth.

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Elliott:

That Council **REFUSE** the application for an R-Codes approval for a Single House on Lot 546 McDonald Road, Baldivis for the following reasons:

1. The proposed development fails to comply with the Acceptable Development provisions and Design Principles of the Residential Design Codes, in respect of Clause 5.2.3 - Street Surveillance and the Design Criteria of Planning Policy 3.3.20 - Residential Design Codes, for the following reasons:
- the front door is neither clearly visible from McDonald Street nor the front entrance appropriate defined;
- the development results in a poor streetscape outcome by limiting the interaction with street to the balance of the dwelling not occupied by the garage; and
- an area of concealment will be provided along the side of the dwelling which is inconsistent with CPTED principles.

2. The proposed development fails to comply with the Design Principles provisions of the Residential Design Codes, in respect of Clause 5.1.4 - Open Space, for the following reasons:
- insufficient Open Space is provided;
- does not reflect the existing and/or desired streetscape character as outlined under TPS.2 and PP 3.3.20 to provide an interactive frontage to dwellings and high quality form of development that contributes positively to streetscape;
- does not provide an attractive setting for the buildings, landscape, vegetation and streetscape with limited backyard area; and
- provides limited opportunities for residents to use space external around the dwelling given it is limited to an area at the rear of the dwelling with a 3m depth.

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-013/15 Joint Development Assessment Panel Application - Mixed Use Development (Showroom, Gymnasium and Office) - Lot 159 Minden Lane, Baldivis</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2013.00000373.001</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Planning 4Site Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Staub Family Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Ms Erika Barton, Projects Officer, Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>16 February 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>21 November 2014 (PDS-096/14)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 159 Minden Lane, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>2,814m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>District Town Centre</td>
</tr>
<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. Revised Site and Ground Floor Plan  
4. Revised First Floor Plan  
5. Revised Second Floor Plan  
6. Elevations  
7. Perspective Plan  
8. Indicative Development Guide Plan  
9. North Western Corner Settlers Ave/Safety Bay Road Intersection                                                                 |
10. South West Corner Settlers Avenue/Atwick Terrace Intersection
11. North West corner of Settlers Avenue/Atwick Terrace Intersection
12. North Eastern corner of Settlers Avenue/Atwick Terrace Intersection
13. Detailed Area Plan
14. Carpark Issues
15. Accessible Path of Travel

1. Location Plan
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for a commercial development, comprising of a showroom, a gymnasium (health studio) and offices on Lot 159 Minden Lane, Baldivis.

Background

The site fronts the north eastern corner intersection of Nairn Drive and Safety Bay Road. The rear of the lot is bound by Minden Lane. The lot is currently vacant.

On 28 May 2010, the Western Australian Planning Commission approved the subdivision of Lot 9058 Safety Bay Road, Baldivis (WAPC ref:139081). Lot 159 was created as a result of this approval.

Pursuant to Clause 4.23 (which was, at the time, Clause 4.3.2) of the City of Rockingham Town Planning Scheme No.2 (TPS2) a Detailed Area Plan was prepared and approved for the subject lot.

The application was considered by the South-West Joint Development Assessment Panel (SWJDAP) on 12 December 2014 when it was resolved to defer the application in order for the applicant to address matters pertaining to parking, deliveries (servicing) and waste management.

Details

The proposal involves the development of a two story, plus mezzanine level, mixed use commercial building comprising of the following land uses:
A ground floor and first floor gymnasium (1,077m²);
- First floor and mezzanine level offices (809m²); and
- A ground floor showroom tenancy (616m²).

The gymnasium is proposed to be operated by Bailey Fitness. The gymnasium will operate between the hours of 5.30am – 9.00pm Monday to Thursday, 5.30am – 8.00pm Friday, 7.00am – 6.00pm Saturday and 9.00am – 4.00pm Sunday.

No details have been provided for the proposed use of the showrooms and office.

Parking for the development is proposed to be located at the rear of the building with access obtained from Minden Lane. In total, 44 bays are proposed, including two accessible bays. A total of 14 short term bicycle bays have been provided.

Construction materials have not been specified for the proposal. A colour palette of white and grey has been proposed. Six entries, two each for the showrooms, gymnasium and the central access way, are proposed from Safety Bay Road. The central access way will also be served by two entries from the rear carpark.

The building is comprised of two wings (8.02m in height) and a central mezzanine component (12.04m in height). The wings are proposed to be located on the street boundary with the central component recessed from the street. The development proposes repetitive triangular windows on both the street and rear elevation of the wings. It is proposed to incorporate non-transparent tinted glazing within the central component. A 2.5m deep cantilevered awning is proposed to run along the majority of the street frontage with a break where the wings meet the central component.

Changes Following Initial JDAP Meeting

Following the initial JDAP meeting, the applicant has provided additional information. Specifically:

- A parking review which is summarised as follows:
  - The development is calculated to require 63 parking bays in order to comply with TPS2 provisions;
  - As a mixed-use development the land uses will operate in a reciprocal manner as peak activity of offices and showrooms occurs during the weekday and peak gymnasium activity occurs in the evening;
  - The maximum number of any one land use is 42 bays;
  - An assessment of the peak periods of activity for all land uses shows that, during the normal working day, 39 bays would be required; and
  - It is concluded that the provision of 44 bays can be considered appropriate to cater for the proposed land use parking demand.

- A waste/servicing plan has also been submitted.

- The following changes have been made to the original development plans:
  - Site and Ground Floor Plan:
    - Reconfiguration of the carpark layout resulting in 44 parking bays (inclusive of two accessible parking bays;
    - Reconfiguration of two service bays increasing both in size;
    - Inclusion of 28 short term bicycle parking facilities - 14 in the road reserve in front of the proposed building and 14 in the carpark;
    - Inclusion of two additional screened bin stores;
    - Moving bin store, located to the eastern side of the proposed building, hard against the street boundary; and
    - Division and delineation of internal floor area for gymnasium.
  - First Floor Plan:
    - Division and delineation of internal floor area for gymnasium.
3. Revised Site and Ground Floor Plan
4. Revised First Floor Plan
3. Revised Second Floor Plan
6. Elevations
7. Perspective Plan

Implications to Consider

a. Consultation with the Community

The City has the discretion, pursuant to TPS2, to advertise the proposal. The City, however, did not consider it necessary to advertise the proposal.

b. Consultation with Government Agencies

As the subject lot abuts an Other Regional Road under the Metropolitan Region Scheme (MRS), the application was referred to the Department of Planning (DoP) for comment. Upon receipt of the referral, the DoP requested that the applicant submit a Traffic Impact Statement in support of the proposal. Due to the location of the site, within the Baldivis Activity Centre Structure Plan (BACSP) area, the applicant supplied the DoP with the Transport Assessment undertaken for the BACSP. The DoP was satisfied that this Transport Assessment contained sufficient detail for the subject proposal.

1. Department of Planning

Submission:

The DoP is satisfied that the surrounding intersections will continue to operate within acceptable levels with the proposed development application subject to modifications as outlined in the transport assessment.

The DoP has no objections to the proposal on regional transport planning grounds subject to the development proposal contributing towards the construction of the northern path on Safety Bay Road to finalise the pedestrian network to the signalised pedestrian crossing at the Safety Bay Road/ Settlers Avenue intersection.

City's Comment:

Should the application be approved, the DoP’s recommended condition would be applied.
c. **Strategic**

**Community Plan**

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

**Aspiration D:**  
Sustainable Environment  

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

d. **Policy**

**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.

Baldivis is identified as a ‘District Centre’ under the Activity Centres Hierarchy in SPP4.2.

Clause 5.3.2 (4) of SPP4.2 states that parking should be provided at a rate of two (2) bays per 100m² (i.e. one (1) bay per 50m²) for showrooms and offices.

Clause 5.3.2 (5) of SPP4.2 requires that the responsible authority should ensure safe and convenient access for pedestrians and cyclists (including end-of-trip facilities) and people with a disability. These include weather-protected car bays for workers and visitors with a disability.

Clause 6.6.1 of SPP4.2 requires the preparation of an Activity Centre Structure Plan prior to approval of any major development within an activity centre and for the development to be located within an appropriate level centre of the activity centre hierarchy. The BACSP, which is discussed below, was prepared to fulfil this requirement.

Clause 6.6.1(5) of SPP4.2 requires the responsible authority to consider the region planning scheme, town planning scheme or strategy, state planning policy, and any relevant endorsed policy, strategy or plan. These have all been considered in this assessment.

**Baldivis Activity Centre Structure Plan (BACSP)**

The BACSP is a strategic planning document prepared to fulfil the requirements of SPP4.2 as outlined above. The BACSP provides a strategic framework for the Centre and informs and guides changes to the IDGP and the Baldivis Town Centre Policy. It was adopted by Council in July 2012 and endorsed by the WAPC in December 2012.

**Centre Vision**

The subject site is located within the Core Precinct of the Structure Plan. The proposed development is partially consistent with the vision for the Core Precinct which is to achieve a lively character with an emphasis on land uses which will generate interest and pedestrian activity.

**Activity**

The Core Precinct forms the core of the Activity Centre with key concentrations of commercial and community activity. The precinct will accommodate the major shopping and community facilities within the activity centre and be supported in the future by office activity and residences.

Land uses identified for the Core precinct include:

- Retail;
- Entertainment and leisure;
- Eating and drinking premises; and
A showroom is not identified as a preferred land use for the Core precinct. It is, however, identified as a preferred land use Transition and Eastern precincts.

The assessment of the proposal against the provisions of Planning Policy 3.2.4 - Baldivis Town Centre (PP3.2.4) concludes that the proposal does not sufficiently generate pedestrian activity along Safety Bay Road and Nairn Drive.

**Urban Form**

The BACSP outlines that the Core Precinct will continue to be characterised by a strong built form accommodating pedestrian-based activity and appropriate land uses to encourage pedestrian activity. Development within the Core Precinct will build upon the theme of an urban town centre, with strongly defined streets, which accentuate the void in the street created by the town square. Active ground floor uses should be present on all frontages in this precinct.

Assessment of the proposal against the design principles of PP3.2.4 and the approved DAP, in addition to advice received from the City's Consultant Urban Designer, concludes that the proposal is considered to be inconsistent with the Urban Form intent of the BACSP.

**Planning Policy 3.1.2 – Local Commercial Strategy (PP3.1.2)**

The subject site forms part of the Baldivis District Centre in the City's PP3.1.2. In 2012, PP3.1.2 was reviewed by the Council to incorporate the recommendations of SPP4.2. A Retail Sustainability Assessment (RSA) was undertaken as part of the Baldivis Activity Centre Structure Plan in accordance with SPP4.2. The BACSP outlines retail floor space requirements. A showroom, an office and a gym are not considered to be Planning Land Use Category 5 land uses in terms of PP3.1.2. Accordingly, the proposal complies with PP3.1.2.

**Planning Policy 3.2.4 - Baldivis Town Centre (PP3.2.4)**

PP3.2.4 provides guidance on development of land within the Baldivis Town Centre, based on land use, movement network, urban design, and specific precinct considerations. The proposed development is considered to be inconsistent with the provisions of PP3.2.4 as outlined below.

**Integrated Development Guide Plan (IDGP)**

PP3.2.4 contains an IDGP for the Baldivis Town Centre. The purpose of the IDGP is to illustrate building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative carparking layouts and any rights of way or access easements required, and any other information required by the Council. The approved IDGP is shown in Figure 8.
8. Approved IDGP

The proposal is generally consistent with the IDGP.

Requirements

PP3.2.4 includes general requirements as well as specific precinct requirements applying to development. These requirements are outlined below, along with comments on compliance with these requirements.

<table>
<thead>
<tr>
<th>Policy Requirements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Requirements</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Land Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail land uses shall be considered having regard to the City’s Local Commercial Strategy.</td>
<td>The development is consistent with the LCS in terms of retail provision.</td>
<td>Complies</td>
</tr>
<tr>
<td><strong>Movement Network</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Whilst provision for kerbside parking will be made, the majority of parking will occur to the rear of buildings that front the street.</td>
<td>The site’s location is not suitable for on street parking. Consequently the parking is proposed to be located to the rear of the development.</td>
<td>Complies</td>
</tr>
<tr>
<td>To achieve street front continuity, and limit vehicular/pedestrian conflict points, the number of access driveways crossing pavements will be minimised.</td>
<td>Three crossovers are proposed to Minden Lane. This is consistent with the DAP and considered to be acceptable.</td>
<td>Complies</td>
</tr>
<tr>
<td>The number of on-street parking spaces may contribute towards the parking required for adjacent non-residential uses.</td>
<td>No on street parking proposed.</td>
<td>N/A</td>
</tr>
<tr>
<td>Policy Requirements</td>
<td>Planning Comments</td>
<td>Compliance</td>
</tr>
<tr>
<td>---------------------</td>
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<td>------------</td>
</tr>
<tr>
<td>Provision must be made for delivery and service vehicles to have rear access to buildings via laneways or rights-of-way.</td>
<td>Access for service vehicles is proposed to be attained from Minden Lane. This is considered to be suitable within the context of the site.</td>
<td>Complies</td>
</tr>
</tbody>
</table>

**Urban Design**

| The height of buildings will generally be set at a minimum two stories or equivalent parapet height. | The proposed building achieves an equivalent two-storey height level. | Complies |
| To ensure that the main pedestrian areas remain substantially sunlit throughout the day, particularly in winter months, buildings will be limited in height to three stories except where it can be demonstrated that an equivalent degree of sunlight penetration can be achieved by a stepped-back building profile for taller structures. In practice, the standard will be sun penetration to substantial areas of pedestrian streets and spaces between 12 noon and 2 pm on June 22. | The proposal is three storeys at its maximum. | Complies |

| The built form of the Town Centre is to be framed around the public street system with generally contiguous and active building frontages positioned at the streetscape boundary, subject to minor variations for residential development. | The building does not offer contiguous framing of the street. In the North Western section of the lot there is a recess in the building frontage. This serves no other purpose other than to denude the building from one on the adjoining lot. The building is also recessed at the central component. | Partially Compliant |

| Variety and articulation of street front building facades will be encouraged to avoid monotony and to break up the horizontal scale of contiguous building frontages. | The proposed building features extensive repetition of the architectural treatment. Both wings remain the same height for their entire length. This serves to accentuate the horizontal scale of the building. | Not Compliant |

**Precinct Requirements**

**Core Precinct**

<p>| The intention for the Precinct is to develop an integrated mixed use environment including retail, commercial and office development consistent with the overall urban design objectives for the Town Centre. The configuration and ground floor use of buildings must define an attractive sequence of outdoor spaces which the public will occupy. | The proposed development provides for a mixture of land uses, however, it is considered that the proposal is inconsistent with the overall urban design objective of PP3.2.4 as is demonstrated in this table. The configuration and use of ground floor buildings will not contribute to an active and attractive outdoor space which the public will occupy. Both ground floor tenancies will be accessed primarily from the rear carpark. | Not Compliant |</p>
<table>
<thead>
<tr>
<th>Policy Requirements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>All structures must be built to a minimum of two storeys or equivalent parapet height to keep the Town Centre compact and to reinforce the desired urban character. This standard applies to buildings along all street frontages.</td>
<td>The proposal achieves the minimum two storey height.</td>
<td>Complies</td>
</tr>
</tbody>
</table>
| Buildings shall be designed to achieve an appropriate use profile with an active, ground floor street frontage incorporating convenience or recreation-related retail, entertainment, cafés, restaurants and similar uses. Short-stay accommodation, multiple dwellings, offices, function rooms, etc. are the preferred upper floor uses. | The proposed development provides Showrooms and a Gymnasium on the ground floor. Both tenancies are proposed to be accessed primarily from the rear.  
Showroom developments work best from a functional perspective when the customer car parking is located either at the front of the showrooms in the conventional ‘service road’ format, or where a rear parking court is accessed directly from the adjacent major road(s).  
A showroom is not considered to be an appropriate land use in this location for this building to promote an active street frontage.  
The reception centre for the gymnasium is located towards the rear of the building meaning that entries from the street will likely be member only with swipe card.  
The gymnasium, at least in its current configuration, is not considered appropriate to promote an active street frontage. | Not Compliant |
<p>| To allow for robust buildings, a minimum ground floor to first floor height of 3.2 metres with a minimum 3.0 metres ceiling height is to be provided. | The proposal achieves the minimum ceiling height.                                                                                                                                                    | Complies     |
| Street elevations are to be articulated to include defined street front entries which are clearly identifiable from the street. Balconies, deep window reveals, related awning and roof elements and changes in materials (subject to the maintenance of a predominantly glazed and transparent commercial frontage at ground level) are also encouraged. | The six street entries, while present, are considered to be not defined. Four unidentifiable entries, set within the triangular windows, serve the showroom and the gymnasium. The two entries serving the central portion of the building are recessed from the street. The entries lack elements, outlined in the policy provision, that would assist legibility from the street. | Not Compliant |
| Continuous pedestrian shelter shall be provided at street level through a generally continuous street verandah (awning) treatment that is a minimum 2.5m wide. | The proposed awning lacks continuity along the street frontage i.e. there are gaps between the main awnings and the awning associated with the central three-storey element. | Not Compliant |</p>
<table>
<thead>
<tr>
<th>Policy Requirements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verandah posts within the road reserve are generally not supported.</td>
<td>The three-storey element is appropriately located at the point where the building cranks, however, other than increased height, little to no architectural treatment has been provided to this section of the building.</td>
<td>Partially Compliant (Height)</td>
</tr>
<tr>
<td>Special architectural emphasis should be provided at street and laneway corners with elements such as additional height, distinct roof forms, curved walls and tower elements.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blank walls fronting public spaces will not be permitted.</td>
<td>Although the mezzanine level is glazed, the tinted glazing proposed to be used reads as a blank façade.</td>
<td>Not Compliant</td>
</tr>
<tr>
<td>Within an urban streetscape discipline, variety and high design standards will be encouraged in the fit-out, awning treatments, lighting and signage of individual premises. Tilt slab or pre-cast concrete construction will only be approved for visible external walls where the design achieves an adequate level of articulation and detail consistent with the spirit and intent of the Policy requirements.</td>
<td>The proposed developed is characterised by its lack of variety. Excessive repetition is found in the: - Parapet height - Articulation of façade - Façade treatment - Opaque street frontage; and - Awning treatment. The proposal is considered to be of an architectural appearance that lacks the urban or civic character associated with a town centre.</td>
<td>Not Compliant</td>
</tr>
<tr>
<td>Street entries and window frontages are to remain transparent to ensure that a commercial, interactive frontage is available to the development from the street at all times.</td>
<td>Less than 50% of the ground floor street frontage is proposed to be transparent.</td>
<td>Not Compliant</td>
</tr>
<tr>
<td>Drive-through facilities will not be supported in the Core Precinct, consistent with main street design principles.</td>
<td>No drive through facilities are proposed.</td>
<td>Complies</td>
</tr>
<tr>
<td>The pedestrian entry onto the street is to remain open during business hours. Where rear customer parking is provided, provision should be made for a pedestrian path linking the carparking area with the street.</td>
<td>Pedestrian entry onto the street could be conditioned to remain open during business hours if the application were to be approved. One pedestrian path has been provided through the centre of the building.</td>
<td>Complies</td>
</tr>
<tr>
<td>Residential development shall achieve a minimum density of 40 dwellings per site hectare. For the purposes of the Residential Design Codes, there is no maximum density applicable.</td>
<td>No residential development. Not applicable to this development.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Policy Requirements | Planning Comments | Compliance
---|---|---
Residential development must incorporate noise attenuation measures to the satisfaction of the City to protect dwellings from being unreasonably affected by activities causing noise associated with lively mixed use areas. | No residential development. Not applicable to this development. | N/A

Full streetscape works shall be provided by the subdivider. Where the adjoining verge has not already been streetscaped, developers will be required to contribute the full cost of streetscape works in the public streets immediate adjoining their development site. These shall generally include pavements, kerbside parking, streets trees, lighting and furniture. | Verge treatments could be conditioned to be upgraded if the application were to be approved. | Complies

**Planning Policy 3.3.1 - Control of Advertisements (PP3.3.1)**

The proposal shows indicative signage only. A Sign Strategy would be required to be submitted which demonstrates compliance with the objectives of PP3.3.1, prior to the placement of advertisements on a building or structure. Section 6 of PP3.3.1 outlines the requirements for the Sign Strategy. It is noted that the building design does not make adequate provision for signage.

**Planning Policy 3.3.14 – Bicycle Parking and End-of-Trip Facilities (PP3.3.14)**

PP3.3.14 aims to facilitate the appropriate provision of secure, well designed and effective on site bicycle parking and end-of-trip facilities to encourage the use of bicycles as a means of transport and access to and within the City.

