MINUTES
Planning Services Committee Meeting
Held on Monday 17 June 2013 at 4:00pm
City of Rockingham Boardroom
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<td>Notices of Motion for Consideration at the Following Meeting</td>
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<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
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<td>Closure</td>
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1. Declaration of Opening

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

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

2.1 Councillors

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Title/Position</th>
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<tbody>
<tr>
<td>Cr Richard Smith</td>
<td>Chairperson</td>
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<td>Cr Chris Elliott</td>
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<td>Cr Leigh Liley</td>
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<td>Cr Allan Hill</td>
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2.2 Executive

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<tr>
<th>Executive</th>
<th>Title/Position</th>
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<tr>
<td>Mr Andrew Hammond</td>
<td>Chief Executive Officer</td>
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<tr>
<td>Mr Bob Jeans</td>
<td>Director Planning and Development Services</td>
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<tr>
<td>Mr John Woodhouse</td>
<td>Director Legal Services and General Counsel</td>
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<tr>
<td>Mr Peter Ricci</td>
<td>Project Manager Keralup</td>
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<tr>
<td>Mr Brett Ashby</td>
<td>Manager Strategic Planning and Environment</td>
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<tr>
<td>Mr Colin Reguero</td>
<td>Senior Building Surveyor (until 4.18pm)</td>
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<tr>
<td>Mr Mike Ross</td>
<td>Manager Statutory Planning</td>
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<tr>
<td>Mr Rod Fielding</td>
<td>Manager Health Services (until 4.18pm)</td>
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<tr>
<td>Ms Melinda Wellburn</td>
<td>PA to Director Planning and Development Services</td>
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</table>

2.3 Members of the Gallery: 6

2.4 Apologies: Nil

2.5 Approved Leave of Absence: Nil

3. Responses to Previous Public Questions Taken on Notice

Nil

4. Public Question Time

4.02pm The Chairperson invited members of the Public Gallery to ask questions.

4.1 Mr Neil Hart, 5B Vista Place, Safety Bay - SP-033/13 - Retrospective Application for Filling and Retaining Walls

The Chairperson invited Mr Hart to present his question to the Planning Services Committee. Mr Hart raised concerns regarding the potential impact of the proposed filling and retaining walls on his residential amenity and that the proposal fails to comply with the Residential Design Codes, where retaining should be limited to 0.5m high or retain the natural ground level of the land.
The Chairperson advised that this is an item contained in the tonight’s Committee agenda and will be considered later in the meeting.

4.12pm There being no further questions the Chairperson closed Public Question Time.

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

**Moved Cr Hill, seconded Cr Liley:**

That Council **CONFIRM** the Minutes of the Planning Services Committee Meeting held on 20 May 2013, as a true and accurate record.

Committee Voting – 4/0

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

Nil

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

4.13pm 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**

4.14pm The Chairperson asked if there were any interests to declare.

There were none.

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

Nil

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

Nil

11. **Bulletin Items**

**Planning Services Information Bulletin – June 2013**

**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 Healthy Communities Initiative
   3.5 Health Promotion
   3.6 Mosquito Control Program
   3.7 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
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<td>4.6</td>
<td>After Hours Noise and Smoke Nuisance Complaint Service</td>
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<td>4.7</td>
<td>Complaint - Information</td>
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<td>4.8</td>
<td>Building Plan Assessments</td>
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<td>4.9</td>
<td>Septic Tank Applications</td>
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<td>4.10</td>
<td>Demolitions</td>
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<td>4.11</td>
<td>Swimming Pool and Drinking Water Samples</td>
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<td>4.12</td>
<td>Rabbit Processing</td>
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<td>4.13</td>
<td>Hairdressing and Skin Penetration Premises</td>
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<td>4.14</td>
<td>Family Day Care</td>
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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 Stratas
   4.11 Unauthorised Building Works
   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 Karnup District Water Management Strategy (EVM/136)
   3.3 Water Campaign (EVM/56-02)
   3.4 Karnup District Structure Plan (LUP/1546)
4. Information Items