**Bicycle Parking Requirement**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Short Term</td>
</tr>
<tr>
<td></td>
<td>Rate</td>
</tr>
<tr>
<td>Showroom (616m²)</td>
<td>1/1000m² NLA</td>
</tr>
<tr>
<td>Office (809m²)</td>
<td>1/500m² NLA</td>
</tr>
<tr>
<td>Health Studio (1,077m²)</td>
<td>1/200m² NLA</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9</strong></td>
</tr>
</tbody>
</table>

The application proposes 28 bicycle bays: 14 in the road reserve and 14 in the carpark. It is considered that the 14 in the carpark can serve as long term bays as per the requirements of PP3.3.14.

**End-of-Trip Facilities**

In terms of PP3.3.14, the provision of nine long term parking spaces requires the provision of two showers (one male, one female). The showers are required to be provided in a change room in accordance with PP3.3.14. Should the application be approved, it is recommended that a condition be imposed requiring the provision of end-of-trip facilities.
e. **Financial**

Nil

f. **Legal and Statutory**

**Metropolitan Region Scheme (MRS)**

The subject lot is zoned ‘Urban’ under the MRS. The subject lot abuts a road reserved as an ‘Other Regional Road’ under the MRS. For this reason the proposal was referred to the Department of Planning for comment. (See consultation section).

**Town Planning Scheme No. 2 (TPS2)**

*Clause 3.2 - Zoning Table*

The subject site is zoned ‘District Town Centre’ under TPS2. The proposed uses of ‘Showroom’, ‘Office’ and ‘Health Studio’ are not permitted (D), unless the Council has exercised its discretion by granting Planning Approval.

*Clause 4.5 - District Town Centre Zone*

**Objective**

The objective of the zone is to establish a clear and concise statement of planning and main street principles to guide the development of ‘Main Street’ Town Centres having due regard to the objectives and principles outlined within a prepared District Town Centre Policy, and supported by any other Plan or Policy that the Council may adopt from time to time as a guide to future development within the Zone.

As is highlighted in the assessment of the proposal against the provisions of PP3.2.4, the proposal is not considered to be consistent with the objective of the District Town Centre Zone.

*Clause 4.15 - Carparking*

**Parking Requirements & Provision**

Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table No.3 of TPS2.

A full assessment of the car parking requirements and provision is contained within the Comments Section.

*Clause 5.3 - Control of Advertisements*

Clause 5.3.1 requires planning approval to be obtained for the erection of advertisements. In considering an application for an advertisement, the Council is required to consider the objectives of TPS2.

The proposal shows indicative signage only. Further detail on signage is discussed in the Policy section under Planning Policy 3.3.1 - Control of Advertisements.

g. **Risk**

**Risk Implications of Implementing Officer Recommendation**

Nil

**Risk Implications of Not Implementing Officer Recommendation**

Nil

**Comments**

**Site Context and Design**

The site forms part of the larger Baldivis Activity Centre, which includes the Settlers Avenue main street and the Baldivis Shopping Centre. The site is located within the Core Precinct of the Baldivis Activity Centre Structure Plan, which is planned to contain the major shopping facilities of the Centre and provide an attractive visual presence to the traffic dominated Safety Bay Road and an intimate pedestrian oriented presence. Figure 8 illustrates the built form intention for the Core Precinct Area and Figures 9-12 illustrate the existing built form in the area.
The City’s consultant Urban Designer advised that the proposal is lacking in detail and is of an architectural appearance that lacks the urban or civic character associated with a town centre. This advice has been extrapolated upon throughout the assessment of the proposal against the provision of PP3.2.4 and the approved DAP.

The City has had numerous meetings with the developer and applicant where the urban design concerns were raised. Apart from some minor changes, the applicant/developer has refused to amend the design to address these issues.

9. North Western Corner Settlers Avenue/Safety Bay Road Intersection

10. South West Corner Settlers Avenue/Atwick Terrace Intersection
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 MARCH 2015

PRESIDING MEMBER
13. Detailed Area Plan

<table>
<thead>
<tr>
<th>DAP Requirements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Provisions</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Permitted Land Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>As per TPS2.</td>
<td>The proposed land uses are permitted only when the Council exercises its discretion by issuing a Planning Approval under TPS2.</td>
<td>Complies</td>
</tr>
<tr>
<td><strong>Preferred Land uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Retail;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Civic and Community;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Entertainment and Leisure;</td>
<td>The Showroom is not a preferred land use in this location. Showroom developments work best from a functional perspective when the customer car parking is located either at the front of the showrooms in the conventional ‘service road’ format, or where a rear parking court is accessed directly from the adjacent major road(s). A showroom is not considered to be an appropriate land use in this location. The office and gymnasium are compliant.</td>
<td>Partial Compliance</td>
</tr>
<tr>
<td>- Eating and Drinking Premises;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Offices; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Medium Density Residential.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All buildings shall generally have a contiguous frontage addressing the street within a 0-2m setback; Nil setback permitted to Minden Lane and all internal boundaries.</td>
<td>Building complies with prescribed setbacks however.</td>
<td>Complies</td>
</tr>
</tbody>
</table>
### DAP Requirements

<table>
<thead>
<tr>
<th>Building and Ceiling Heights</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structures to be a minimum two storey.</td>
<td>The proposed building achieves an equivalent two-storey height level.</td>
<td>Complies</td>
</tr>
<tr>
<td>Minimum ground floor to first floor height of 3.2m with a ceiling height of 3m.</td>
<td>4m height proposed.</td>
<td>Complies</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Built Form and Orientation</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The design shall promote activation of the street; with main entrances and substantial transparent glazing to a minimum height of 3m to achieve active building frontages.</td>
<td>Tenancy entrances are not defined and the major entrance is recessed from the street. Primary access to the building is from the rear carpark. The gym reception area is located adjacent to the rear entrance. The entries to the gym on the street will likely require a swipe card reducing the prospect of walk-ins from the street. The upper level offices will be served by the stairwell located to the rear of the central portion. Less than 50% of the ground floor elevation, fronting the street, is transparent.</td>
<td>Not Compliant</td>
</tr>
<tr>
<td>Building entries to the internal boundaries are permitted subject to there being an entry from the street as identified on the DAP. The building shall promote surveillance of the street and the rear carpark where possible.</td>
<td>Entries, while not defined, are available from the street. The building offers surveillance of the carpark.</td>
<td>Compliant</td>
</tr>
<tr>
<td>The building may be stepped back at right angles from the corner truncations to provide flexibility in design.</td>
<td>Building to provide a constant hard edge to street frontages.</td>
<td>Compliant</td>
</tr>
<tr>
<td>Special architectural emphasis should be provided at street and laneway corners with elements such as additional height, distinct roof forms, curved walls and tower elements.</td>
<td>The three-storey element is appropriately located at the point where the building cranks, however, other than increased height, little architectural treatment has been provided to this section of the building.</td>
<td>Partially Compliant</td>
</tr>
<tr>
<td>Where a building abuts a street cantilevered awnings, with a minimum depth of 2.5m and a minimum height of 3m above pavement level, must be provided for the full length of each façade.</td>
<td>The proposed awning lacks continuity along the street frontage i.e. there are gaps between the main awnings and the awning associated with the central three-storey element.</td>
<td>Not Compliant</td>
</tr>
<tr>
<td>Ground level facades of commercial and mixed use buildings fronting the street shall be transparent for at least 60% of its area.</td>
<td>Less than 50% of the ground floor front the street is glazed.</td>
<td>Not Compliant</td>
</tr>
</tbody>
</table>
### DAP Requirements vs Planning Comments

<table>
<thead>
<tr>
<th>DAP Requirements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facades are to be articulated by providing indentations and projections in the floor plan, whilst maintaining a continuous awning at 2.5m depth.</td>
<td>Both ‘wings’ of the building are proposed to be set hard up against the street boundary with no indentation in the floor plan. This serves to accentuate the repetitiveness of the building. The only indentation in the floor plan occurs at the central portion of the building.</td>
<td>Partially Complaint</td>
</tr>
<tr>
<td>Broad facades and blank walls shall be broken up to create variety and interest through architectural design features. Blank walls facing roads are not acceptable.</td>
<td>Although the mezzanine level is glazed, the proposed tinted glazing reads as a blank façade.</td>
<td>Not Compliant</td>
</tr>
<tr>
<td>At least one designated pedestrian access corridor, linking the street to the rear carpark and Minden Lane is required. This corridor shall be contiguous and well defined.</td>
<td>One pedestrian access way is proposed. The corridor is contiguous.</td>
<td>Compliant</td>
</tr>
<tr>
<td>Larger developments to be broken up through the use of elements which emphasise a vertical proportion.</td>
<td>Both wings remain the same height for their entire length. This serves to accentuate the horizontal scale of the building.</td>
<td>Not Compliant</td>
</tr>
</tbody>
</table>

### Pedestrian Access

<table>
<thead>
<tr>
<th>Pedestrian Access</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The main public entrances to all buildings shall be located along Nairn Drive or the corner of Nairn Drive and Safety Bay Road or may also be access via the contiguous and well defined corridor identified in the DAP.</td>
<td>The main public entrance is located to the rear to the building from the carpark.</td>
<td>Not Compliant</td>
</tr>
<tr>
<td>Primary entries to first floor tenancies and secondary entries to ground floor tenancies may be accessed via the suggested contiguous and well defined pedestrian corridors.</td>
<td>Primary entry to the ground floor health studio is proposed from the pedestrian corridor.</td>
<td>Not Compliant</td>
</tr>
<tr>
<td>Separate and clear pedestrian paths should be provided between the car park and main public entrances to facilitate customer’s safe access to building entries. A central pedestrian corridor linking the main entry to the new carpark is encouraged.</td>
<td>A pedestrian path has been proposed along the rear of the building, however, no paths have been provided within the carpark. A central pedestrian corridor has been provided.</td>
<td>Partially Compliant</td>
</tr>
</tbody>
</table>

### Materials and Finishes

<table>
<thead>
<tr>
<th>Materials and Finishes</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Variety and high urban design standards are encouraged in the fit-out, awning treatments, lighting and signage of individual premises. Tilt slab or pre-cast construction will only be approved for visible external walls where the design achieves an adequate level of articulation and detail.</td>
<td>The City’s consultant Urban Designer outlined the following issues with the elevation treatment include: - The extensive repetition of the architectural treatment.</td>
<td>Not Compliant</td>
</tr>
<tr>
<td>DAP Requirements</td>
<td>Planning Comments</td>
<td>Compliance</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
</tbody>
</table>
| - The ‘flatness’ of the wall and the corresponding lack of shadows to provide visual relief. | - The limited palette of wall materials and the resulting lack of visual interest.  
- The inability to appropriately incorporate signage into the design of the building.  
- The ‘thinness’ of the canopy and the resulting lack of significance as part of the composition of the street elevations, and the inability to incorporate lighting to improve pedestrian amenity after dark.  
- The incongruity and irrelevance of the triangular windows.  
- The lack of continuity of the awning along the street frontage – there are gaps between the main awnings and the awning associated with the central three-storey element.  
- The relentless single parapet height (other than the three storey component).  
- The extent of solid (opaque) wall to the street frontage.  
- The lack of differentiation between the architectural treatment of the ‘front’ and ‘back’ of the building, which will only serve to reinforce the confusion as to which way tenancies should face. | Not Compliant |
| Durable and low maintenance materials in an earthy colour palette is recommended.  | Details on construction materials have not been supplied. The white colour material proposed to be used is not considered to be earthy.                                                                                   | Not Compliant |
| A combination of materials and/or finishes shall be incorporated to add visual interest. | The proposed development is characterised by its lack of variety. Excessive repetition is found in the:  
- Parapet height  
- Articulation of façade  
- Façade treatment  
- Opaque street frontage; and  
- Awning treatment. | Not Compliant |
<table>
<thead>
<tr>
<th>DAP Requirements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Materials and Finishes - Cont...</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unfinished walls including boundary walls shall not be left exposed where in public view.</td>
<td>Although the mezzanine level is glazed, the proposed tinted glazing reads as a blank façade.</td>
<td>Not Compliant</td>
</tr>
<tr>
<td><strong>Service and Storage Areas</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delivery, loading and storage areas are to be screened from public view by an enclosure which is complementary with the style and materials of the primary building.</td>
<td>Service bays 45 and 46 are visible from Minden Lane. The bin stores are proposed to be screened.</td>
<td>Not Compliant</td>
</tr>
<tr>
<td>Minden Lane shall be the primary access for service vehicles and services areas (such as big storage bins).</td>
<td>Minden Lane is proposed to be used for service access to the rear of the building.</td>
<td>Complies</td>
</tr>
<tr>
<td><strong>Vehicle Access and Parking Areas</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All vehicle access shall be via the designated access points off Minden Lane and parking generally sleeved at the rear of the premises.</td>
<td>Vehicle access is proposed from Minden Lane. Parking is located to the rear of the building.</td>
<td>Compliant</td>
</tr>
<tr>
<td>The development must meet the maximum and minimum car parking requirements as set out in Table 3 and Clause 4.15.1.1 of TPS2.</td>
<td>The proposed development has provided for a total of 44 parking spaces. This results in a shortfall of 21 spaces. It is, however, considered that this shortfall will increase as a result of changes required to the plans as detailed in the car parking section of the planning assessment.</td>
<td>Not Compliant</td>
</tr>
<tr>
<td>Undercroft Parking is encouraged.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Signage</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pylon Signage is not permitted.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Signage additional to the corporate branding must be consistent in colour, size and font.</td>
<td>Indicative signage has been displayed on the elevation plans. A sign strategy could be conditioned however it is considered that the building design does not make appropriate provision for the incorporation of signing.</td>
<td>N/A</td>
</tr>
<tr>
<td>All buildings must include a sign strategy in accordance with PP3.3.1.</td>
<td>A sign strategy could be conditioned should the application be approved.</td>
<td>Compliant</td>
</tr>
<tr>
<td><strong>Fencing</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Perimeter Fencing is discouraged and should be limited to residential land uses and alfresco dining.</td>
<td>None proposed.</td>
<td>N/A</td>
</tr>
<tr>
<td>Commercial fencing maximum height of 700mm.</td>
<td>None proposed.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Fencing

Fencing shall be constructed in masonry to complement the style and materials of the primary building.
None proposed. N/A

Landscaping

Landscaping of the verges must be installed by the purchaser.
Landscaping could be conditioned should the application be approved. Compliant

Carparking

TPS Requirement

Pursuant to Clause 4.6.3 of TPS2, car parking is to be provided in accordance with Clause 4.15.1.1 TPS2 and Table 3 of TPS2.

<table>
<thead>
<tr>
<th>Use</th>
<th>Required</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>1 bay per 60m² (40)m² NLA</td>
<td>809m² = 13.48 (20.22)</td>
</tr>
<tr>
<td>Gymnasium</td>
<td>1 bay per 20m² (15)m² NLA</td>
<td>870.7m² = 43.53 (58.04)</td>
</tr>
<tr>
<td>Showroom</td>
<td>1 bay per 80m² (60)m² NLA</td>
<td>616m² = 7.7 (10.26)</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>64.71 (88.52)</td>
</tr>
</tbody>
</table>

Notes:
For the Baldivis Town Centre, parking rates are provided as a minimum and maximum range, with the maximum parking allowable provided in brackets.

Under the parking provision of TPS2, the proposed development requires the provision of a minimum 65 and a maximum of 89 parking spaces.

Parking Provision

The proposed development has provided for a total of 44 parking spaces. This results in a shortfall of 21 (45) spaces (32% shortfall) compared to TPS2 requirements.

The amount of parking shown on the plans will be reduced for the following reasons (see Figure 15):

- Under AS/NZS 2890.1:2004 The development is assigned User Class 3, being ‘Short-term town centre parking’. For car parking bays at 90°:
  - a parking bay width of 2.6m must be provided. The proposal provides for bays widths between 2.3m and 2.5m.
  - A parking bay length of 5.4m (or 4.8m with 600mm clear overhang) is required. This is not achieved.
  - an aisle width of 5.8m is required to be provided for User Class 3. The development does not achieve this minimum width in a number of areas as outlined in the plan below. In order to provide an acceptable aisle width the applicant will be required to modify either the building design or the carpark design;
- Car bay 23 will impeded the ROW. As such it is required to be relocated;
- Car bays 14 and 15 have not been provided with a 600mm overhang;
- The eastern most service bay needs to be relocated out of the ROW easement; and
- The development is required to include an additional accessible bay as required by the Building Code of Australia (see Parking for People with Disability).
14. Carpark Issues

The development purposes parking bay lengths of 4.8m. This is acceptable in terms of AS/NZ2890.1:2004 where parking is to a low kerb which allows 600mm overhang. It is noted that the development proposed kerb is 150mm and this will allow a vehicle to overhang the proposed 1.3m wide internal footpath. This overhang, however, renders the footpath as essentially unusable. Critically this overhang will result in noncompliance with AS 1428.1-2009 - Design for access and mobility – General requirements for access – New building work. This Australian Standard requires the provision of an unimpeded path of access of at least 1m in width from an accessible parking bay to the front door. This is not achievable with the current design.
15. Accessible Path of Travel

The City has undertaken the exercise of plotting car bays, compliant with AS2890 in terms of bay width, on the submitted site plan. This has resulted in a loss of five (5) car bays. This reduction, as well as the one (1) bay required to be given up for the additional accessible parking space required and at least one (1) bay to accommodate the service bay currently in the ROW. This means that at least seven (7) bays cannot be provided as per the submitted site plan. This reduces the available car bays on site to 37 and demonstrates further that parking cannot be provided sufficiently on site.

The current shortfall equates to approximately 32% of the required parking, however, this additional shortfall will increase to at least 43% due to the reasons outlined above.

**Reciprocal Parking**

The applicant is seeking to have the TPS2 parking requirements reduced on the basis of reciprocal uses of the car park. The applicant asserts that the TPS parking requirements consider each use in isolation and assumes no reciprocal use. This is not correct. The parking requirements in the District Town Centre Zone are lower than the general TPS parking requirements. This is a reflection of both reciprocity and multiple trip generation. It should also be noted that the parking requirements outlined in SPP4.2 - Activity Centres for Perth and Peel are higher than the TPS District Town Centre requirements.

To be able to consider reciprocity of parking, the peak hour parking demand for the particular developments is required to be known. The applicant has advised that the peak hour for the gym would be 6-7pm, closely followed by the 5-6pm period. This is based on another gym operated by the same operator. This aligns with the NSW RTA’s Guide to Traffic Generating Developments (GTGD), which identifies the 5:30-6:30pm period as the peak activity period for gymnasiums. It is also noted that the peak parking accumulation for gymnasiums is in the period immediately prior to the commencement of the main evening gym class(es). No details have been provided on vehicle occupancy rates.

In the absence of other information, it can only be assumed that the entire TPS requirement of 44 parking spaces would be required for the peak period. On the site alone, there would be insufficient parking to cater for the gym peak hour demand.
The specific use of the office is unknown. General operating hours for such a development could reasonably be expected to be 8am to 5pm Monday to Friday. The GTGD indicates that 80% of office employees leave the site in the peak hour. Thus at 5pm at least 80% of employees are on site. Based on the TPS parking requirements (14 parking spaces), approximately 12 spaces would be in use.

The specific use of the showroom is unknown. General operating hours for such a development could reasonably be expected to be 9am to 5pm Monday to Friday, with late night trading to 9pm on Thursdays. The showroom component would also likely operate Saturdays and Sundays between 9am (11am Sundays) and 5pm. With no specific development, it can only be assumed worst case scenario with the pm peak being the entire parking requirement of 8 parking spaces.

Given the above, the peak demand could be assumed to be 64 parking spaces. Given this, there is essentially no evidence to suggest that reciprocal parking could be supported.

The reciprocal parking considerations in TPS2 do not extend to reducing car parking requirements and replacing them with bicycle parking or motorcycle parking as asserted by the applicant. Simply because 4.4% of the population owns motorcycles does not correspond to the same proportion of gym users access the gym via a motorcycle. Nor does the argument that a high proportion of gym patrons will cycle to the gym because there are in close proximity to the gym

**Parking for People with Disability**

The City’s Planning Procedure 1.16 - Carparking and Access Considerations for People with Disability, outlines that the City shall, amongst other matters, take into consideration the provisions made for people with a disability based upon compliance with the Building Code of Australia (BCA) and the Australian Standards in relation to carparking, pathways, ramps, steps, signs and lighting.

Parking provision for people with disability is based on the Building Code of Australia Requirements. The requirements for provision are outlined below:

<table>
<thead>
<tr>
<th>Building Class</th>
<th>Requirement</th>
<th>Rate</th>
<th>Calculations</th>
<th>Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 5 (Office)</td>
<td>1 space/100 carparking spaces (or part thereof)</td>
<td>14</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Class 6 (Showroom)</td>
<td>1 space/50 carparking spaces (or part thereof)</td>
<td>8</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Class 9b (Gym)</td>
<td>1 space/50 carparking spaces (or part thereof)</td>
<td>42</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>3</strong></td>
</tr>
</tbody>
</table>

The development provides for a total of two (2) accessible spaces resulting in a shortfall of one (1) accessible bay. Therefore one (1) of the proposed car bays is required to be removed in order to make provision for the extra accessible bay; this will increase the overall parking deficiency.

As noted earlier in the report the carpark design does not comply with AS 1428.1-2009 in terms of providing an accessible path of travel from the accessible parking spaces to the front door of the building (See figure 16). The deficient path width will require either the building to be set back further or the car park layout reconfigured.

**Servicing**

The application proposes for service vehicles to access the site from Minden Lane, this is consistent with the DAP.
In the amended submission the application has reconfigured the layout of the service bays by increasing them in size. It is, however, noted that service bay 46 is proposed to be located over an easement that is not to be obstructed. As such a service bay cannot be located within this easement. Consequently the car park layout needs to be reconfigured. This will result in a reduction of car bays, further exacerbating the parking deficiency on site.

**Waste Disposal**

The applicant’s amended submission identifies three (3) bin stores and includes a Waste Management Plan. The City is satisfied with these items. Should the application be approved, a condition requiring the implementation of the waste management plan is recommended.

**Emergency Exit**

The eastern wing emergency exit is proposed to open into the ROW. In order to comply with the BCA, the applicant is required to construct bollards in front of this emergency exit so it cannot be blocked by a vehicle. This is not permitted in a ROW easement. The development must be redesigned in order to comply with the BCA.

**Street Verandahs**

Approval for the various encroachments over Safety Bay Road is required under the Local Government (Miscellaneous Provision) Act 1960, and will need to comply with the City of Rockingham’s Street Verandah Local Law 2000. Should the application be approved, the applicant should be reminded of this requirement via an advice note.

**Conclusion**

The proposal for the showroom, health studio and office development is permissible in the District Town Centre zone. As outlined throughout this report, however, the proposal fails to provide for an appropriate design, form and activation. The proposed building is of an architectural appearance that lacks the urban or civic character associated with a town centre.

Furthermore, the development fails to provide adequate provision for the parking and manoeuvring of vehicles both in terms of number of bays provided and compliance with relevant Australian Standards. The applicant’s additional information does not provided sufficient justification for the significant reduction in car bays for the development. For these reasons the application cannot be supported.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ADOPT** the Responsible Authority Report for the proposed Mixed Use Development (showroom, gymnasium and office) Lot 159 Minden Lane, Baldivis contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

*That the Metro South-West JDAP resolve to:

**Refuse** the DAP Application reference 20.2014.00000373 as detailed on the DAP Form 1 dated 19 September 2014 and accompanying Site and Ground Floor Plan (Drawing No.SK.12 Rev H), First Floor Plan (Drawing No.SK.13 Rev H) and Second Floor Plan (Drawing No.SK.14 Rev H) dated 23 January 2015 and Elevation and Section Plans (Drawing No.SK.15 Rev H), dated 20 August 2014 in accordance with the provisions of the Town Planning Scheme No.2 and the Metropolitan Region Scheme, for the proposed mixed used commercial development at Lot 159 Minden Lane, Baldivis for the following reasons:

(a) The proposed development fails to make adequate provision for car parking, including parking for people with a disability, as it does not comply with the parking requirements of clause 4.15.1.1 of the Town Planning Scheme No.2 and clause 8 (b) of the approved Detailed Area Plan.
The proposed development is not considered to be compatible with its setting, as required by clause 6.6 (i) of TPS2.

Adequate provision has not been made for the loading, unloading, manoeuvring and parking of vehicles, as required by clause 6.6 (q) of TPS2.

The proposed development does not provide sufficient variety and articulation of street front building facades as required by clause 7.4.3 (iv) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre.

The configuration and use of ground floor buildings will not define an attractive sequence of outdoor spaces which the public will occupy. Consequently the proposal does not comply with the overall urban design objectives for the Town Centre as is required by clause 8.1.3 (i) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre.

The building is not designed to achieve an appropriate use profile with an active, ground floor street frontage as is required by clause 8.1.3 (iii) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre.

The street elevations are not articulated to include defined street front entries which are clearly identifiable from the street as is required by clause 8.1.3 (v) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre.

A continuous pedestrian shelter has not been provided at street level as is required by clause 8.1.3 (vi) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre and clause 4 (e) of the approved Detailed Area Plan.

The mezzanine level reads as blank façade visible from public space contrary to clause 8.1.3 (viii) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre and clause 4 (i) of the approved Detailed Area Plan.

The proposal lacks variety and high design standards as is required by clause 8.1.3 (ix) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre.

The design does not promote activation of the street as is required by clause 4 (a) of the approved Detailed Area Plan.

The ground level facades fronting the street provides for less than 60% transparency as required by clause 4 (g) of the approved Detailed Area Plan.

Primary entry to ground floor tenancies (gymnasium) is accessed via the pedestrian corridors contrary to clause 5 (b) of the approved Detailed Area Plan.

Variety and high urban design standards have not been incorporated into the design contrary to clause 6 (a) of the approved Detailed Area Plan.

The colour scheme proposed is not consistent with an earthy colour palette as required by clause 6 (b) of the approved Detailed Area Plan.

Delivery, loading and storage areas are visible from public view contrary to clause 7 (a) of the approved Detailed Area Plan.

A showroom is not identified as a preferred land use for the Core precinct under the Baldivis Activity Centre Structure Plan.

The proposed development fails to provide weather-protected car bays for workers and visitors with a disability as required by clause 5.3.2 (5) of State Planning Policy 4.2 Activity Centres for Perth and Peel.

The proposed development fails to provide an unimpeded path of access 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.”
Committee Recommendation

Moved Cr Whitfield, seconded Cr Elliott:

That Council ADOPT the Responsible Authority Report for the proposed Mixed Use Development (showroom, gymnasium and office) Lot 159 Minden Lane, Baldivis contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

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(e) The configuration and use of ground floor buildings will not define an attractive sequence of outdoor spaces which the public will occupy. Consequently the proposal does not comply with the overall urban design objectives for the Town Centre as is required by clause 8.1.3 (i) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre.

(f) The building is not designed to achieve an appropriate use profile with an active, ground floor street frontage as is required by clause 8.1.3 (iii) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre.

(g) The street elevations are not articulated to include defined street front entries which are clearly identifiable from the street as is required by clause 8.1.3 (v) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre.

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(j) The proposal lacks variety and high design standards as is required by clause 8.1.3 (ix) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre.

(k) The design does not promote activation of the street as is required by clause 4 (a) of the approved Detailed Area Plan.

(l) The ground level facades fronting the street provides for less than 60% transparency as required by clause 4 (g) of the approved Detailed Area Plan.

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

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

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-014/15 Development Assessment Panel Application - Educational Establishment - Lot 11, 700 and 701 Mandurah Road, Karnup</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2014.00000535.001</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Rowe Group Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Rockingham Montessori School and Mr N and Mrs J Smith</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Ms Erika Barton, Projects Officer</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>16 February 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 11 (No.1809) and Lots 700 and 701 (No.1791) Mandurah Road, Karnup</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>15.2ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Rural and Special Rural</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Rural</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Responsible Authority Report</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
</tr>
<tr>
<td></td>
<td>3. Masterplan</td>
</tr>
<tr>
<td></td>
<td>4. Site Sections (1)</td>
</tr>
<tr>
<td></td>
<td>5. Site Sections (2)</td>
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<tr>
<td></td>
<td>6. Typical Classroom Block (section)</td>
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<td></td>
<td>7. Typical Classroom Block (2)</td>
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<td></td>
<td>8. Early Childhood Block</td>
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<tr>
<td></td>
<td>9. Administrative/Sports Centre (ground floor)</td>
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<tr>
<td></td>
<td>10. Administrative/Sports Centre (first floor)</td>
</tr>
<tr>
<td></td>
<td>11. Administration/Sports Centre Elevations (south and west)</td>
</tr>
<tr>
<td></td>
<td>12. Administration/Sports Centre Elevations (north and east)</td>
</tr>
<tr>
<td>13. Senior Specialist Block Floorplans</td>
<td></td>
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<tr>
<td>14. Senior Specialist Block Elevations</td>
<td></td>
</tr>
<tr>
<td>15. Children's House</td>
<td></td>
</tr>
<tr>
<td>16. Environment Centre</td>
<td></td>
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<tr>
<td>17. Vegetation Removal</td>
<td></td>
</tr>
<tr>
<td>18. Bushfire Attack Levels</td>
<td></td>
</tr>
<tr>
<td>19. View from Lot 11 Access Looking South</td>
<td></td>
</tr>
<tr>
<td>20. View from Lot 11 Access Looking North</td>
<td></td>
</tr>
<tr>
<td>21. Location of proposed Right Turn Crossover</td>
<td></td>
</tr>
</tbody>
</table>

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1. Location Plan
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for a proposed Educational Establishment at Lot 11 (No.1809) and Lots 700 and 701 (No.1791) Mandurah Road, Karnup.

Background

Lots 700 and 701 (formerly Lot 10) Mandurah Road, Karnup are zoned ‘Special Rural’ and Lot 11 is zoned ‘Rural’ under the City’s Town Planning Scheme No.2.

The ‘Munja Gardens’ Reception Centre was granted Planning Approval in 1997 and operates on Lot 700 Mandurah Road, Karnup.

Single Dwellings and associated outbuildings are constructed on Lot 701 (No.1791) Mandurah Road and Lot 11 Mandurah Road.

The following outlines the history of known Planning Approvals on the site:

- In July 2008, Council resolved to initiate Amendment No.79 to Town Planning Scheme No.2 (TPS2) to rezone Lot 10 (No.1791) Mandurah Road, Karnup, from ‘Rural’ to ‘Special Rural’.
- In February 2009, Council granted Final Approval to Amendment No.79 and it was gazetted in June 2009.
- In January 2010, the Western Australian Planning Commission (the Commission) granted approval for subdivision of Lot 10 Mandurah Road, Karnup into 2 lots.
- In July 2014, the City received an application for an Educational Establishment on Lot 11 Mandurah Road, Karnup. The City deferred the application pending further information. At the request of the applicant, this application has been placed on hold, pending the outcome of this Joint Development Assessment Panel application.

Details

The applicant is seeking Planning Approval for an Educational Establishment to accommodate 516 students on the site. The applicant intends to progressively relocate the existing Rockingham Montessori School to the subject site. The masterplan of the proposed development includes the following elements:
• Administration Centre;
• Senior Specialist Centre;
• Children’s House and Early Childhood Centre;
• Environmental Centre;
• Primary and Senior Classroom Blocks, catering for Kindergarten to Year 12;
• Storage Shed;
• Hard-courts and play areas; and
• Vehicle parking and manoeuvring areas.

The proposal includes modifying the existing Reception Centre on Lot 700 and the existing residence and outbuilding on Lot 11 for use as an Educational Establishment, in addition to constructing purpose built buildings. No development is proposed on Lot 701. Lot 701 has been included in the application as access to Lot 700 utilises a common property access leg between Lot 700 and Lot 701.

The City requested plans detailing the extent of earthworks and clearing associated with the proposed development, which have not been provided.

The programs offered at the Educational Establishment are proposed with staggered operating times as, follows:

<table>
<thead>
<tr>
<th>Program</th>
<th>Operating Times</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infant Toddlers Program</td>
<td>9:15am to 11:15am</td>
</tr>
<tr>
<td>School Readiness Program</td>
<td>8:45am to 12:00pm</td>
</tr>
<tr>
<td>Children’s House Program (3 year olds)</td>
<td>8.45am to 12:00pm</td>
</tr>
<tr>
<td>Children’s House Program (4 and 5 year olds)</td>
<td>8:45am to 3:00pm</td>
</tr>
<tr>
<td>Primary Program (6-12 year olds)</td>
<td>8:45am to 3:00pm (changing to 2:45pm when numbers in the Adolescent Program increase)</td>
</tr>
<tr>
<td>Adolescent Program (12-18 year olds)</td>
<td>8:45am to 3:00pm</td>
</tr>
</tbody>
</table>

By 2020, student and teacher numbers at the Educational Establishment will be as follows:

<table>
<thead>
<tr>
<th>Program</th>
<th>Student Numbers</th>
<th>Teacher Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infant Toddlers Program</td>
<td>60 Students (Monday, Tuesday, Wednesday and Thursday with 15 children on each day)</td>
<td>1</td>
</tr>
<tr>
<td>School Readiness Program</td>
<td>10 Students (Friday)</td>
<td>1</td>
</tr>
<tr>
<td>Children’s House Program (3 year olds)</td>
<td>24 students</td>
<td>3</td>
</tr>
<tr>
<td>Children’s House Program (4 and 5 year olds)</td>
<td>48 students</td>
<td></td>
</tr>
<tr>
<td>Primary Program (6-12 year olds)</td>
<td>144 students</td>
<td>6</td>
</tr>
<tr>
<td>Adolescent Program (12-18 year olds)</td>
<td>230 students</td>
<td>12</td>
</tr>
<tr>
<td>Total</td>
<td>516</td>
<td>23</td>
</tr>
</tbody>
</table>
3. Masterplan
4. Site Sections (1)
5. Site Sections (2)
6. Typical Classroom Block (section)
7. Typical Classroom Block (2)
8. Early Childhood Block
9. Administration/Sports Centre (ground floor)
10. Administration/Sports Centre (first floor)
11. Administration/Sports Centre Elevations (south and west)
12. Administration/Sports Centre Elevations (north and east)
13. Senior Specialist Block Floorplans
14. Senior Specialist Block Elevations
15. Children's House
16. Environment Centre
Implications to Consider

a. Consultation with the Community

A total of 29 nearby and adjacent landowners and occupiers were notified in writing of the application, and were provided 32 days to comment from 19 December 2014 to 20 January 2015. At the close of the public advertising period, the following submissions had been received:

- Support for the proposed development - 56 pro-forma and 2 public submissions;
- Objecting to the proposal - 139 pro-forma and 8 public submissions; and
- Conditional support for the development - 1 submission.

The following issues outlined in the submissions are considered relevant planning considerations:

<table>
<thead>
<tr>
<th>Issue 1 - Access, Traffic and Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(a) Access to the Site</strong></td>
</tr>
<tr>
<td><strong>Submission Issues:</strong></td>
</tr>
<tr>
<td>• There is no full movement intersection provided for access to and from Mandurah Road.</td>
</tr>
<tr>
<td>• This will result in illegal and unsafe u-turn movements along Mandurah Road in order to access the site.</td>
</tr>
<tr>
<td>• Ingress and Egress to the site is unsafe</td>
</tr>
</tbody>
</table>

**Applicant's Response:**

Shawmac's traffic assessment that accompanied the DA considered the demand for traffic to exit to the north. As such, the traffic assessment recommends that the existing median break located immediately to the south of the proposed entry to the subject site be closed to traffic. Given the ultimate potential demand for “U” turns to be made by southbound traffic exiting the school, a formal “U” turn facility similar to that provided north of Stakehill Road may be warranted south of the school site and north of Surf Drive. The use of intersections for regulated U turns has been incorporated into infrastructure upgrades elsewhere (for example Great Eastern Highway upgrade) together with formal U turn lanes. If appropriately designed risk can be controlled to an acceptable level.

A number of safety and traffic management recommendations have been made in Shawmac's traffic assessment that could be implemented as conditions of planning approval.

**City's Response:**

The City has significant concerns with the inability to turn right in and out of the site or having a legal and safe location for u-turns both north and south of the site. From the applicant’s information, 13% of families access the site will be from the south and 87% from the north. This means the southern 13% will need to make a u-turn in the morning and the afternoon to access the site, and 87% will need to make a u turn in the morning and afternoon the depart the site. These figures do not include staff or any service vehicles.

Such a land use (with associated traffic generation) is considered to be inappropriate for the location with limited accessibility.

Access to the site will need to comply with Main Roads’ design standards, which includes Austroads. The applicant has not demonstrated that the deceleration and acceleration lanes can comply with the relevant standards. This is further discussed in the Comments Section of this report.

- **Improved vehicle access must be provided to facilitate all turning movements at the intersection with Mandurah Road.**
- **The applicant has not demonstrated that the deceleration and acceleration lanes for the site on Mandurah Road can comply with Austroads requirements.**
### (b) Traffic Generation

**Submission Issues:**
- The traffic generated by the development will adversely impact Mandurah Road.

**Applicant's Response:**
Shawmac’s traffic assessment considered traffic volumes and flows, trip generation and trip distribution and concluded that the increase in vehicular traffic flows associated with the ‘Educational Establishment’ will have minimal overall impact on the surrounding road network and can be managed within the existing road carriageway. No measurable increase in traffic congestion is predicted.

**City’s Response:**
The traffic generated by the development will not adversely affect the capacity of the local road network. The specific access to the site from Mandurah Road and the absence of a full movement intersection from the site is of concern to the City as outlined in the Comments Section of this report.

The applicant must demonstrate that the functionality and safety of Mandurah Road in terms of access to and from the site will not be compromised.

### (c) Dropping off and Collection of Children

**Submission issues:**
- Use of locations off site, e.g. Greenham Place and Olive Hill Close deceleration lane, for the collection and dropping off of children.
- Traffic safety concerns resulting from these practices.
- Lack of enforcement for the provision of crosswalk attendants. Children likely to leave the school at all hours of the day, potentially 7 days a week should there be boarding students.

**Applicant’s Response:**
It is unlikely vehicles would be parked in this location with people walking from this intersection to the subject site. It is expected that Montessori would develop and implement a parking management plan which would address access and parking arrangements. There will be no students accommodated in boarding facilities at the subject site. Shawmac’s traffic assessment recommends the preparation and implementation of a Traffic and Parking Management Plan to advise parents of such arrangements. There will be no access permitted from across the road – the Traffic and Parking Management Plan will require all set down and pick up to occur onsite. This will be monitored by the school to ensure compliance.

**City’s Response:**
Greenham Place is located to the east of the site, with other private properties located between the site and Greenham Place. No direct access to the subject site is proposed via Greenham Place, and therefore it is unlikely that parents will use Greenham Place to drop off and collection students.

The applicant has not proposed the use of Olive Hill Close as set down/pick up car parking.

No provision has been made available to allow pedestrian crossing over Mandurah Road, and would not be supported on the basis Mandurah Road is a controlled access highway.

A management plan for the dropping off and collecting of students should be a condition of any planning approval to ensure this does not occur.

**A traffic management plan that addresses the safe dropping off and collecting of students, and prohibiting any dropping off and collecting of children off-site, is required.**
**Parking Provision**

**Submission issues:**
- Insufficient parking provision

**Applicant’s Response:**
Car parking has been provided commensurate to the City of Rockingham Town Planning Scheme No. 2 requirements. No variation to car parking is sought.

**City’s Response:**
TPS2 does not contain specific parking requirements for education establishments. A complete assessment of parking requirements and provision is contained within the Comments section of this report. The City considers that adequate car parking is provided on site to accommodate the anticipated demand for parking.

**Crossover Closure**

**Submission issues:**
- Closure of existing crossover on Mandurah Road adjacent the subject site, resulting in existing residents required to travel longer distances to turn around on Mandurah Road.

**Applicant’s Response:**
Shawmac’s traffic assessment was undertaken analysing the proposed plans. The traffic assessment has concluded that the proposed access/egress to the subject site from/to Mandurah Road is appropriate subject to a number of safety and traffic management recommendations that could be implemented as conditions of planning approval.

**City’s Response:**
This issue is noted. The approval of Main Roads WA will be required to close any existing crossovers on Mandurah Road.

**Servicing**

**Reticulated Water Supply**

**Submission issues:**
- Lack of scheme water will lead to health issues

**Applicant’s Response:**
Cartwright Hydraulic Consultants’ advice with respect to water services confirms that storage tanks will need to be supplied from roof catchment and groundwater bores. In order to provide potable water to meet the Australian Drinking Water Standards the supply water from the onsite storage tanks will need to be filtered using media filters and UV sanitizers. Adequate water service infrastructure can be dealt with as a condition of planning approval. The subject site can accommodate the necessary tanks to provide adequate water services.

**City’s Response:**
Connection to reticulated water supply is not a pre-requisite to facilitate the proposed development. The applicant has proposed on-site water storage to service the development, with supplies from roof catchment and groundwater bores. Groundwater would be required to be treated prior to human consumption. It should be noted that the applicant is required to receive approval from the Department of Water with respect to obtaining a groundwater licence for abstraction, which has yet to be obtained. The Department of Water has raised concerns in respect to the proposed methods of servicing, which are further explained in the ‘Consultation with other Agencies or Consultants’ section of this report.

The applicant has not demonstrated that the method of providing drinking water to service the development will not result in an unacceptable risk to human health by virtue of the effluent disposal area being on the same site as the groundwater abstraction.
## (b) Reticulated Sewerage System

### Submission issues:
- Lack of deep sewerage for the development

### Applicant's Response:
The subject site can accommodate a Biomax C30K waste water treatment system which is capable of treating 30,000 litres/day – sufficient for the ultimate development of the school.

### City's Response:
Connection to deep sewerage is not a pre-requisite to facilitate the proposed development. The applicant has proposed the installation of a Biomax C80 wastewater treatment system (a type of wastewater treatment system) on-site to service the proposed development.

It should be noted that approval from the Department of Water and the City's Health Services for any on-site effluent disposal system is required prior to development occurring.