**Statutory Planning**

1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 CouncilsOnline (Planning Products via the Web) formerly eDA
4. Information Items
   4.1 Land Use – Planning Enforcement
   4.2 Subdivision/Development Approvals and Refusals by the WAPC
   4.3 Notifications and Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Delegated Development Approvals
   4.7 Delegated Development Refusals
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<tr>
<td>4.8</td>
<td>Delegated Building Envelope Variations</td>
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<tr>
<td>4.9</td>
<td>Subdivision/Amalgamation Approved</td>
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<tr>
<td>4.10</td>
<td>Subdivision/Amalgamation Refused</td>
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<td>4.11</td>
<td>Peel Region Scheme Amendment 035/57</td>
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<td>4.12</td>
<td>Proposed Mixed Use Development - Apartments, Offices and Commercial - Lot 1 Foreshore Drive, Singleton</td>
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<td>4.13</td>
<td>Proposed Use Not Listed (Dog Minding) - Lot 124 (No.3) Westray Court, Warnbro</td>
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<td>4.14</td>
<td>Proposed Baldivis Secondary College (Stage 2) – Lot 803 (No.683) Baldivis Road, Baldivis</td>
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**Director Planning and Development Services**

1. Director Planning and Development Services Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Northern Waterfront Sector - Development Policy Plan and Masterplan (LUP/1617)
   - 3.2 Campus Sector - Development Policy Plan and Masterplan (LUP/1618)
   - 3.3 Smart Village North Sector - Development Policy Plan and Masterplan (LUP/1595)
   - 3.4 Keralup
   - 3.5 Karnup Station Transit Oriented Development
4. Information Items
   - 4.1 Lots 401 and 404 Civic Boulevard, Rockingham (LUP/229 & LUP/227)

**Committee Recommendation**

That Councillors acknowledge having read the Planning Services Information Bulletin – June 2013 and the content be accepted.

Committee Voting – 4/0

4.18pm - Mr Rod Fielding, Manager Health Services and Mr Colin Reguero, Senior Building Surveyor left the Planning Services Committee meeting.
## Agenda Items

### Strategic Planning and Environment

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

<table>
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<th>Reference No &amp; Subject:</th>
<th>SPE-011/13 Proposed Structure Plan ('Spires Estate') - Adoption</th>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/1633-06</td>
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<tr>
<td>Proponent/s:</td>
<td>Development Planning Strategies</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Jeff Bradbury, Coordinator Strategic Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Ms Erika Barton, Senior Planning Officer</td>
</tr>
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<td></td>
<td>Mr Tristan Fernandes, Senior Strategic Planning Officer</td>
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<tr>
<td></td>
<td>Mr Brett Ashby, Manager Strategic Planning &amp; Environment</td>
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<tr>
<td>Date of Committee Meeting:</td>
<td>17 June 2013</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>September 2012 (SPE-022/12)</td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Legislative</td>
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<tr>
<td>Site:</td>
<td>Lots 2, 4 and 5 Baldivis Road, Lots 312 and 313 Fifty Road, and Lots 7 and 8 Ingram Road, Baldivis</td>
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<tr>
<td>Lot Area:</td>
<td>54.47ha</td>
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<td>LA Zoning:</td>
<td>Development</td>
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<td>MRS Zoning:</td>
<td>Urban</td>
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<tr>
<td>Attachments:</td>
<td>1. Advertised Structure Plan</td>
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<td></td>
<td>2. North Baldivis School Site Location Plan</td>
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<td></td>
<td>3. Schedule of Submissions</td>
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<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
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<td></td>
<td>2. Site Plan</td>
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<td>3. Advertised Structure Plan</td>
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<td>4. Location of Advertising</td>
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### Purpose of Report

To consider a proposed Structure Plan over Lots 2, 4 and 5 Baldivis Road, Lots 312 and 313 Fifty Road, and Lots 7 and 8 Ingram Road, Baldivis following the completion of public advertising.
Note: This Report should be read in conjunction with SPE-012/13 proposing a major modification to the ‘Baldivis North’ Structure Plan to delete the Neighbourhood Centre site proposed on the corner of Fifty Road and Nairn Drive, Baldivis.