These approvals are yet to be obtained. The Department of Water has raised concerns in respect to the proposed methods of servicing, which are further explained in the 'Consultation with other Agencies or Consultants' section of this report.

The applicant has not demonstrated that:
- effluent disposal can be provided that will not result in an unacceptable risk to human health by virtue of the effluent disposal area being on the same site as the groundwater abstraction; and
- the effluent disposal area will not adversely impact on existing vegetation.

### Issue 3 - Environmental Impacts

#### (a) Loss of Flora and Fauna

### Submission issues:
- Loss of fauna, native vegetation and fauna habitat/feeding grounds, including for kangaroos and the endangered red and black cockatoo.

### Applicant's Response:
360 Environmental undertook an environmental assessment of the subject site, which was included in the DA. 360 Environmental concluded that any potential impacts to flora and fauna which may result from the clearing of native vegetation will be assessed during the Clearing Permit approvals process. No additional environmental constraints within the scope of the environmental assessment are considered to be outstanding and it is therefore concluded that the change of use and associated development are generally environmentally unconstrained.

### City's Response:
Loss of native vegetation has the ability to impact on feeding source and habitat for native fauna.
- The proposal results in a significant loss of vegetation due to earthworks required for construction of buildings and fuel load reduction and hazard separation for fire management purposes.
- The proposed development is inconsistent with clause 1.6.2(e) of Town Planning Scheme No.2, which aims to protect and enhance the environmental values and natural resources of the Scheme Area and to promote ecologically and environmentally sustainable land use and development which minimises resource use and waste, as the development will result in extensive vegetation clearing and reduction.

#### (b) Erosion

### Submission issues:
- Erosion of existing sand dunes.
### Applicant's Response:
The environmental assessment by 360 Environmental considered the site’s topography, regional geology and soils and confirms that the proponent has taken the environmental characteristics of the site into consideration in the design of the development. 360 Environmental concludes that the development is generally environmentally unconstrained.

### City's Response:
Significant modification to the existing topography of the natural landscape to facilitate construction of buildings is required. The City is not satisfied that erosion of sand dunes will not occur.

- The proposed development will result in extensive vegetation clearing and reduction and will require extensive cut and fill.
- The applicant has not demonstrated that the extent of cut and fill would not result in erosion of sand dunes on the site.

### Issue 4 - Groundwater

#### (a) Water Contamination

**Submission issues:**
- Damage/contamination to existing water resources (including bores) due to on-site effluent disposal systems, fertilisers and pesticides. This including potential lowering of the water-table.

**Applicant's Response:**
Cartwright Hydraulic Consultants prepared advice regarding sewer and water services, which was included in the DA. The subject site can accommodate a Biomax C30K waste water treatment system which is capable of treating 30,000 litres/day – sufficient for the ultimate development of the school. The approval can be appropriately conditioned to ensure adequate on-site effluent disposal system/s are provided. The use of fertilisers and pesticides is not proposed.

**City's Response:**
It is acknowledged that the existing groundwater resource is unlikely to be contaminated as fertilisers and pesticides are not proposed to be used and the wastewater system proposed is a closed system (i.e. will treat water prior to any discharge). The City is concerned, however, that the quantity of groundwater could be reduced due to the use of groundwater as a drinking water source.

The applicant has not demonstrated that the development will not have an adverse impact on surface or groundwater quality or quantity.

#### (b) Groundwater Protection

**Submission issues:**
- Lack of legal protection of existing groundwater systems for existing landowners.

**Applicant's Response:**
The legal protection of existing groundwater systems is the Department of Water’s licensing regime and process. The proposed ‘Educational Establishment’ will be required to seek licence from the Department of Water for groundwater use as a separate process (i.e. separate to the planning process).

**City's Response:**
This issue is noted. The applicant will be required to obtain a groundwater extraction licence from the Department of Water, prior to the use of groundwater resources.
### Issue 4 - Amenity Impacts

#### (a) Loss of Rural and Special Rural Amenity

**Submission issues:**
- Development impact on the Rural and Special Rural amenity of the locality.
- Proposed development is inconsistent with existing semi-rural 2ha lots and inconsistency with minimum residential density of the locality.

**Applicant’s Response:**

An ‘Educational Establishment’ is considered to be a less intensive and intrusive land use than the existing ‘Reception Centre’ with a school being an important facility required for any community. The proposal has been designed to be complementary to the subject site’s unique natural attributes, noting that the conversion of existing buildings that form the ‘Reception Centre’ and the existing dwelling, therefore minimising the impact on the amenity of the locality. The layout of buildings has been kept compact and buildings are proposed to be clustered around natural landscape and newly formed green common spaces to minimise the removal of existing bushland and retention of significant trees. It is envisaged that pockets of vegetation are to be retained, including low and mid-height shrubs and bushes to protect vital natural ecosystems and provide natural learning opportunities. Furthermore, a 40m landscape buffer zone is proposed fronting Mandurah Road.

An ‘Educational Establishment’ is considered to be a less intensive and intrusive land use than the existing ‘Reception Centre’ with a school being an important facility required for any community. The proposal has been designed to be complementary to the subject site’s unique natural attributes, noting that the conversion of existing buildings that form the ‘Reception Centre’ and the existing dwelling, therefore minimising the impact on the amenity of the locality. The layout of buildings has been kept compact and buildings are proposed to be clustered around natural landscape and newly formed green common spaces to minimise the removal of existing bushland and retention of significant trees. It is envisaged that pockets of vegetation are to be retained, including low and mid-height shrubs and bushes to protect vital natural ecosystems and provide natural learning opportunities. Furthermore, a 40m landscape buffer zone is proposed fronting Mandurah Road.

**City’s Response:**

The rural and special rural amenity of the locality is considered to be adversely affected due to the noise, traffic generation, visual impacts and scale of the proposed development. This issue is explained further in the Comments section of this report.

There is no residential density associated with an Educational Establishment. Due to the size and method of operation of the proposed development, it is considered more intensive than existing single dwelling and rural pursuits in the locality and therefore inconsistent with existing surrounding land uses.

- The proposed development is inconsistent with clause 1.6.2(b) of Town Planning Scheme No.2 as it is not considered to secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof by virtue of introducing a land use that substantially increases traffic and noise and results in adverse visual impacts;

- The proposed development is inconsistent with clause 4.11.1 of Town Planning Scheme No.2, being the objectives of the Rural Zone, as it does not preserve land for farming nor foster semi-rural development which is sympathetic to the characteristics of the area in which it is located.

- The proposed development is not considered to meet the objectives of the rural zone as it results in the loss of vegetation, modification to the natural topography to facilitate the proposed development, and does not conserve or enhance the natural environment.

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2 Correction of typographical error
<table>
<thead>
<tr>
<th>(c) Privacy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission issue:</strong></td>
</tr>
<tr>
<td>• Lack of privacy between adjacent landowners (partly due to steep topography of site), including lack of censorship to students of neighbouring property owners existing lifestyles and the use of security cameras.</td>
</tr>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>The distance between the adjoining sites is adequate with respect to privacy. This matter will also be dealt with by school management practices.</td>
</tr>
<tr>
<td><strong>City's Response:</strong></td>
</tr>
<tr>
<td>The location of the proposed buildings and play areas achieve the required setback distance of 10m as required by TPS2 to adjoining property owners. The use of security cameras is not prohibited by TPS2.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(d) Noise</th>
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</thead>
<tbody>
<tr>
<td><strong>Submission issue:</strong></td>
</tr>
<tr>
<td>• Noise impacting adjacent property owners who work from home, and noise impacts on adjacent property owners in general.</td>
</tr>
<tr>
<td>• Traffic noise impacting the development from Mandurah Road and the Perth to Mandurah Rail Line.</td>
</tr>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>With respect to noise impacting adjacent properties from the ‘Educational Establishment’ land use, the acoustic report concludes that the acoustic impact of school activities is unlikely to be significant to adjoining premises. The acoustic report concludes that the proposed ‘Educational Establishment’ is capable of complying with the requirements of the Environmental Protection (Noise) Regulations 1997 and State Planning Policy 5.4. Herring Storer has recommended that the selection of school alert system to avoid generation of noise intrusion to adjoining premises be considered to maintain the amenity at adjacent residential premises. This can be dealt with as a condition of planning approval. Herring Storer undertook an acoustic assessment in the context of the impact of the proposed development on its surrounds and the impact of the surrounds on the proposed development. The acoustic assessment was included in the DA. The acoustic assessment considered noise impacts, compliance with the Environmental Protection (Noise) Regulations 1997 and the implications of State Planning Policy 5.4 in regard to a new development next to a major road. With respect to noise impacting the proposed development, the acoustic report concludes that the weekday period has the highest allowable environmental noise emissions, and is also the period when Mandurah Road traffic noise is highest. In conjunction with the Package A acoustic design of the school buildings near Mandurah Road the daytime impact of any activities at the adjacent premises is unlikely to affect the proposed school operations.</td>
</tr>
<tr>
<td><strong>City's Response:</strong></td>
</tr>
<tr>
<td>The applicant has demonstrated the school can comply with the Environmental Protection (Noise) Regulations 1997 and State Planning Policy 5.4. The applicant has demonstrated that noise impacts on the proposed development from Mandurah Road can be adequately addressed via various acoustic treatments being applied to the proposed buildings, such as double glazing, use of solid core doors and wall thickness.</td>
</tr>
<tr>
<td>• The applicant must comply with the acoustic assessment and implement all recommended mitigation measures for the life of the development.</td>
</tr>
<tr>
<td>• The applicant must demonstrate that the noise generated from the operation of the school will not impact the amenity of adjoining and nearby residents.</td>
</tr>
</tbody>
</table>
5. Site Suitability

(a) Location

Submission issue:
- Inappropriate location for a school.

Applicant's Response:
An ‘Educational Establishment’ is a discretionary land use in the ‘Rural’ Zone, meaning its appropriateness at the subject site will be determined through the planning process.

City's Response:
The City does not consider the subject site an appropriate location for a school due to the following reasons:
1. The subject site is a significantly bushfire prone locality;
2. Safe and efficient access to and from Mandurah Road is not available;
3. Traffic generated by the proposal will adversely affect the functionality and safety of Mandurah Road;
4. There is no reticulated water or sewerage available to service the site;
5. The large scale of the proposed development is inconsistent with existing small scale development in the locality; and
6. Extensive vegetation clearing and cut and fill will be required to facilitate the development, which will substantially alter the existing landscape.

(b) Bushfire Risk

Submission issues:
- Bushfire risk to life, property and the environment.

Applicant's Response:
RUIC Fire has prepared a Bushfire Management Plan, which was included in the DA. The BMP was completed in accordance with Planning for Bushfire Protection Guidelines 2nd Edition (FESA, 2010). Risk assessment was completed in accordance with ISO31000:2009 and COAG’s National Inquiry on Bushfire Mitigation and Management (2004). The BMP concludes that post-implementation of the treatments detailed in the BMP, the bushfire related risk is not prohibitive of development.

City's Response:
The City is not satisfied that bushfire risk to the proposed development has been appropriately addressed.
The FMP must be reviewed, appropriate levels of protection for occupants must be provided and the commensurate vegetation removal/management required must be of an acceptable ecological and visual impact.
The City does not consider that the site is a suitable given it is located in a significantly bushfire prone locality. The vegetation removal and modification required to provide an appropriate level of hazard separation for the development is inconsistent with the objectives of the RLS and TPS2.

Issue 5 - Health Impacts

(a) Pollution

Submission issues:
- Health risks to students due to pollution from Mandurah Road.

Applicant's Response:
The subject site is located in a rural/semi-rural setting and any perceived pollution from Mandurah Road is considered less than the pollution in urban environments. Not a valid planning consideration.
City's Response:
In WA there are no specific policy requirements relating to the siting of educational establishments adjacent to busy roads. The Environmental Protection (Noise) Regulations apply and the applicant has demonstrated that the development can comply with relevant noise regulations.

In NSW there are guidelines on the location of sensitive developments near busy road and rail corridors. These guidelines identify that young children are generally more sensitive to the effects of noise and air quality than adults. The guidelines suggest that air quality should be a consideration where the development is within 20m of a main road with more than 2,500 vehicle per hour, moderate congestion levels, and average speeds greater than 40km/h. As the buildings and play areas will be located more than 20m from the road, it is considered that the development does not warrant an air quality assessment.

### Issue 6 - Miscellaneous Issues

<table>
<thead>
<tr>
<th>(a)</th>
<th>Licenced Premises</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission issue:</td>
<td>Proximity of school to existing licenced premises to the north of the subject site.</td>
</tr>
<tr>
<td>Applicant's Response:</td>
<td>Misunderstanding by objector – the licensed Munja Gardens Reception Centre will be removed as part of this application (change of use to ‘Educational Establishment’).</td>
</tr>
<tr>
<td>City's Response:</td>
<td>There are no licenced premises to the north of the subject site, with the exception of the Munja Gardens Reception Centre at Lot 700 Mandurah Road, Karnup, which forms part of the subject site. It will cease use once the Educational Establishment commences.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(b)</th>
<th>Policy Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission issue:</td>
<td>Lack of compliance with Liveable Neighbourhood (LN) requirements for school sites and Western Australian Planning Commission Policy DC 2.4 - School Sites.</td>
</tr>
<tr>
<td>Applicant's Response:</td>
<td>The Rockingham Montessori School has a large catchment with students enrolled from areas such as Leeming and Samson to the north and Halls Head to the south. Due to the unique nature of the school, its location is not reliant on a large catchment population in proximity to the school site. Additionally, support has been received for the ‘Educational Establishment’ at the subject site by the Minister for Education (Hon. Peter Collier MLC) with such correspondence (dated 26 November 2014) supplied to the City of Rockingham as part of the Development Application.</td>
</tr>
<tr>
<td>City's Response:</td>
<td>The proposed development does not comply with the requirements of LN, with the exception of passive surveillance and the location of the school not being within a neighbourhood centre or accessible via a cul-de-sac. Support for the school has been provided by the Education Department in accordance Western Australian Planning Commission Policy DC 2.4 - School Sites (DC 2.4). It should be noted that LN and DC 2.4 are applicable to urban areas only.</td>
</tr>
</tbody>
</table>

The following issues were raised that are not considered to be relevant planning considerations:
- Loss of Munja Garden function centre, which is considered an asset to the community;
- Potential legal action against the Council should it permit the development and injuries or fatalities occur as a result of the school being located adjacent to Mandurah Road;
- Lack of community benefit (private school only services a small portion of the community);
- Waste of resources as parents will not send children to a school in a dangerous location;
- Cost and liability burden on the community should the school cease to exist in this location due to site inappropriateness;
- Loss of property values to surrounding and nearby properties;
- Application incorrectly identifies number of properties directly to the south of the subject site, and their future ability to be further subdivided when water connection is available;
- Owner opposing to future subdivision applications for land to the south;
- Increase in population density in the area;
- Impact on family, drivers, police, emergency workers etc. in the event of a serious injury or fatality on Mandurah Road;
- Damage to the proposed development from storms and extreme winds experienced on the subject site;
- Risk to safety of students/staff due to wildlife, particularly snakes, scorpions, spiders and black ants;
- Lack of nearby shops, sporting and entertainment facilities for school borders;
- Risk of injury to students using play equipment on the subject site given how steep the site is;
- Restricting existing resident's lifestyles (e.g. naturalists);
- Impact of existing residents on children (e.g. inappropriate music, movies audible and visible from adjacent properties); and
- Loss of telecommunications bandwidth due to increased usage by staff and students.

### b. Consultation with Government Agencies

The following government departments were consulted as part of the assessment process:

- Department of Parks and Wildlife;
- Department of Water;
- Main Roads WA; and
- Department of Planning.

The following advice was received from the consulted agencies.

**Department of Parks and Wildlife (DPaW)**

The proposal was referred to DPaW given native vegetation is proposed to be cleared. DPaW noted the development will involve the clearing of native vegetation and provided the following advice:

**Issue 1: Land Clearing**

Clearing of native vegetation in Western Australia is prohibited, unless the clearing is authorised by a clearing permit obtained from the Department of Environmental Regulation, or is of any kind that is except in accordance with Schedule 6 of the *Environmental Protection Act 1986* or *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. The proponent will need to liaise with the Department of Environmental Regulation regarding clearing of native vegetation.

**Applicant Response:**

A clearing permit is currently being completed and will be submitted to the Department of Parks and Wildlife within the next week. This is a matter independent of the DA and independent of the planning legislation governing planning approval.
City Response:
Clearing of vegetation is proposed. The applicant has not provided clearing permits from the Department of Environment Regulation in support of the proposed land clearing.

The applicant must obtain a permit for the clearing of native vegetation from the Department of Environmental Regulation prior to any clearing occurring.

Department of Water (DoW)
Given the applicant proposes the use of groundwater to service the proposed development, and the potential impact the proposed development could have on the water cycle due to clearing and modification to the topography of the land, the application was referred to the DoW for comment. DoW provided the following response:

<table>
<thead>
<tr>
<th>Issue 1: Drinking Water Supply for the Development</th>
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<tbody>
<tr>
<td>DoW advised that the proposed educational establishment is remote from reticulated potable supply and sewer service of the Water Corporation. DoW noted the applicant's statement that drinking water supply for the site is to be provided from a combination of collected rainwater and groundwater, and in this respect advised that for local groundwater resources to be proposed as a drinking water source, a Drinking Water Source Protection Plan will be required, which would include a comprehensive hydrogeological assessment of local groundwater resources to determine risk of contamination and management.</td>
</tr>
</tbody>
</table>

DoW advised that risks to drinking water sources are managed via controlling land uses within recharge areas, through land use planning restrictions implemented through the Local Government's Town Planning Scheme. It noted that given the recharge area for local groundwater resources will be beyond the site boundaries, planning restrictions limiting activities on surrounding properties would need to be applied, which has not been considered by the applicant, and is likely not a preferred outcome for the City of Rockingham.

Applicant Response:
The Department of Water comments have been discussed further with Brett Dunn (DoW Program Manager Peel Region) and Catherine Taylor (Licence Officer) to determine an acceptable approach to water management. It is acknowledged that establishing a drinking water protection area would be difficult owing to numerous hydrogeological investigations required as well as potential restrictions for surrounding land holders. Furthermore, establishing a protection area would eliminate the proposed wastewater disposal method for this site. Alternative water sources were discussed, including abstraction of water from the deeper Leederville Aquifer, noting further investigations regarding water quality and available allocations would be required.

Following clarification of the Department of Water comments, the proposed approach to water management on the site is as follows:
- **Potable Water Supply**: Sourced from roof runoff / rainwater collection in tanks. Where this supply is limited, additional water will be carted (trucked) in from an external source that meets drinking water guidelines.
- **Non-Potable Water Supply**: An existing groundwater allocation (20,400kL/yr) exists over the site. This allocation will be used for irrigation where supply from treated wastewater is limited.
- **Water Efficiency**: The school will implement water efficient taps, appliances and toilet systems to reduce potable water requirements.
- **Wastewater Disposal**: As with the initial proposal, wastewater will be disposed onsite through the use of Biomax System and irrigation disposal.

It is understood that this approach will be suitable to Department of Water. Furthermore, rainwater collection adheres with the school’s ethos of sustainability and promoting (educating) sustainability initiatives. At the school’s current site (in Rockingham) each classroom has its own rainwater catchment tank.
City Response:
The applicant has not adequately demonstrated the impact the proposed development will have on local groundwater resources. Of particular concern is the local disposal of effluent on site and the abstraction of groundwater in the same vicinity for potable water supply. The City agrees that a Drinking Water Source Protection Plan must be provided to determine risk of contamination and management. The City is unable to support restrictions limiting activities on surrounding properties to ensure there is adequate groundwater available to service the proposed development.

A Drinking Water Source Protection is required to determine:
- the risk of contamination and management;
- the appropriateness of location of disposal and abstraction locations;
- the additional impacts if the locations require relocation or expansion; and
- whether considering the above, the development can be serviced in terms of potable water supply and effluent disposal.

Issue 2: Wastewater

DoW noted that the applicant proposes a wastewater treatment system to treat wastewater and irrigate an area within the facility grounds. In this respect, it advised that Water Quality Protection Note (WQPN) 25: Land use compatibility in Public Drinking Water Source Areas (DoW 2004), defines wastewater treatment and disposal as incompatible in a drinking water source area, representing an unacceptable risk to human health. Therefore, the proposal to have groundwater abstraction for drinking water and wastewater treatment and disposal on the same site is a fatal flaw of the development application.

It advised the applicant should demonstrate a feasible strategy to provide essential water servicing for the site prior to the approval of the development application.

On resolution of the above, DoW advised that the applicant should also identify the irrigation areas required for the wastewater treatment plant (should this still be the intention). It advised that a Works Approval may be required by the Department of Environment Regulation, and further approvals will also be required from the Department of Health.

Applicant Response:
See comments provided in Issue 1.

City Response:
The City has significant concerns that the proposed wastewater treatment and disposal on the same site as the proposed drinking water source area results in an unacceptable risk to human health, and therefore does not support the proposed method of servicing the proposed development.

The City is also concerned that should a wastewater treatment plant be provided, the area of irrigation required to enable this method of servicing would result in the loss of native vegetation, the impacts of which have not yet been considered by the City.

The applicant must provide further information in relation to effluent disposal as outlined above to determine the capacity of the site to accommodate required effluent disposal and the allow for associated assessment of the impact of such.

Issue 3: Groundwater Resources

DoW advised that the development application should confirm there are available groundwater resources for the proposal, including:
- A breakdown of groundwater requirements including irrigation of school ovals and gardens, construction requirements and any other usages;
- Details of any current licences and confirmation of legal access, or transfer, of the groundwater entitlements; and
- Details of any further groundwater allocation which would need to be applied for.

DoW recommended the aforementioned issue be resolved prior to the approval of the development application.
**Applicant Response:**
See comments provided in Issue 1.

**City Response:**
The City has concerns on the impact of obtaining drinking water from local groundwater resources would have on existing adjacent and nearby rural pursuits, bores and wetlands.

The City agrees with the DoW in that the proposal should not be supported until such time the applicant has confirmed available groundwater resources to service the proposed development and adjacent and nearby existing land uses.

The applicant has not demonstrated that there are adequate groundwater resources to service the proposed development, nor has the applicant demonstrated that the use of groundwater will not adversely impact existing bores of neighbouring and nearby properties.

The applicant must demonstrate adequate groundwater availability to support the water demands of the proposed development without compromising existing nearby and adjacent land uses.

**Main Roads Western Australia (MRWA)**

As the development proposes direct access and a significant increase in traffic onto Mandurah Road, which is a Primary Regional Road under the MRS, the City was required to refer the application to MRWA (being the relevant Public Authority). The proposal also retains the existing access onto Mandurah Road.

MRWA noted that it had previously provided conditional support to an Educational Establishment on Lot 11 Mandurah Road, if alternative access arrangements could be undertaken from a minor road and access from Mandurah Road was used for emergency access only.

MRWA advised that the current application does not address the concerns previously raised by MRWA and provided the following comments:

### Issue 1: Access

The proposed school is located on a Primary Regional Road and Control of Access Highway (Mandurah Road), which has an existing speed of 100km/hr in this location. Control of access in relation to any road means that a section or part of that road is intended for use by prescribed traffic without avoidable hindrance, whether from traffic from an intersection road or otherwise. The intent of a Control of Access highway is that the road may be entered or departed from specified places only.

Two 'left in left out (LILO)' access points are located on Mandurah Road. The proposal allows for a deceleration lane for northbound vehicle traffic on Mandurah Road entering the access point located at Lot 700.

Although there are two existing access points, proposed access to the school is from one point only, located on the southbound carriageway of Mandurah Road at Lot 11.

The Transport Assessment proposes closure of an existing median break immediately south of the proposed entry to the site to improve road safety, which may have implications for adjacent land owners on Mandurah Road.

MRWA is concerned about the future traffic safety issues around access to the site from Mandurah Road, despite acknowledging there is currently no alternative access.

MRWA advised it was prepared to support the application subject to the following conditions:

1. No access, other than provision of an emergency access, shall be made available to or from the proposed development from Mandurah Road.
2. Access to the proposed development to be provided via a connection to the local road network in this area (i.e. Greenham Place or Stakehill Road).

**Applicant Response:**

It is noted that the road is a Primary Regional Road and given the luxury of greenfield planning alternative access arrangements would be made. However, given the current status and the right to access that the site has, the question is how to best provide access in a safe manner.
The access for northbound traffic is shown to be via a right turn lane. The ability to provide this facility would be dependent on detailed survey and design as it is recognised that there is a level difference across the median between carriageways. Feasibility would be dependent on the siting of the right turn bay. The provision of a right turn whilst desirable is not essential and the site could operate on the basis of southbound left in left out only. Removal of the right turn bay reduces the potential for right turn through crashes; however it would require increased U turns.

The closure of the median break would reduce the potential for right turn through and rear end crashes – it is acknowledged that the closure may have implications for some adjacent land owners. Should the right turn lane not proceed and formal U turn facilities be provided north and south of the site, prohibition of unregulated movements across and between carriageways may reduce the potential for crashes to occur.

MRWA’s position regarding alternative connection to the local road network ignores the feasibility and practicality of achieving this. The site is in effect landlocked by surrounding land holdings with frontage only to Mandurah Road.

City’s Comment:

No access to the subject site is proposed or available via the local road network (i.e. Greenham Place or Stakehill Road). Therefore in light of the concerns and recommendations raised by MRWA, the proposal is not supported.

Also, the City does not support the use of Greenham Place or Stakehill Road for access to the site should it become available, as these roads are developed to a rural standard only and are not designed to accommodate the volume of traffic associated with the proposed development.

The assumption by the applicant that simply because Mandurah Road is the only means of access to the site, they have an as of right ability to use the existing accesses. This is not correct. If it is determined that the access for a particular land use is not appropriate given the particular characteristics of the use, then that use can be deemed to be unsuitable for that reason.

It has not been demonstrated that:

- vehicular access to and from the site can occur without adversely affecting the functioning and safety of Mandurah Road; or
- that safe and adequate access can be provided to the development from Mandurah Road.

c. Strategic Community Plan

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

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

d. Policy

**State Planning Policy 2 - Environment and Natural Resources Policy (SPP2)**

The purpose of SPP2 is to avoid development that may result in unacceptable environmental damage and protecting significant natural, indigenous and cultural features, including sites and features significant as habitats and for their floral, visual and geological values. The objectives of SPP2 are:

- To integrate environment and natural resource management with broader land use planning and decision making; and
- To protect, conserve and enhance the natural environment; and
To promote and assist in the wise and sustainable use and management of natural resources.

An assessment of the proposed development against each of the natural elements contained in SPP2 is provided below.

**Water Resources**

The relevant criteria of SPP2 pertaining to water resources is the need to take into account the availability of water resources to ensure maintenance of water quality and quantities for existing and future environmental and human uses.

Insufficient information has been provided with respect to groundwater use requirements, including irrigation of school ovals and gardens, construction requirements and any other usages requiring groundwater. Information with respect to details of any current licences and confirmation of legal access, or transfer, of the groundwater entitlements and details of any further groundwater allocation which would need to be applied for was also not provided. The City has been unable to determine the full extent of the impact of the proposed development on groundwater quality and quantities due to insufficient information.

Additional comment in respect the Water Resources has been provided by the Department of Water in the 'Consultation with Other Agencies or Consultants' section of this report.

The applicant has not demonstrated the development will not have an adverse impact on surface or groundwater quality or quantity.

**Soil and Land Quality**

SPP2 requires consideration of development applications to ensure land is allocated to appropriate uses that minimise land degradation and resource use conflicts. SPP2 notes that extensive land clearing for intensification of land use can have a profound effect on land quality by removing its protective cover and creating the potential for erosion, salinity and loss of soil and water quality.

In this respect, SPP2 requires the consideration of the capability of land to accommodate different land use and developments, including erosion hazard, the absorptive capacity of soils, slope stability, potential for variable settlement or subsidence, active fault lines and dune migration.

The proposed development will re-contour the existing dune system as a result of the significant modification to the site through earthworks to facilitate the development.

The City has concerns that clearing of vegetation required to provide adequate bushfire hazard separation could result in soil erosion if not properly managed and maintained.

**Biodiversity**

SPP2 considers biodiversity as fundamental to the quality and character of the landscape and in providing recreational opportunities, aesthetic value and cultural identity.

The following are relevant biodiversity elements of SPP2 which are required to be considered:

1. **Mechanism to protect areas of high biodiversity and conservation, including:**
   
   (i) Land containing Threatened Flora or Threatening Ecological Communities, or that which is habitat to Threatened Fauna;

   (ii) Regionally significant vegetation within the Swan Coastal Plain area of the Perth Metropolitan Region; and

2. **Minimising adverse impacts, directly or indirectly, on areas of high biodiversity or conservation value as a result of changes in land use or development.**

**Flora**

Based on soil system mapping and vegetation communities on site, the site has the potential to support two species of high conservation significance, *Caladenia huegelli* (grand spider orchid) and *Drakaea micrantha* (Dwarf hammer orchid).
Specifically, *Caladenia huegelii* is listed as 'Threatened' under the WA *Wildlife Conservation Act 1950* (WC Act) and 'Endangered' under the Federal *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). *Drakaea micrantha* is listed as 'Threatened' under the WC Act and 'Vulnerable' under the EPBC Act.

Unless a targeted spring survey is undertaken, it cannot be determined whether or not the *Caladenia Huegelii* and *Drakaea micrantha* exist on site.

The applicant will be required to obtain a clearing permit from the Department of Environment Regulation for the removal of any native vegetation and a federal referral if it is deemed to be a matter of national environmental significance. These assessments will determine the requirement for protection of these species on site.

**Fauna**

The Environmental Assessment Report provided by the applicant detailed the location of vegetation on-site which has been identified as potential Carnaby's Black-Cockatoo habitat. Black Cockatoos are listed as 'Endangered' under the EPBC Act. Approximately 5.53ha of Lot 11 (approximately 70% of the site area) contains Black Cockatoo Habitat, which is likely to be compromised as a result of the proposed development.

As a listed threatened species, a federal referral is required for developments that will have or are likely to have significant impact on the species. The Federal assessment will determine the requirement for protection of these species on site.

**Landscape**

SPP2 recognises the need to identify and protect significant landscapes, and to develop appropriate management and planning policies that can positively contribute to their maintenance and enhancement.

SPP2 recommends decision-making should:

(i) *Identify and safeguard landscapes with high geological, geomorphological or ecological values, as well as those of aesthetic, cultural or historical value to the community, and encourage the restoration of those that are degraded; and*

(ii) *Consider the need for a landscape, cultural or visual impact assessment for land use or development proposals that may have a significant impact on sensitive landscapes.*

The subject site is considered to have significant aesthetic value, as it forms part of a network of dune systems extending further south which is highly visible from Mandurah Road.

The earthworks required to facilitate the proposed development is considered to significantly alter the natural topography of the land, which is likely to compromise the visual integrity and consistency of the dune system.

**State Planning Policy 2.9 - Water Resources**

SPP2.9 provides clarification and additional guidance to planning decision-makers for consideration of water resources in land use planning strategies, proposals and applications, for example local and regional planning strategies, structure plans, town planning schemes and amendments, subdivisions and development applications, and other town planning mechanisms.

The objectives of SPP2.9 are:

1. *Protect, conserve and enhance water resources that are identified as having significant economic, social, cultural and/or environmental values;*
2. *Assist in ensuring the availability of suitable water resources to maintain essential requirements for human and all other biological life with attention to maintaining or improving the quality and quantity of water resources; and*
3. *Promote and assist in the management and sustainable use of water resources.*
The following is an assessment against the relevant policy measures of SPP2.9:

<table>
<thead>
<tr>
<th>Policy Measure</th>
<th>Comment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Measures</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Aim to prevent or, where appropriate, ameliorate the following potential impacts:</strong></td>
<td></td>
<td></td>
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<tr>
<td>• increased nutrient loads into receiving waters;</td>
<td>The applicant is not proposing to use fertilisers.</td>
<td>Yes</td>
</tr>
<tr>
<td>• the removal of associated native vegetation important for long-term management of the water resource, particularly vegetation associated with wetlands and waterways respectively;</td>
<td>The removal of native vegetation will be required to facilitate the proposed development.</td>
<td>No</td>
</tr>
<tr>
<td>• increased acidity and leaching of acid sulfate soils</td>
<td>The proposed development is not considered to result in an increased in acidity and there are no known acid sulfate soils present.</td>
<td>Yes</td>
</tr>
<tr>
<td>• increased erosion, sedimentation and turbidity, particularly at the construction phase of development</td>
<td>There is a risk that erosion could occur due to the disturbance of the dune system during construction.</td>
<td>No</td>
</tr>
<tr>
<td>• any potential adverse effects on environmental water requirements and, as a minimum, proposed development should aim to maintain natural flow regimes and variability;</td>
<td>To facilitate buildings on Lot 11, significant cut, fill and retaining is required. This has the potential to impact on the natural flow of water across the site.</td>
<td>No</td>
</tr>
<tr>
<td>• excessive build-up of organic matter; and</td>
<td>The proposed development is not considered to result in excessive build-up of organic matter. The wastewater treatment system proposed is a closed system, returning the same volume of water that is put in after being treated.</td>
<td>Yes</td>
</tr>
<tr>
<td>• pollution and contamination.</td>
<td>The proposed development is not considered to result in pollution or contamination of groundwater resources.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Surface and Groundwater Resources</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Protect, manage, conserve and enhance surface and groundwater catchments and recharge areas supporting significant ecological features or having identified environmental values, by ensuring, where possible, appropriate management or limiting inappropriate land use/s to maintain water quality and quantity for existing and future environmental and human uses.</td>
<td>The City is concerned that the use of groundwater resources as a drinking source to service the proposed development could have an adverse impact on groundwater resources that are supporting threatened flora species on site and surrounding areas.</td>
<td>No</td>
</tr>
</tbody>
</table>
Ensure the availability of water resources is compatible with the future requirements of the proposed and surrounding land use through an assessment of quantity and quality requirements for both the development and the environment.

The City is concerned that the use of groundwater resources as a drinking source to service the proposed development could have an adverse impact on the quantity of water available for existing and future environmental and human uses. The applicant is yet to receive approval from the Department of Water for an extraction licence.

<table>
<thead>
<tr>
<th>Total Water Cycle Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seek to achieve no net difference in water quality and quantity, unless necessary to meet identified environmental water requirements, such that post-development water quality and quantity conditions are equal to or better than pre-development conditions.</td>
</tr>
<tr>
<td>The applicant in part seeks to use groundwater as a source of drinking water. There will therefore be a net difference in water quantity of groundwater resources.</td>
</tr>
<tr>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP5.4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The purpose of SPP5.3 is to promote a system in which sustainable land use and transport are mutually compatible. The objectives of SPP5.3 are to:</td>
</tr>
<tr>
<td>• protect people from unreasonable levels of transport noise by establishing a standardised set of criteria to be used in the assessment of proposals;</td>
</tr>
<tr>
<td>• protect major transport corridors and freight operations from incompatible urban encroachment;</td>
</tr>
<tr>
<td>• encourage best-practice design and construction standards for new development proposals and new or redeveloped transport infrastructure proposals;</td>
</tr>
<tr>
<td>• facilitate the development and operation of an efficient freight network; and</td>
</tr>
<tr>
<td>• facilitate the strategic co-location of freight handling facilities.</td>
</tr>
<tr>
<td>The proposed development is required to be assessed against the requirements of SPP5.4 as it is considered a noise-sensitive land use, and is adjacent Mandurah Road, which is classed as a Primary Freight Road under SPP5.4.</td>
</tr>
<tr>
<td>SPP5.4 provides outdoor noise level criteria for new noise-sensitive development proposals. For the purposes of an Educational Establishment, the noise level applies at 1 m from the most exposed, habitable façade of the proposed building, at each floor level.</td>
</tr>
<tr>
<td>An Acoustic Assessment was prepared by Herring Storer Acoustics for the proposed development, which includes an assessment against the requirements of SPP5.4. The Acoustic Assessment demonstrates that the proposed development can comply with the requirements of SPP5.4 by various acoustic treatments being applied to the proposed buildings, such as double glazing, use of solid core doors and wall thickness. For the existing buildings on site proposed to be used, the applicant has recommended the level of acoustic isolation be reviewed in the preparation of detailed design drawings of the buildings.</td>
</tr>
</tbody>
</table>

The purpose of the PBFP Guidelines is to outline a range of matters that need to be addressed at various stages of the planning process, to provide an appropriate level of protection to life and property from bush fires and avoid inappropriately located or designed land use, subdivision and development on land where a bush fire risk is identified.

The PBFP Guidelines address fire risk management planning issues, including:

- The statutory planning process as it relates to fire protection;
- Bush fire hazard assessment;
- The definition of bush fire prone areas;
- Fire protection requirements for subdivision and development; and
- Strategies available to limit the vulnerability to fire.

The subject site is located within 100m of vegetation that is considered to be bushfire prone vegetation by the PBFP Guidelines, thus the proposed development is considered to be subject to bushfire risk. The applicant has engaged the services of RUIC Fire Risk Consultants to prepare a Fire Management Plan (FMP) in accordance with the PBFP Guidelines.

This is further discussed in the Comments section of this report.

Planning Policy 3.1.1 - Rural Land Strategy (RLS)

The RLS applies to rural land within the City and provides a framework for the assessment of proposals to develop rural land.

The subject site is located within Planning Unit No.4C of the RLS. The objective of Planning Unit No.4 is to

"encourage special rural/special residential development which recognises and enhances the landscape and natural resource attributes of the unit and provides a rural context to proposed urban development to the east."

The following is an assessment of the proposed development against the specific requirements of Planning Unit No.4C:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings to be setback a minimum of 40m from Mandurah Road, 30m from other subdivisional roads and 10m from all other boundaries with no clearing in the setback area except for fire management or for vehicular access as approved by Council.</td>
<td>No buildings are to be contained within the 40m primary street setback. A bus drop-off and turn-around area is, however, to be located within the setback area on Lot 11. A carparking area is proposed on the boundary between the subject site and Lot 700 Mandurah Road. The required 10m setback to all other side boundaries has been provided.</td>
<td>No</td>
</tr>
<tr>
<td>Development shall be of a scale that minimises intrusion into the landscape</td>
<td>Given the steep topography of the land, a significant amount of cut and fill is required. See Figures 4 and 5. It is not considered that development could be achieved without significantly altering the topography of the land.</td>
<td>No</td>
</tr>
</tbody>
</table>
The amount of vegetation required to be cleared to facilitate the development and to achieve acceptable fuel loads and hazard separation across the site will significantly modify the existing highly vegetated landscape. Therefore the development is not considered to be of a scale that minimises the intrusion into the landscape.

Subdivision/development proposals are to include a landscaping plan detailing a proposed tree planting programme.

The applicant has not provided a detailed tree planting programme. It is noted that typically, Landscaping Plans are provided as a condition of development approval.

Fire Management is to be addressed in accordance with the Western Australian Planning Commission Planning for Bushfire Protection Guidelines – Edition 2 (May 2010).

The applicant has provided a Fire Management Plan. This is further discussed in the State Government Policy Section of this report.

Based on the above, the proposed development is not consistent with the objective of Planning Unit 4C of the RLS.

e. Financial
Nil

f. Legal and Statutory

**Metropolitan Region Scheme (MRS)**

**Clause 32 Resolution**

Clause 32 of the MRS provides the ability for the Commission to require that certain classes of applications be referred to the Commission for its determination.

Resolution (RES 2014/01) published in the 9 May 2014 Government Gazette, requires that any use, in the opinion of the local government, that may not be consistent with the Rural zone is to be referred to the Commission for its determination.

In this regard, this application has been referred to the Commission. Separate MRS approval is therefore required, with a separate RAR being provided to the Panel by the Commission.

**Rockingham Town Planning Scheme No.2 (TPS2)**

**Clause 3.2 - Zoning Table**

Lot 11 is Zoned Rural under TPS2. Lots 700 and 701 are zoned Special Rural under TPS2.

The proposed development is defined as an 'Educational Establishment' under TPS2. In the Rural Zone, 'Educational Establishment' is an 'A' use, which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 6.3. In the Special Rural zone 'Educational Establishment' is an 'X' use, which is a use not permitted by the Scheme.

Despite an 'Educational Establishment' being an 'X' use in the Special Rural Zone, the applicant is seeking approval of the development on the basis the application is a change of an existing non-conforming use, which is permitted by clause 7.3 of TPS under certain circumstance. This is further considered below.
Given the subject site contains two different zones, the following is an assessment against the TPS2 provisions relating to both Lot 11 (zoned Rural under TPS2) and Lots 700 and 701 (zoned Special Rural under TPS2).

**Clause 4.11.1 - Objectives of the Rural Zone**

Lot 11 is zoned 'Rural' under TPS2. The objective of the Rural Zone is as follows:

"to preserve land for farming and foster semi-rural development which is sympathetic to the particular characteristics of the area in which it is located, having due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the Council may adopt from time to time as a guide to future development within the Zone."

The proposed development is not considered to comply with the objectives of the Rural Zone, as it does not result in the preservation of land for farming or semi-rural development.

An assessment of the proposed development against the requirements of the Rural Land Strategy (RLS) is contained within the Local Policies section of this report.

The assessment against the RLS concludes the proposed development is inconsistent with the objectives of the RLS and the Planning Unit of the RLS which the subject site is contained within (Planning Unit No.4).

**Clause 4.11.2 - General Provisions relating to the Rural Zone**

Clause 4.11.2 of TPS2 sets out the General Provisions relating to the Rural Zone. The following is an assessment of the proposed development against the General Provisions:

<table>
<thead>
<tr>
<th>Provision</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setbacks:</strong></td>
<td>All development, including the clearing of land, shall be setback a minimum of 30 metres from the primary street and 10 metres from all other boundaries, other than for the purpose of providing a fire break or vehicular accessway.</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Whilst no buildings are contained within the 30m primary street setback, a bus drop-off and turn-around area is proposed in this location. A carparking area is also proposed on the boundary between the subject site and Lot 700 Mandurah Road. The required 10m setback to all other side boundaries has been provided.</td>
<td></td>
</tr>
<tr>
<td><strong>Clearing of Vegetation:</strong></td>
<td>No native or remnant vegetation shall be removed or cleared unless approved by the Council, and other than for the purpose of a fire break, fire protection within a building protection zone, dwelling, outbuilding, fence and vehicular access or where such vegetation is dead, diseased or dangerous.</td>
<td>No</td>
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<tr>
<td></td>
<td>Clearing of vegetation other than for the purposes listed in Clause 4.11.2 of TPS2 will be required to facilitate the development and therefore the proposal does not comply with this requirement.</td>
<td></td>
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</tbody>
</table>

**Clause 4.11.3 - Precinct Planning in the Rural Zone**

Clause 4.11.3 provides the following with respect to the assessment of applications against the Rural Planning Precincts of the Rural Land Strategy:

“(a) The Rural Land Strategy divides the Scheme area into Rural Planning Units which reflect varying development potential based on land capability, location and the committed nature of land. The Rural Planning Precincts are shown on Plan No.2.

(b) The specific requirements and performance standards under each Planning Units, as set out in the Strategy, shall be considered by the Council in dealing with any application for planning approval.”

An assessment of the proposed development against the principles and policies of the Rural Land Strategy is contained in the Local Policies section of this report.
Clause 4.11.4 - Planning Control in the Rural Zone
Clause 4.11.4 of TPS2 provides the following with respect to Planning Controls in the Rural Zone:

"In assessing applications for rezoning, planning approval and formulating comments and recommendations on applications for the subdivision of land, the Council shall take into account the objective for the particular Zone and the principles and policies as set out in the Rural Land Strategy."

An assessment of the proposed development against the requirements of the Rural Land Strategy is contained in the Local Policies section of this report.

Clause 4.12.1 - Objectives of the Special Rural Zone
Lots 700 and 701 are zoned 'Special Rural' under TPS2. The objectives of the Special Rural Zone are as follows:

"(a) To identify areas within which coordinated subdivision can occur for the purposes of providing a rural lifestyle that is not associated with large scale, intensive rural activities, whilst also allowing for the effective management of the land to ensure the retention of the rural landscape and amenity and conserve and enhance the natural environment.

(b) To ensure that all development within Special Rural zones is in accordance with the Provisions Relating to Specified Areas as set out in Schedule No.4 of the Scheme that has due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the Council may adopt from time to time as a guide to future development within the Zone."

The proposed development is not considered to meet the objectives of the Special Rural Zone as the loss of vegetation and modification to the natural topography of the land to facilitate the proposed development will not conserve or enhance the natural environment.

The proposed development is also considered to adversely impact on the existing rural amenity of the locality due to the extent of development and the impacts associated with the operation of an Educational Establishment, such as noise and traffic.

An assessment of the proposed development against the requirements of the Rural Land Strategy (RLS) is contained within the Local Policies section of this report.

A full assessment of the proposed development against the relevant provisions relating to the subject site as set out in Schedule No.4 of TPS2 is provided below.

Clause 4.12.3 - Planning Control in the Special Rural Zone
Clause 4.12.3 provides the specific objectives, principles and policies the Council must have regard to when assessing applications for planning approval in the Special Rural Zone.

Clause 4.12.3 specifically requires the following:

"In assessing applications for planning approval and formulating comments and recommendations on applications for the subdivision of land, the Council shall take into account the objectives of the Special Rural Zone, the principles and policies as set out in the Rural Land Strategy and the Provisions Relating to Specified Areas as identified on Plan No's 3 and 4 and set out in Schedule No.4."

An assessment of the proposed development against the principles and policies of the RLS is contained in the Local Policies section of this report.

An assessment of the proposal against the Provisions set out in Schedule No.4 is contained below.

Clause 4.12.4 - Special Provisions in the Special Rural Zone
Clause 4.12.4 requires that in addition to such other provisions of TPS2 as may affect it, any land which is included in a Special Rural Zone shall be subject to those provisions as may be specifically set out against it in Schedule No.4 of TPS2.
An assessment of the proposal against the Provisions set out in Schedule No.4 of TPS2 is as follows:

<table>
<thead>
<tr>
<th>Provision</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Subdivision shall generally be in accordance with the Subdivision</td>
<td>Subdivision of the land is not</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Guide Plan certified by the Chief</td>
<td>proposed.</td>
<td></td>
</tr>
<tr>
<td>Executive Officer, as the subdivision plan relating to the areas as</td>
<td></td>
<td></td>
</tr>
<tr>
<td>described above in the 'Location Table', and shall form part of the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scheme.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. The Council will generally not recommend approval to lot sizes less</td>
<td>Subdivision of the land is not</td>
<td>Not applicable</td>
</tr>
<tr>
<td>than two (2) hectares, where reticulated water is not provided, or one</td>
<td>proposed.</td>
<td></td>
</tr>
<tr>
<td>(1) hectare, where reticulated water is provided.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. (a) The following use is permitted ('P'):</td>
<td>The proposed use is classed as an</td>
<td>No</td>
</tr>
<tr>
<td>(i) Residential - Single house (maximum of one (1) per lot only)</td>
<td>'Educational Establishment', which is a</td>
<td></td>
</tr>
<tr>
<td>(ii) Communications Antennae - Domestic</td>
<td>Prohibited 'X' use in the zone.</td>
<td></td>
</tr>
<tr>
<td>(b) The following uses are not permitted unless approval is granted by</td>
<td>The Munja Gardens Reception Centre on</td>
<td></td>
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<tr>
<td>the Council ('D'):</td>
<td>Lot 700 Mandurah Road is an existing</td>
<td></td>
</tr>
<tr>
<td>(i) Home Occupation</td>
<td>non-conforming use.</td>
<td></td>
</tr>
<tr>
<td>(ii) Residential Building</td>
<td>Clause 7.3 of TPS2 provides the ability</td>
<td></td>
</tr>
<tr>
<td>(iii) Rural Pursuit</td>
<td>to change one non-conforming use to</td>
<td></td>
</tr>
<tr>
<td>(iv) Caretakers Dwelling as an incidental use</td>
<td>another existing non-conforming use.</td>
<td></td>
</tr>
<tr>
<td>(v) Communications Antennae - Commercial</td>
<td>By accepting the existing non-conforming use, the propose use may become a discretionary use in accordance with clause 7.3.</td>
<td></td>
</tr>
<tr>
<td>(c) The following uses are not permitted, unless the Council, at its</td>
<td>This issue has been further discussed</td>
<td></td>
</tr>
<tr>
<td>discretion, permit the use after notice of application has been given</td>
<td>under Clause 7.1 and 7.3 of the in the</td>
<td></td>
</tr>
<tr>
<td>in accordance with Clause 6.3 ('A'):</td>
<td>Legal and Statutory section of this</td>
<td></td>
</tr>
<tr>
<td>(i) Bed and Breakfast</td>
<td>report.</td>
<td></td>
</tr>
<tr>
<td>(ii) Home Business</td>
<td>The City is of the opinion that the</td>
<td></td>
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<td>(iii) Industry - Cottage</td>
<td>proposed non-conforming use does comply</td>
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<td>(iv) Agriculture - Intensive</td>
<td>with the two prerequisites for a change</td>
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<td>(v) Telecommunications Infrastructure</td>
<td>of non-conforming use.</td>
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<tr>
<td>(d) The following use is not permitted, unless the use is incidental to the predominant use of the land as determined by the Council (‘IP’): (i) Ancillary Accommodation</td>
<td></td>
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<tr>
<td>(e) All other uses listed in Table No. 1 not listed above shall be treated as Prohibited (‘X’) uses. (f) Uses not listed are subject to Clause 3.2.4 of the Scheme.</td>
<td>Noted.</td>
<td>Noted</td>
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<td>4. The symbols used in Provision 3 above have the same meaning as those set out in clause 3.2.2 of the Scheme.</td>
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<td>5. In addition to a building license, the Council’s prior approval to commence development shall be consistent with Clause 6.1.2 of the Scheme. The applicant has submitted an application for Planning Approval in accordance with the requirements of Clause 6.1.2 of TPS2.</td>
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<td>6. At the time of applying for planning approval, a plan of the site shall be submitted by the applicant to the satisfaction and specification of the Council, which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting. The applicant has provided plans showing contours and existing vegetation types. No plans have been provided that specifically detail the trees and vegetation to be removed and retained. No proposals for tree planting have been provided, however, it is acknowledged that this typically occurs as a condition of Planning Approval for a Landscaping Plan.</td>
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<td>7. For Location 4(iii) land uses other than a single residence that are permitted or may be permitted by the Council pursuant to the Scheme shall only be permitted when the Council is satisfied following consultation with the Department of Environment and Conservation that the land use does not involve excessive nutrient application or the clearing of the land. The Department of Parks and Wildlife (formerly Department of Environment and Conservation) noted that the development will involve the clearing of vegetation, and advised that clearing of native vegetation is prohibited, unless the clearing is authorised by a clearing permit obtained from the Department of Environmental Regulation (DER), or is of a kind that is except in accordance with Schedule 6 of the Environmental Protection Act 1986 or Environmental Protection (Clearing of Native Vegetation) Regulations 2004.</td>
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<td>The applicant has not obtained a clearing permit, and will need to</td>
<td>The City is not satisfied that the proposed development will not require the clearing of land, given the site works required to facilitate the development and the size of the overall building footprint. The applicant has advised that no fertilisers are proposed to be used.</td>
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<td>liaison with the DER in this respect.</td>
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<tr>
<td>The City is not satisfied that the proposed development will not</td>
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<td>require the clearing of land, given the site works required to facilitate</td>
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<td>the development and the size of the overall building footprint.</td>
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<tr>
<td>The applicant has advised that no fertilisers are proposed to be used.</td>
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<tr>
<td>8. (a) Where the Council considers that local environmental conditions</td>
<td>There are no building envelopes on the subject site. No building envelopes were required as the Munja Gardens Reception Centre and single house were existing at the time the land was rezoned to 'Special Rural'.</td>
<td>Not</td>
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<td>are significant enough to warrant restriction to development and</td>
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<td>applicable</td>
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<td>vegetation clearing, the Council require a person to submit for the</td>
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<td>Council’s approval a plan identifying the location of building envelopes</td>
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<td>on each lot at the time of subdivision. The location and size of the</td>
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<td>building envelopes must be to the satisfaction of the Council.</td>
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<td>(b) Where building envelopes are approved in relation to any lot, no</td>
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<td>clearing or development, other than for fire management purposes or to</td>
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<td>construct a vehicle accessway that has received the prior written</td>
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<td>approval of the Council, shall be approved outside the designated building</td>
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<td>envelope.</td>
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<td>(c) The size and location of an approved building envelope may be varied</td>
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<td>with the approval of the Council.</td>
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<tr>
<td>9. Where no building envelopes are required, all development, including</td>
<td>No development is contained within the 40m primary street setback with the exception of a bus drop-off and turn-around area. A carparking area is proposed on the boundary between the subject site and Lot 700 Mandurah Road, which is also the subject of this application. The required 10m setback to all other side boundaries has been provided.</td>
<td>No</td>
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<tr>
<td>the clearing of land (except for firebreaks), shall comply with the</td>
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<td>following setbacks unless otherwise specified by the Council:</td>
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<td>(a) Forty (40) metres from Mandurah Road</td>
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<tr>
<td>(b) Thirty (30) metres from other subdivisional roads (primary setback)</td>
<td>It is noted that the clearing of land is required to achieve the Building Protection Zone (BPZ) as required by the Planning for Bushfire Protection Guidelines 2010. The proposed BPZ is within the 10m setback area between Lots 11 and 701.</td>
<td></td>
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<tr>
<td>(c) Ten (10) metres from all other boundaries unless otherwise specified in the Rural Land Strategy.</td>
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<tr>
<td>10. With respect to Location 4(ii) all allotments are to be connected to reticulated sewer.</td>
<td>The subject site is located within Location 4(iii) of Schedule No.4.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>11. A person shall not construct a dwelling unless either a minimum 90,000 litre roof water storage tank with the necessary accompanying roof catchment, or other type of domestic water supply is incorporated in the approved plans, and constructed at the same time as the dwelling. If with the approval of the Council groundwater is used the approval of the Department of Water is also required.</td>
<td>The applicant is proposing to develop an Educational Establishment.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>12. All bores for the purpose of groundwater extraction shall require the prior approval of the Department of Water, having regard to the location of any effluent disposal system, water bodies, drains and neighbouring bores.</td>
<td>As there is no reticulated water supply available to service the subject site, the applicant is proposing to provide on-site water storage supplied by roof catchment and ground water bores. The applicant has yet to receive the approval of the Department of Water for the purposes of groundwater extraction from bores. Further advice from the Department of Water in respect to servicing is provided within the Consultation with other Agencies or Consultants section of this report.</td>
<td>No</td>
</tr>
<tr>
<td>13. On-site effluent disposal servicing development on the lots shall be to the satisfaction of the Council. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected an effluent disposal system that: (a) has a vertical separation of 2 or more metres between the base of the effluent disposal system or the irrigation area, and the highest recorded groundwater level;</td>
<td>Approval must be obtained from the City's Health Services for any on-site effluent disposal proposed. The applicant has yet to make an application to the City in this respect. Additional advice with respect to the servicing the proposed development is contained in the 'Consultation with other Agencies or Consultants' section of this report.</td>
<td>Noted</td>
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### Provision

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<td>(b) has at least a 100 metre horizontal separation between the effluent disposal system and the existing drains, water courses and water bodies; and (c) has been approved in writing by the Council.</td>
<td>Should the application be approved, a condition of Planning Approval requiring the retention of all stormwater on site is recommended.</td>
<td>Noted</td>
</tr>
<tr>
<td>14. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the Council.</td>
<td>Given the value of the works, the SWJDAP determines the application, not the Council. No stocking of animals is proposed. An assessment of the proposed development in regard to tree and vegetation preservation, groundwater resources and effects on the environment of the locality and residents is contained within the Comments section of this report.</td>
<td>Noted</td>
</tr>
<tr>
<td>15. With the intention of preserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the amenity of the locality, the approval of the Council is required for any use or development of land. The Council will have regard to limits on stocking, the limited groundwater resources, tree and vegetation preservation and the effects on the environment of the locality and residents of the estate when considering the application and may, should approval be granted, impose any conditions as practical and may modify or vary such conditions to take account of seasonal changes.</td>
<td>The keeping of horses, sheep, goats and other grazing animals is not proposed.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>16. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture Western Australia.</td>
<td>As there are no approved building envelopes, clearing of vegetation is only permitted when trees are dead, diseased or dangerous, to establish a firebreak and/or building protection zone, for access and for subdivisional works. The applicant will be required to remove vegetation to facilitate the development of the buildings, retaining walls, carparking areas and play areas on the subject site, which is not permitted.</td>
<td>No</td>
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CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 MARCH 2015

PRESIDING MEMBER


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<td>(c) Fire protection within a building protection zone as defined in the Western Australian Planning Commission publication &quot;Planning for Bushfire Protection&quot;;</td>
<td>Should development approval be granted, the applicant will be required to install and maintain firebreaks to the satisfaction of the City. Firebreaks are already required on the subject site by virtue of the City's Fire Control Notice.</td>
<td>Noted</td>
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<td>(d) Access to an approved development site is required;</td>
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<td>(e) Subdivisional works require the removal of vegetation.</td>
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<td>18. Firebreaks shall be constructed and maintained to the satisfaction of the Fire and Emergency Services Authority and the Council. In order to preserve the amenity of the area, Council may, at its discretion, vary the position of any required firebreak to avoid destruction of vegetation or to address the physical features of the subject land.</td>
<td>The applicant has not proposed to subdivide the land and therefore any existing Subdivision Guide Plan is not applicable.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>19. The developer shall, within the Strategic Revegetation Areas depicted on the Subdivision Guide Plan, plant trees and shrubs of a species, density and distribution to be determined by the Council. Tree planting shall be undertaken to the satisfaction of the Council prior to clearance of the Deposited Plans. The developer shall maintain the trees and shrubs planted and vegetation to be retained on each lot, to the satisfaction of the Council until the land as a whole or in lots is sold. Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Council. The developer shall notify in writing any prospective purchase of the requirement for the continued maintenance of Strategic Revegetation Areas.</td>
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PRESIDING MEMBER
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<td>20. All fencing shall be in accordance with the Council's Local Laws.</td>
<td>The applicant has not provided details of fencing, however, the applicant would be required to comply with the Council's Local Laws in this respect.</td>
<td>Noted</td>
</tr>
<tr>
<td>21. In Location 4(ii) boundary fencing shall only be of a post and wire strand construction to a maximum height of 1.2 metres.</td>
<td>The subject site is in Location 4(iii).</td>
<td>Not applicable</td>
</tr>
<tr>
<td>22. Development affecting wetlands shall comply with the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992.</td>
<td>There are no wetlands on or surrounding the subject site.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>23. With respect to Location 4(i), and in particular Lots 30 and 31 Mandurah Road, no development, clearing, filling, excavation, filling of land, grazing or any other use is permitted in the area designated on the Subdivision Guide Plan as 'Opwin Swamp' or the 50 metre no development buffer, without the specific approval of the Council.</td>
<td>The subject site is in Location 4(iii).</td>
<td>Not applicable</td>
</tr>
<tr>
<td>24. With respect to Location 4(i), and in particular In relation to Lots 30 and 31 Mandurah Road, for the purposes of maintaining 'Opwin Swamp', the following Management Provisions shall apply:</td>
<td>The subject site is in Location 4(iii).</td>
<td>Not applicable</td>
</tr>
<tr>
<td>(a) No new dams, artificial retention of water, pumping, diversion of water or modification of Opwin Swamp's natural form shall be undertaken without the prior approval of the Council;</td>
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<td>(b) The activities of stock on the land immediately surrounding Opwin Swamp shall be controlled such that the problems of erosion, pollution and vegetation degradation do not occur;</td>
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<tr>
<td>(c) A no spray (pesticide/herbicide), non-cultivation and non-nitrogenous fertiliser application buffer of 50 metres from Opwin Swamp shall apply. The no spray requirement does not preclude the carrying out of noxious weed control in accordance with Agriculture WA's requirements, or pest control as authorised by the Council.</td>
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25. With respect to maintaining Stakehill Swamp, the following Wetland Management Provisions shall apply:
(a) No new dams, artificial retention of water, pumping, diversion of water or modification to the natural form of the wetland shall be undertaken without the prior approval of Council;
(b) A no-spray (pesticide/herbicide), non-cultivation and non-nitrogenous fertiliser application buffer of 50 metres from the foreshore of the wetlands shall apply.
The no spray requirement does not preclude the carrying out of noxious weed control in accordance with Agriculture WA requirements or pest control as authorised by Council;
(c) The developer shall prepare and implement a Wetland Management Plan to the specification and satisfaction of the Department of Environment and Conservation and Council, at the time of subdivision.
The subject site is located more than 800m away from the Stakehill Swamp. Not applicable

26. All buildings and outbuildings are to be sympathetic in design, materials and colour to compliment surrounding landscape elements and be sited away from focal points and located where screening vegetation or landform can be utilised.
The proposed buildings will be rammed limestone construction, and will be finished with reverse block veneer comprising of timberlap or metal sheet cladding. The buildings are coloured in earthy tones. Yes
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<td></td>
<td>Paths and ramps will be in-situ coloured concrete with reconstituted limestone or laterite block retaining. The design of the proposed buildings are considered to be sympathetic in design, materials and colour to compliment the surrounding rural landscape.</td>
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<tr>
<td>27.</td>
<td>The developer shall make arrangements satisfactory to the Council to ensure that prospective purchasers of the lots created will be advised of those provisions of the Scheme and Policies which relate to the use and management of the land.</td>
<td>The applicant is not proposing to sell the land.</td>
</tr>
<tr>
<td>28.</td>
<td>With the intention of preserving the existing natural vegetation and preventing land use practices detrimental to the amenity of the locality the Council shall have regard to the following when considering any application for an Intensive Agricultural Pursuit: (a) the impact of stocking rates; (b) the impact on groundwater resources; (c) tree and vegetation preservation; (d) nutrient application; or (e) the clearing of land.</td>
<td>The application is for an Education Establishment.</td>
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**Clause 5.3 – Control of Advertisements**

Clause 5.3.1 requires planning approval to be obtained for the erection of advertisements. In considering an application for an advertisement, the Council is required to consider the objectives of TPS2.

The applicant has not provided details of signage. Should the application be approved, a condition of Planning Approval requiring the applicant to prepare a Sign Strategy, including the information required by Planning Policy 3.3.1, **Control of Advertisements**, to the satisfaction of the City, is recommended.

It should be noted that the approval of Main Roads WA is required for any signage adjacent Mandurah Road.

**Clause 6.6 – Matters to be considered by the Council**

Clause 6.6 outlines the matters to which Council is to have due regard when considering an application. The matters relevant to the application that have been considered are:

- Land use compatibility;
- Environmental impacts;
- Amenity;
Bushfire risk;
Access and egress;
Carparking;
Traffic;
Public transport;
Pedestrian and cycling access;
Servicing;
Landscaping; and
Land degradation.

These matters are discussed in the Comments section of this report.

Clause 7.1 - Non-Conforming Use Rights

The Munja Gardens Reception Centre on Lot 700 Mandurah Road is an existing non-conforming use. Clause 7.1 outlines the situations in which an existing use can continue to operate. Essentially, the use must be lawful immediately prior to the gazettal date of the current Scheme, including any approvals required to authorise the development to be carried out were obtained and are current. Planning Approval for the Munja Gardens Reception Centre was granted in 1997.

Clause 7.3 - Change of Non-Conforming Use

Clause 7.3 provides the ability to change one non-conforming use to another existing non-conforming use under the following circumstances:

"Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the Council is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the Council, closer to the intended purpose of the zone."

The applicant has provided the following justification for the change of non-confirming use:

"The proposed Educational Establishment is a less intensive and intrusive land use than a Reception Centre, with a school being an important facility required for any community. It is noted the nearest Educational Establishment for primary school students is Secret Harbour Primary approximately 2.5km from the subject site and for secondary school students is Comet Bay College approximately 3.5km from the site.

The proposed Educational Establishment has been designed to be complementary to the subject site’s unique natural attributes, noting that the conversion of existing buildings that form the Reception Centre is proposed therefore minimising the impact on the amenity of the area.

The accompanying report concludes that the proposed development will not have a detrimental impact on the rural landscape and amenity of the 'Special Rural' Zone. On this basis, the change of use from an existing non-conforming use (Reception Centre) to another non-conforming use (Educational Establishment) ought to be supported”.

The City does not accept that the application adequately demonstrates that the development will have a less detrimental effect to the amenity of the locality, nor be a use that is aligned to the intended purposes of the zone.

Impact on Amenity

The proposed development is considered to have a greater impact to the amenity of the locality than the existing non-conforming use for the following reasons:

• Visual impact - The proposed development on Lot 700 is not considered to have a visual impact, as the development will occupy existing buildings on the site. It should be noted, however, that the applicant is only intending to occupy the buildings on Lot 700 in conjunction with the development of the Educational Establishment on Lot 11.
The development of an Educational Establishment on Lot 11 is considered to be a significant visual intrusion into the landscape, due to the footprints of the buildings themselves and the clearing of vegetation required to accommodate the Building Protection and Hazard Separation Zones. This issue has been further explained in the Comments section of this report.

Environmental impact - The proposed development will have an adverse environmental impact, as vegetation on site will be required to be cleared and modified to accommodate the Building Protection and Hazard Separation Zones required to achieve an acceptable bushfire risk in accordance with the Western Australian Planning Commission’s *Planning for Bushfire Protection Guidelines (May 2010)*. This issue has been further explained in the Policy section of this report.

Increase in hours of operation - The hours of operation for an Educational Establishment greatly exceed the hours of operation for the existing Reception Centre. The Munja Gardens Reception Centre operates on an appointment only basis, with functions only being held at the centre when bookings are made. Functions are typically held on weekends only. The Educational Establishment will operate a minimum of 5 days per week for all school terms throughout the year;

Increase in peak hour traffic volumes - The hours of operation for an Educational Establishment correlate to peak traffic periods (i.e. 9:00am and 3:00pm), which will increase congestion on Mandurah Road, otherwise not experienced by a Reception Centre, which hours of operation typically occur outside of peak traffic periods on weekends;

Increase in overall traffic volumes - The volume of traffic associated with an Educational Establishment exceeds that of the existing Reception Centre. The Munja Gardens reception hall has the capacity to seat 150 guests. At ultimate development completion, the proposed Educational Establishment will accommodate 516 students and 42 staff members. The increased volume of traffic to and from the site is considered to compromise the Special Rural amenity of the locality;

Additional infrastructure - An on-site wastewater treatment system and potable water storage area are required to service the additional student and staff numbers associated with the proposed development. This results in further development otherwise not currently required to service the Reception Centre;

**Purpose of the Rural Zone**

In relation to the intended purposes of the rural zone, the proposed development is not considered to meet the objectives of the rural zone for the following reasons:

- The proposal does not preserve land for farming nor foster semi-rural development which is sympathetic to the characteristics of the area in which it is located.
- Loss of vegetation;
- Modification to the natural topography to facilitate the proposed development; and
- The proposed development is not considered to conserve or enhance the natural environment.

**Summary**

It can be seen that the proposed change of non-conforming use will have a detrimental impact on the amenity of the locality when compared to the existing non-conforming use and is not closer to the intended purpose of the zone, as per the requirement of Clause 7.3.

Council must only grant planning approval if the proposed use is less detrimental to the amenity of the locality than the existing non-confirming use and is closer to the intended purpose of the zone.

In this regard, Council, or in this instance the DAP, must not grants its planning approval for the use on Lots 700 and 701 as it does not meet the prerequisites of clause 7.3.
Land Use Permissibility

The City considers, as outlined under Clause 7.3 of TPS2 in the Legal and Statutory section of this report, that the proposed development has a greater impact on the amenity of the locality than the existing non-conforming use based on visual and environment impacts, hours of operation, increased peak hour and overall traffic volumes, and decreased acoustic amenity. The proposed development also has greater inconsistency with the intended purpose of the zone. In this regard, Council, or in this instance the DAP, must not grant its planning approval for the use on Lots 700 and 701 as it does not meet the prerequisites of clause 7.3.

It is not clear how the development would operate in the absence of Lots 700 and 701 forming part of the subject site.

Land Use Compatibility

Clause 6.6(i) of TPS2 requires the Council to give consideration to the compatibility of a use or development with its setting. The subject locality has a distinctly rural amenity, characterised by small scale rural and semi-rural land uses such as horse agistment facilities, plant nurseries and hobby farming and special rural residential development.

The increase in traffic associated with the proposed development is considered to detrimentally impact the amenity of surrounding rural and special rural properties. The City is also concerned that servicing of the proposed development has the potential to adversely impact nearby rural activities such as a plant nursery, winery and horse agistment facilities, due to impacts on groundwater quality supply. The proposed development is therefore considered incompatible with the existing surrounding land uses.

Environmental Impacts

Clause 6.6 (i) of TPS2 requires consideration be given to the likely effect of the proposal on the natural environment and any means that are proposed to protect or mitigate impacts on the natural environment.

The subject site has a highly varied topography made up of parabolic dune structures with significantly steep slopes (particularly on Lot 11 Mandurah Road). Lot 11 is largely covered by Cottesloe vegetation complex, with introduced species surrounding the Munja Gardens Reception Centre on Lot 700.

Cut and Fill

Despite requests from the City, the applicant has not provided a site plan showing the extent of cut and fill required to facilitate the development. From the elevation plans, it can be seen that the proposal results in a significant modification to the existing topography of the natural landscape due to earthworks required for construction of buildings.

The proposed development will have a detrimental impact on the natural environment.

Vegetation Removal

Figure 17 shows the extent of vegetation clearing and modification required to facilitate the development. All vegetation on site will be impacted, as the FMP requires fuel loads to be reduced to a minimum of 8 tonnes per hectare in the Hazard Separation Zone. It can be seen that the proposal results in a significant loss and/or modification of vegetation due to earthworks required for construction of buildings, hazard separation, and fuel load reduction for fire management purposes.

The proposed development will have a detrimental impact on the natural environment.
17. Vegetation Removal
**Amenity**

Clause 6.6(o) of TPS2 requires the Council to have due regard in relation to the preservation of the amenity of the locality. Amenity is defined by TPS2 as those factors which combine to form the character of an area and include the present and likely future amenity.

The area is considered to be rural in nature, characterised by rural and semi-rural development, large lot sizes and areas of significant vegetation.

Factors likely to adversely impact the amenity of the locality in relation to the proposed development are considered below.

**Traffic Generation**

The nature of the development is such that students will be dropped off and collected during weekdays during school terms. It is likely that after-hours activities associated with the school (assemblies, sporting events etc.) will also occur. The volume of traffic entering and exiting the site and the number of people utilising the site will be significantly greater than what is currently experienced. For this reason, the nature of the operation of the proposed development is likely to detrimentally impact the existing amenity of the locality.

**Visual Impact**

One of the primary objectives of Planning Unit No.4 is to provide and protect the natural view shed to Mandurah Road, with buildings required to be setback a minimum of 40m from Mandurah Road. Development is required to be of a scale that minimises intrusion into the landscape.

The proposed development includes access and turnaround areas within the 40m setback required from Mandurah Road. This development will be visible from Mandurah Road, which is inconsistent with the objective for this area.

Lot 11 slopes upwards from Mandurah Road to the east. The new buildings will be constructed at an elevation greater than Mandurah Road, and thus will be clearly visible from Mandurah Road.

A significant amount of earthworks and vegetation clearing is required to facilitate development due to the steep topography of the site, and bushfire hazard separation requirements. The development is therefore considered to compromise the existing landscape quality.

The proposed development is therefore considered to have a detrimental visual impact on the landscape and thus amenity of the area.

**Scale of Development**

The City considers that the buildings should be sympathetic in design to compliment the surrounding landscape elements and retain the character of the natural landscape as much as possible. For this reason, it is necessary to consider the scale of development in relation to the existing characteristics of the locality.

As previously outlined, the locality has a distinctly rural character, exemplified by small scale rural and semi-rural land uses such as horse agistment facilities, plant nurseries and hobby farming and special rural residential development. These developments typically occupy a small area of the site in proportion to the lot size. In contrast, the proposed development on Lot 11 occupies approximately 50% of the subject site. For this reason, the scale of the proposed development is considered inconsistent with that of the existing and desired future character of the locality.

**Bushfire Risk**

Clause 6.6(n) of TPS2 requires the Council to give consideration to whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bushfire or any other risk.

A Fire Management Plan (FMP) has been submitted with the application. The FMP determined that post development, the highest Bushfire Hazard level within the site would be extreme, however, construction of buildings is to occur on land identified as a low hazard level.

The FMP proposes the installation of Building Protection Zones (BPZ) immediately around the buildings (the blue area on Figure 17). A Hazard Separation Zone (HSZ) (the yellow area on Figure 17) would be provided on the remainder of the site on Lot 700, with a small portion in the north western corner of Lot 11. The remainder of Lot 11 would not be managed.
As part of the FMP, an assessment of the bushfire impact on the buildings was undertaken. The results are as follows:

<table>
<thead>
<tr>
<th>Building/Location</th>
<th>Vegetation Threat</th>
<th>Effective Slope</th>
<th>Separation</th>
<th>BAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specialist Centre</td>
<td>Plot K (Class B Modified)</td>
<td>Upslope</td>
<td>20m</td>
<td>BAL-12.5</td>
</tr>
<tr>
<td>Children’s House</td>
<td>Plot D and K (Class B Modified)</td>
<td>Upslope</td>
<td>20m</td>
<td>BAL-12.5</td>
</tr>
<tr>
<td>Early Childcare Centre</td>
<td>Plot E (Class B)</td>
<td>Upslope</td>
<td>20m</td>
<td>BAL-29</td>
</tr>
<tr>
<td>Primary Block Modules</td>
<td>Plots L and J (Class D)</td>
<td>14°</td>
<td>20m</td>
<td>BAL-29</td>
</tr>
<tr>
<td>Senior Block Modules</td>
<td>Plot J (Class D)</td>
<td>14°</td>
<td>20m</td>
<td>BAL-29</td>
</tr>
<tr>
<td>Environmental Centre</td>
<td>Plot J (Class D)</td>
<td>14°</td>
<td>20m</td>
<td>BAL-29</td>
</tr>
<tr>
<td>Storage Shed</td>
<td>Plot E (Class B)</td>
<td>14°</td>
<td>27m</td>
<td>BAL-29</td>
</tr>
<tr>
<td>Admin. Centre and Sports Hall Building</td>
<td>Plot E (Class B)</td>
<td>Upslope</td>
<td>20m</td>
<td>BAL-29</td>
</tr>
<tr>
<td>Ext Sheds</td>
<td>Plot D (Class B modified)</td>
<td>Upslope</td>
<td>13m</td>
<td>BAL-19</td>
</tr>
</tbody>
</table>

The figure below illustrates what each of the BAL levels means.

18. Bushfire Attack Levels

The Planning for Bush Fire Protection Guidelines (PfBFP) generally do not support development located in either BAL-40 or BAL-FZ locations. The above assessment has demonstrated that the development would be located in BAL-29 or lower areas.

The PfBFP Guidelines provide a number of bushfire protection criteria that need to be addressed to ensure development is appropriately located and protected. The City has concerns with a number of these criteria as outlined below:

- Two Access Routes - the applicant asserts that having access to Mandurah Road, the site achieves this criterion. Due to access arrangements, the site in fact only has one access, being southbound on Mandurah Road. As outlined throughout this report, only once a u-turn has been undertaken can vehicles head in a northerly direction along Mandurah Road. The development does not satisfy the Acceptable Solution nor Performance Criterion.
- **Private Driveways**
  - Turnaround - no provision has been made for the turning around of fire appliances in the vicinity of the water tanks identified on the site plan, nor is it clear that sufficient area exists for passing bays in the same area.

- **Water: Non-Reticulated Areas**
  - The application includes the provision for a 50,000L static water supply for fire fighting purposes. As outlined throughout this report, it has not been demonstrated that this supply can be secured.
  - The City questions the suitability of the location of the water tanks given their proximity to the greatest hazard on site.

- **Hazard Separation** - the development has not provided a hazard separation of 100m. Any reduction below the 100m distance requires developments to be constructed in accordance with AS3959. The FMP states the buildings would only be provided with ember protection. This is not consistent with BAL assessment in the FMP that identifies that buildings would experience up to BAL-29 levels.

Aside from these issues, the City has significant concerns regarding the extent of clearing and vegetation modification required to provide for hazard separation. These concerns are outlined throughout the report.

The occupants of schools are more vulnerable to bushfire attack because:

- They present organisational difficulties for evacuation and/or management. Child care centres often have fixed ratios of staff to children that are based on supervision rather than emergency response and evacuation requirements. Often and particularly with a fast moving fire, the occupants are safer to take cover on site than risk evacuation;
- They may be more vulnerable through stress and anxiety arising from bushfire threat and smoke;
- There may be communication barriers;
- Supervision during a bushfire may be difficult;
- Logistical arrangements for the number of children may be complicated in terms of transport and alternate accommodation;
- The occupants are not able to assist with property protection.

In WA there are no specific provisions in the PfBFP Guidelines that reflect these specific constraints of the land use. In New South Wales there are, however, specific requirements for such development, which should be used as best practice. These are known as Special Fire Protection Purpose (SFPP) developments.

The NSW PfBFP Guidelines provide the following relevant requirements for SFPP land uses:

**Asset Protection Zones (APZ)**

**Performance Criteria:** Radiant heat levels of greater than 10kW/m² will not be experienced by occupants or emergency services workers entering or exiting a building.

**Comment**

An APZ is the equivalent to the BPZ and HSZ in WA. To achieve this, the APZs for SFPP developments are 3 to 4 times larger than for a normal development. This would essentially require fuel reduction and clearing over most of, if not the entire site.

The reduced radiant heat levels are also important as it is often not practical to evacuate a school as it poses greater risk. Thus occupants will need to remain on site within the buildings. The lower radiant heat flux increases the buildings’ survivability and protection for occupants as shown in the table below.
Radiant Heat Flux | Likely Effects
---|---
>29 - 110 kW/m² | Flame Zone
29 kW/m² | Ignition of most timbers without piloted ignition (3 minutes exposure) during the passage of a bushfire. Toughened glass could fail.
19 kW/m² | Screened float glass could fail during the passage of a bushfire
12.5 kW/m² | Standard float glass could fail during the passage of a bushfire. Some timbers can ignite with prolonged exposure and with piloted ignition source (e.g. embers).
10 kW/m² | Critical conditions. Fire fighters not expected to operate in these conditions although they may be encountered. Considered to be life threatening <1 minute in protective equipment. Fabrics inside a building could ignite spontaneously with long exposures.
7 kW/m² | Likely fatal to unprotected person after exposure for several minutes.
4.7 kW/m² | Extreme conditions. Fire fighter in protective clothing will feel pain (60 seconds exposure).
3 kW/m² | Hazardous conditions. Fire fighters expected to operate for a short period (10 minutes).
2.1 kW/m² | Unprotected person will suffer pain after 1 minute exposure - non fatal.

**Performance Criteria:** Exits are located away from the hazard side of the building.

**Comment**
Many of the buildings have openings onto the hazard sides of the buildings.

**Emergency and Evacuation Planning**
Evacuation at the last minute ahead of a bushfire is very dangerous, and potentially exposes people to smoke, radiant heat and embers. It is for this reason that SFPP developments have increased setback requirements to meet evacuation/relocation and emergency planning objectives and also have a requirement for site specific emergency plans.

This is particularly important where the affected people are very young or aged, or where the population is poorly prepared for the bushfire event, either because of a lack of understanding (e.g. tourists) or limited language skills (e.g. recent migrants).

SFPP Seniors Living, schools, hospitals, child care, nursing homes and other SFPPs should all have suitable management arrangements and structures capable of developing and implementing an emergency plan.

**Performance Criteria:** An Emergency and Evacuation Management Plan is approved by the relevant fire authority for the area.

**Comment**
The applicant has not provided an Emergency and Evacuation Management Plan. It has, however, been identified that one would be prepared.

**Performance Criteria:** Suitable management arrangements are established for consultation and implementation of the emergency and evacuation plan.

**Comment**
The Acceptable Solutions for this Performance Criterion includes:
- An Emergency Planning Committee is established to consult with residents (and their families in the case of aged care accommodation and schools) and staff in developing and implementing an Emergency Procedures Manual.
Detailed plans of all Emergency Assembly Areas including “onsite” and “offsite” arrangements as stated in AS 3745-2002 are clearly displayed, and an annual (as a minimum) trial emergency evacuation is conducted.

Neither has been discussed as part of this application.

Given the above, it can be seen that the subject site is a less than suitable location for an Educational Establishment. Substantial vegetation clearing would be required to provide an appropriate level of hazard separation for the development. This vegetation removal and modification is contrary to the objective of the RLS and thus TPS2. Even with clearing, the site remains located in a significantly bushfire prone locality. With the limited access and the difficulties associated with the mobility of the occupants, it is considered to be an inappropriate location for the proposed development.

**Access and Egress**

Clause 6.6(q) of TPS2 requires consideration of whether the proposed means of access to and egress from the site is adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.

The application proposes two access points from Mandurah Road. The northern access point is a 'left in left out' intersection at the existing driveway on Lot 701 Mandurah Road. This is also the existing access to Munja Gardens.

The southern access point is a 'left in left out right in' intersection at the existing driveway for Lot 11 Mandurah Road.

The 'left turn' only movement to enter and exit the site is expected to receive long delays, due to the high egress traffic volumes and school bus movements, which would require larger 'gaps' in the traffic to accommodate egress of buses.

Whilst it is acknowledged that a large circular turn-around area on site has been provided, should vehicles exiting the site be required to queue to wait for a ‘break’ in traffic on Mandurah Road, there is concern that the functionality of carparking and manoeuvrability on the site would be compromised.

The applicant has proposed a 'left out' acceleration lane adjacent Lot 11 to accommodate vehicles entering the 100km/hr speed zone adjacent the subject site on Mandurah Road. The length of the acceleration lane proposed is not sufficient to enable buses to enter Mandurah Road at a safe speed. Furthermore, the location of existing accesses and proximity to Olive Hill Close would likely provide for insufficient distance. Austroad's *Guide to Road Design - Part 4A: Unsignalised and Signalised Intersection* identifies a possible acceleration lane length of between 220m and 450m for a 100km/hr design speed depending on design entry speeds. The taper for the Olive Hill Close deceleration lane is located only 130m south of the entry to Lot 11, and the distance between the entries to Lot 701 and Lot 11 is 166m.
19. View from Lot 11 Access Looking South

20. View from Lot 11 Access Looking North
No acceleration or deceleration lanes have been proposed adjacent the access of Lot 700 and 701, which is considered a safety concern given the high speed environment of Mandurah Road.

The proposed right turn from Mandurah Road across the median strip on Mandurah Road into Lot 11 is unlikely to be able to be provided due to the slope of the median strip.

21. Location of proposed Right Turn Crossover

It is also acknowledged that Mandurah Road is to be widened to six lanes in the future, which may compromise the ability to provide an acceleration lane in the required locations.

The applicant has not demonstrated that the development can provide for safe and efficient access to and from Mandurah Road and is therefore recommended for refusal.

**Carparking**

Clause 6.6(q) of TPS2 also requires the Council to consider if adequate provision has been made for the parking of vehicles. TPS2 does not specify car parking provision requirements for Educational Establishments. In these circumstances, TPS2 requires that the minimum number of car parking spaces required for the proposed development shall be determined having regard to:

"(i) the nature of the proposed development;
(ii) the number of employees likely to be employed on the site;
(iii) the anticipated demand for parking; and
(iv) the orderly and proper planning for the locality."

The applicant has advised that the development will initially cater for 268 students and 22 staff, with the ultimate development accommodating 516 students and 42 staff.

A total of 123 carparking bays are proposed.

The Transport Assessment for the proposed development reviewed the proposed ultimate car parking supply in the context of the anticipated demand. It indicated that adequate parking supply to cater for the anticipated demand associated with activities on the site can be accommodated in the master plan.

The Western Australian Local Government Association ‘Road Safety Around Schools’ Guidelines require 1 bay per staff member and 7 pickup and set down bays per 100 students for high schools. Using this guideline, 63 carparking bays would be required to service the proposed development and therefore, the proposed carparking is considered to meet the requirements of TPS2.
Traffic

Clause 6.6(r) of TPS2 requires the Council to consider the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.

The Traffic Assessment provides an assessment of the likely impact of the development on the surrounding road network due to associated traffic. The Traffic Assessment concluded that the increase in vehicular traffic flows associated with the proposed development will have minimal overall impact on the functioning of the local road network, and could be managed within the existing road carriageway.

The Traffic Assessment also recommended that, in order to provide an acceptable risk profile, the following strategies should be considered:

- Reducing the speed zone on Mandurah Road adjacent the proposed site to 80km/hr by extending the existing 80km/hr zone further south. This would require approval from Main Roads WA;
- Actively pursue the option of providing and alternative access to the school site from the east. Whilst it is noted that the applicant is pursuing this option, no agreement between landowners to the east has occurred;
- Provide a shuttle service between Rockingham and the subject site;
- Stagger start and finish times for the upper and lower schools; and
- Prepare and implement a Traffic and Parking Management Plan to advise parents of students of the school of the arrangements in place.

Providing a shuttle bus service and staggering the start and finish times for the school was not proposed as part of the application.

Access to Greenham Place from the subject site is not proposed as part of this application, nor does the subject site have access to Greenham Place. Thus such a proposition cannot be considered as part of this application.

Irrespective of the possibility of obtaining landowners consent, the applicant's proposal to provide access to the proposed development from the east is not supported, due to the significant modifications to the existing topography of the site and adjacent land that would be required to facilitate the required access grade. Furthermore, Greenham Place is a rural standard road which is not appropriate to support the development. The City has no plans to upgrade the standard of this road or the surrounding rural road network to accommodate the level of traffic associated with the proposed development. If this was at all to be considered an option, the developer would need to be responsible for upgrading of Greenham Place to an appropriate standard.

As previously advised, the City is concerned that a right turn into Lot 11 cannot be accommodated in the Mandurah Road median strip, meaning only 'left in' and 'left out' access could be available to the subject site. Due to the limited access arrangements to the site, it is considered likely that vehicles will attempt illegal 'U-Turns' at the intersections of Stakehill Road and Mandurah Road to the north and Surf Drive and Mandurah Road to the South. Given the significant traffic volumes experienced by these intersections and the high speed traffic environment, there are no safe 'turn-around' options available for access and egress to the proposed development.

The Transport Assessment incorrectly reviewed crash history on Mandurah Road between Stakehill Road and Greenham Place, which is to the east of the subject site where no access to the site is proposed. Thus no accurate assessment of crash history has been undertaken. The City therefore has insufficient information to review the likely impact of the proposed development on the safety of Mandurah Road in the location access is provided.

Public Transport

Clause 6.6(s) of TPS2 requires consideration of whether public transport services are necessary, and, if so, whether they are available and adequate for the proposal.

The applicant has advised that all arrivals and departures to and from the school would likely be via private car or a bus operated by the school.
The nearest public transport route (a bus service) is located approximately 1.2km from the subject site. There are no Transperth bus services along Mandurah Road in this location. The subject site is not considered a suitable location for an Educational Establishment due to the lack of available public transport.

**Servicing**

Clause 6.6(t) of TPS2 requires the Council to consider whether public utility services are available and adequate for the proposal.

There is no reticulated water or sewer available to service the proposed development. The applicant has engaged the services of Cartwright Hydraulic Consultants in relation to the water supply and effluent disposal options for the proposed development.

The applicant has advised that the ultimate capacity of 558 persons would require an on-site waste water treatment system capable of treating 30,000 litres of wastewater per day. The applicant has proposed the installation of a Biomax C80 wastewater treatment system on-site in this regard. The irrigation field required for a system of this size would be 2,500m². There is adequate space on the site to accommodate the irrigation field; however, it would result in the loss of vegetation as there is not an existing 2,500m² cleared area on the site to accommodate the irrigation field.

Given there is no reticulated water supply available, the development would utilise both roof water and groundwater for the potable supply. The applicant has advised that the storage tanks would be sized to suit the staged demands of the development. In this respect, two (2) tanks with a holding capacity of 144,000 litres are initially proposed. No details have been provided on the location of these tanks. The ultimate development will require an annual water supply of 1,650kl. No details have been provided on additional tank requirements to support this demand.

The applicant is required to obtain approval from the Department of Water for groundwater abstraction. This is yet to be obtained. Further comments on this are provided in the Consultation with other Agencies and Consultants section of this report.

**Pedestrian and Cyclist Access**

Clause 6.6(u) of TPS2 requires the Council to consider whether adequate provision has been made for access for pedestrians and cyclists, and the provision of bicycle parking and end-or-trip facilities.

There are no requirements for bicycle parking and end-of-trip facilities.

All pedestrian access would be required to be obtained from Mandurah Road. There is no public footpath network or pedestrian crossings across Mandurah Road in the vicinity of the site. Given the high speed traffic environment of Mandurah Road (100km/hr), pedestrian access via Mandurah Road is not considered safe.

The subject site is not considered a suitable location for an Educational Establishment due to the lack of pedestrian and cycling facilities. This arrangement is unlikely to change given Mandurah Road is classed as a Primary Distributor road for the purposes of providing movement of inter-regional traffic. The pedestrian and cycling access to the site is not considered adequate to service the proposed development.

**Landscaping**

Clause 6.6(w) of TPS2 requires the Council to consider whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.

The applicant has not provided a detailed landscaping plan, however, landscaping plans are typically provided as a condition of Planning Approval. Any landscaping plan required should specify the environmentally significant areas of vegetation on the site which should be retained.

Notwithstanding the above, the City considers that the development requires an unacceptable level of clearing to facilitate the development. Even if a landscape plan was conditionally required, it would not sufficiently replace the lost native vegetation.

**Land Degradation**

Clause 6.6(x) of TPS2 requires the Council to consider whether the proposal is likely to cause soil erosion or land degradation.
The proposed development is considered to result in land degradation due to the amount of cut and fill required to construct buildings and access across the steep and varied topography of the land. Whilst it is acknowledged that the applicant has proposed to take environmental characteristics of the site into consideration in the design of the development to retain areas of best quality vegetation, the City considers that regardless, land degradation will occur due to the nature of construction itself and the required retaining and vegetation clearing to facilitate development.

**Conclusion:**
The proposed development does not comply with the RLS and the following requirements of TPS2:
Clause 4.11.1 - Objectives of the Rural Zone
Clause 4.11.2 - General Provisions relating to the Rural Zone
Clause 4.11.3 - Precinct Planning in the Rural Zone
Clause 4.11.4 - Planning Control in the Rural Zone
Clause 4.12.1 - Objectives of the Special Rural Zone
Clause 4.12.3 - Planning Control in the Special Rural Zone
Clause 4.12.4 - Special Provisions in the Special Rural Zone
Clause 6.6(i) - Land Use Compatibility
Clause 6.6(l) - Environmental Impacts
Clause 6.6(j) - Amenity
Clause 6.6(n) - Bushfire Risk
Clause 6.6(q) - Access and Egress and Carparking
Clause 6.6(r) - Traffic
Clause 6.6(s) - Public Transport
Clause 6.6(t) - Servicing
Clause 6.6(u) - Pedestrian and Cyclist Access
Clause 6.6(w) - Landscaping
Clause 6.6(x) - Land Degradation
Clause 7.3 - Change of Non-Conforming Use

The subject site is not considered to be a suitable location for an Educational Establishment given the restricted and unsafe access available for vehicles, pedestrians and cyclists alike and bushfire risk.

The proposed development is considered to detrimentally impact the amenity of the locality, and result in adverse environmental impacts as a result of modifying the existing landscape through loss and modification of vegetation and earthworks required to facilitate the development.

The proposal to have groundwater abstraction for drinking water and wastewater treatment and disposal on the same site is considered to be a fatal flaw of the proposal by the DOW, and the applicant is yet to demonstrate a feasible strategy to provide essential water servicing for the site prior to the approval of the development application.

It is recommended that the SWJAP refuse the application for the proposed Educational Establishment.

**Voting Requirements**
Simple Majority

**Officer Recommendation**

That Council **ADOPT** the Responsible Authority Report for the proposed Educational Establishment at Lot 11 (No.1809) and Lots 700 and 701 (No.1791) Mandurah Road, Karnup contained as Attachment 1 as the report required to be submitted to the presiding member of the South West Joint Development Assessment Panel (SWJAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulations 2011, which recommends:
"That the Metro South-West JDAP resolves to:


1. An ‘Educational Establishment’ is not permitted on Lots 700 and 701 Mandurah Road by virtue of not meeting the prerequisites of clause 7.3 of Town Planning Scheme No.2 for a change of non-conforming use, as the development would be more detrimental to the amenity of the locality than the existing non-conforming use, and it would not be closer to the intended purpose of the zone than the existing non-conforming use.

2. The proposed development is inconsistent with clause 4.11.1 of Town Planning Scheme No.2, being the objectives of the Rural Zone, as the proposal does not preserve land for farming nor foster semi-rural development which is sympathetic to the characteristics of the area in which it is located.

3. The development cannot provide for safe and efficient access to and from Mandurah Road.

4. The proposed development is inconsistent with the objectives of Planning Unit No.4C of Planning Policy 3.1.1 - Rural Land Strategy, Planning Unit C as the proposed development is not setback 40m from Mandurah Road and 10m from all other boundaries and the scale of the development is considered to intrude into the landscape.

5. The traffic generated by the development will adversely affect the functioning and safety of Mandurah Road, which is inconsistent with its role as a Regional Road.

6. The proposed development is inconsistent with clause 1.6.2(b) of Town Planning Scheme No.2 as it is not considered to secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof by virtue of:

   (a) introducing a land use that substantially increases traffic and noise and results in adverse visual impacts;

   (b) not demonstrating that the method of providing drinking water to service the development will not result in an unacceptable risk to human health by virtue of the effluent disposal area being on the same site as the groundwater abstraction.

7. The proposed development is inconsistent with clause 1.6.2(e) of Town Planning Scheme No.2, which aims to protect and enhance the environmental values and natural resources of the Scheme Area and to promote ecologically and environmentally sustainable land use and development which minimises resource use and waste, as the development:

   (a) will result in extensive vegetation clearing and reduction; and

   (b) requires extensive cut and fill.

8. The development is inconsistent with clause 4.11.2(a) of Town Planning Scheme No.2 as it does not achieve the required 30 metre setback to Mandurah Road which is required to provide for a vegetated visual buffer and the intrusion of parking and access areas within the required setback area results in an adverse visual impact.

9. The development does not provide for adequate protection to life and property from bushfire as required by the Western Australian Planning Commission’s Planning for Bush Fire Protection Guidelines.

10. The development will adversely impact on local rural amenity as a result of the substantial vegetation clearing and modification and earthworks required to facilitate the development on the site."

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 MARCH 2015

PRESIDING MEMBER
Committee Recommendation

Moved Cr Hill, seconded Cr Whitfield:

That Council ADOPT the Responsible Authority Report for the proposed Educational Establishment at Lot 11 (No.1809) and Lots 700 and 701 (No.1791) Mandurah Road, Karnup contained as Attachment 1 as the report required to be submitted to the presiding member of the South West Joint Development Assessment Panel (SWJAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulations 2011, which recommends:

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Committee Voting – 5/0

<table>
<thead>
<tr>
<th>The Committee's Reason for Varying the Officer's Recommendation</th>
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<tbody>
<tr>
<td>Not Applicable</td>
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<table>
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<tr>
<th>Implications of the Changes to the Officer's Recommendation</th>
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<tbody>
<tr>
<td>Not Applicable</td>
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5.02pm - Mr Richard Rodgers, Manager Building Services and Ms Erika Barton, Projects Officer departed the Planning and Engineering Services Committee meeting.
### Purpose of Report

To seek Council’s adoption of the 2014 Waste Collection Strategy following the community consultation process.

### Background

The City adopted its current Waste Strategy in April 2011 which outlined a number of strategies and actions related to waste collection, landfill services, litter and illegal dumping.

The purpose of the 2014 Waste Collection Strategy (the draft Strategy) is to review and update the waste collection aspects of the City’s 2011 Waste Strategy to ensure that the services provided to the community continue to meet current and future expectations.

Council endorsed the draft 2014 Waste Collection Strategy for the purposes of community consultation in December 2014 and that consultation process has now ended.
Details

The City provides a comprehensive waste collection service to the community including:
- Kerbside waste and recycling collections
- Street, park and event waste collections
- Commercial waste collections
- Bulk verge general waste collections
- Bulk verge green waste collections
- Millar Road Landfill Facility tip passes
- Rockingham Beach Front waste collections

The City currently provides services to 45,360 households, 1,175 commercial premises and also services 900 street and park bins.

The City’s growth rate has a direct impact on the waste collection service with an average 1,500 new services provided each year. This increasing demand for services and the changing requirements to service high density developments necessitates the need to plan for additional resources to adequately meet the service requirements, now and into the future.

The need for an efficient waste collection service is tempered by the objective to reduce the amount of waste generated and disposed in landfills. Recovery targets for municipal solid waste in the Perth Metropolitan Region are 50% by 2015 and 65% by 2020 however the City is currently achieving less than 30%.

The following are the major initiatives proposed in the draft Strategy:

360 litre Recycle Bins
- Continue the rollout of larger 360 litre recycling bins to new and replacement fortnightly recycling services, with a complete rollout to be completed by the end of 2015/2016.

Three Bin Collection Service
- Introduce a three bin collection system in 2016/2017 with the existing 240 litre recycling bin being utilised as a “green waste” bin serviced fortnightly.
- Progressively rollout 140 litre general waste bins to new and replacement services as part of the new standard three bin collection service.

Bulk Verge Green Waste Collections
- Reduce the number of collections from three x 2m³ to two x 3m³ per year.

Millar Road Landfill Facility Tip Passes
- Reduce the number of tip passes allocated per service from four general waste and four green waste to four multi-purpose tip passes.

Implications to Consider

a. Consultation with the Community

Public comment was invited on the draft 2014 Waste Collection Strategy with submissions closing on the 23 January 2015.

During the community consultation process four submissions were received as follows,

<table>
<thead>
<tr>
<th>No.</th>
<th>Details</th>
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| 1   | Two points for serious consideration please.  
1. Change from fortnightly recycle bin collection to weekly. This will encourage and increase success of household recycling. Currently a fortnightly pick up results in recyclable items going into normal waste as the recycle bin is usually full within the first week.  
2. Increase both bin collection temporarily over the Christmas/New Year period. Perhaps 1 extra scheduled pick up during that period. Perhaps this could be offered as an as needed basis, whereby residents email/text a hotline to request the extra pick up. |
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<tr>
<td>2</td>
<td>Would be amazing and useful for either weekly collection of recycling OR bigger recycling bins. Would also love an extra pickup of at least recycling over xmas (big ask but would be so good)</td>
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<tr>
<td>3</td>
<td>In the strategy, you note that most households do not utilise all of their tip passes. You also note that a certain percentage do. I am one of those that use most of my passes and I believe reducing the number of passes to only 4 multi-use is yet a further erosion of services provided to me. Why not simply change them to 8 or even 6 multi-use passes and that would not penalise the people that DO use them and won’t affect the others that don’t! You really need to increase the amount of recycling collections or increase the bin sizes as you point out. There are ALWAYS recycling bins in our street overflowing and rubbish blowing around due to over-filled bins. Personally I pay for an extra recycling bin but feel I shouldn’t have to and often resort to putting recyclables into general waste just to get rid of stuff!</td>
</tr>
<tr>
<td>4</td>
<td>I would like the following considered: A larger general waste bin for household weekly collection (the current green bin size is not sufficient for the weekly waste of 5 people) it’s too small and/or the inclusion of a third fortnightly collected red top green waste bin.</td>
</tr>
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In addition to these submissions there have been a number of comments on the City’s Facebook page regarding the need to increase recycling to weekly collections and additional collections at Christmas.

The community feedback generally supports the need for increased recycling and although the option of increasing the frequency of collections is not proposed due to the higher operating costs, the larger 360 litre recycling bin will address this issue.

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 Objectives contained in the Community Plan 2015-2025:
   
   **Aspiration B:** Strong Community
   **Strategic Objective:** Services and Facilities - Community facilities and services that accommodate contemporary community expectation and are justified, well used, cost effective and, where appropriate, multi-functional.
   
   **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
   Nil

e. Financial
   The waste collection service is provided on a fee for service basis and the cost is covered by the fees and charges set by the City each year.
   
   Initiatives will be included for funding through the team plan and business plan processes and the additional bin infrastructure required for the three bin collection system, expected to cost $4 million, may potentially be partly funded through external grants and the Carbon Tax Reserve. The Carbon Tax Reserve Funds are the portion already collected for future liabilities received through the Waste Collection Service Fees.

f. Legal and Statutory
   The Waste Avoidance and Resource Recovery Act 2007 (WARR Act) is the principal legislation providing for waste services by local governments.
Under the WARR Act a local government may provide, or enter into a contract for the provision on its behalf of, waste services.

The WARR Act defines local government waste as waste from residential sources and waste generated by the operations of a local government but does not include sewerage.

As the City provides waste services for waste other than local government waste as defined under the WARR Act, the general provisions under Section 3.18(2) of the Local Government Act 1995 are used to provide the services and the fees and charges are imposed under the provisions of Section 6.16 of the Local Government Act 1995.

g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

Comments

The City provides a comprehensive waste collection service that has been one of the best performed services in the annual Customer Satisfaction Survey’s with more than 80% of respondents rating the service as performing “well/very well” since 2009.

Although the service levels currently provided are adequate and have not been subject to any consistent issues or complaints, the percentage of waste that is diverted from landfill has remained relatively static for a number of years at under 30% and is significantly below the target of 50% in 2015.

The current cost per tonne of disposing of waste at the Millar Road Landfill Facility is almost $100 compared to under $20 to process a tonne of recyclables. This price difference will increase as the landfill levy will be significantly increased to $55 per tonne from January 2015 with the levy set to increase incrementally to $70 from 1 July 2019.

The initiatives included in the draft Strategy are intended to increase the level of recycling and reduce the impact of the increasing cost of landfill.

In relation to bulk verge waste collections the current service has improved following increased supervision and compliance checks by both the City and its contractor. Despite the increased compliance there are some properties that do not comply with the requirements of the service and further improved enforcement strategies need to be implemented.

To address the concerns regarding fire and storm risks it is proposed to reduce the number of collections to two and increase the limit to three cubic metres per collection. These collections would be timed to just before the fire season (October) and prior to the winter storm season (May) each year.

The City introduced a number of changes to the way the tip passes are managed over the last few years with the old manual tear off tip passes being replaced with the current barcode passes included on the rates notices. As a result of these changes the City has been able to manage the reissue of passes where required and been able to track and produce statistics regarding the use of the tip passes.

Although some properties use all the passes issued (539 or 1%), the majority of properties do not use the tip passes and the average number of passes redeemed is less than three.

Based on the number of tip passes redeemed and the individual usage statistics a reduction in the number of tip passes issued from four general waste and four green waste to four multi-purpose tip passes is considered adequate to accommodate the majority of the community. These multi-purpose tip passes will be able to be used for either general or green waste. Based on the current usage this may impact approximately 6% of properties.

Voting Requirements

Simple Majority
### Officer Recommendation


### Committee Recommendation

Moved Cr Elliott, seconded Cr Hamblin:


Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
### 13. Reports of Councillors

Nil

### 14. Addendum Agenda

Nil

### 15. Motions of which Previous Notice has been given

Nil

### 16. Notices of Motion for Consideration at the Following Meeting

Nil

### 17. Urgent Business Approved by the Person Presiding or by Decision of the Committee

Nil

### 18. Matters Behind Closed Doors

Nil

### 19. Date and Time of Next Meeting

The next Planning and Engineering Services Committee Meeting will be held on **Monday 16 March 2015** in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.

### 20. Closure

There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at **5.15pm**.