**Background**

At its Meeting held in September 2012, the Council resolved to approve advertising ‘The Spires’ Structure Plan, subject to the following matters being addressed to the satisfaction of the City:-

1. The Structure Plan being amended to reflect Lots 1, 3, and 774 as a conceptual layout, and the Structure Plan documentation being amended accordingly;
2. The Proponent demonstrating an appropriate configuration of the Neighbourhood Centre precinct and surrounding area, consistent with the intent of Liveable Neighbourhoods;
3. The Neighbourhood Connector road being rerouted to provide a connection through to MacDonald Drive;
4. The identified discrepancies with the proposed Structure Plan over the adjoining landholding being resolved;
5. The distribution of medium densities being reviewed in the context of the Neighbourhood Centre, consistent with Liveable Neighbourhoods;
6. POS Areas D & I being relocated to better protect the areas of remnant vegetation on site;
7. The Proponent demonstrating an appropriate interface with Fifty Road, Baldivis Road and POS areas abutted by proposed residential development;
8. The laneway being reconfigured to be in accordance with the requirements of Liveable Neighbourhoods;
9. The two four way intersections on Nairn Drive being provided with traffic signals as the preferred intersection treatment to provide for suitable pedestrian and cyclist access and safety;
10. Submission of an Odour Impact Assessment that considers the impacts of the Poultry Farm (on Lot 3) on the surrounding land within the Structure Plan area, and provides requirements for staging and/or buffers to future residential development;
11. Modification of the proposed road types/reserve widths and shared paths/footpaths to satisfy the requirements of Liveable Neighbourhoods;
12. Reconsideration of the suitability of the proposed R60 land in the far western portion of the site; and
13. The Structure Plan documentation being amended to address the other minor matters set out in the officer’s report.
The proposed Structure Plan incorporates the following elements (refer to Figure 3):

- Residential density ranging from R25 to R60, with average lots ranging from 160m² to 350m² (approximately 850 dwelling units).

- A site of approximately 2.80ha for a Neighbourhood Centre incorporating commercial floorspace and associated R60 Group Housing development. Note: The Neighbourhood Centre site is being relocated from the currently approved site at the intersection of Fifty Road and Nairn Drive. A modification to the Baldivis North Local Structure Plan to delete the Neighbourhood Centre from the currently approved location is being considered concurrently (refer to Item SPE-012/13 of this Agenda).
The Structure Plan proposes ten areas of Public Open Space (POS), ranging in size from 1,326m² to 9,400m².

### Implications to Consider

#### a. Consultation with the Community

**Advertising Methodology**

The Proposed Structure Plan was advertised for a period of 28 days, commencing on 27 February 2013 and concluding on the 27 March 2013. Public advertising was carried out in the following manner:

- Nearby owners and occupiers (approximately 60 referrals as shown on Figure 4), servicing agencies and the Baldivis Residents Association were notified of the proposal in writing and invited to comment;
- The Proponent erected three (3) signs on site in prominent locations advertising the Proposed Structure Plan;
- A notice was placed in the Sound Telegraph for two consecutive weeks, appearing in the newspaper on 27 February 2013 and 6 March 2013; and
- Copies of the Proposed Structure Plan and relevant documents were made available for inspection at the City’s Administrative Offices and placed on the City’s website.

Advertising was undertaken in accordance with the requirements of Clause 6.3.3 of TPS2.
3. Advertised Structure Plan
4. Location of Advertising

Public Submissions: Following the close of the submission period, the City had received six submissions from nearby landowners (including the Baldivis Community Association) on the Proposed Structure Plan. A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment No.3 to this report). The content of each submission is summarised and addressed as follows:-

Lot 1 Baldivis Road and Lot 774 Fifty Road

Submission:
(i) The owners of Lots 774 and Lot 1 advised that they have never been contacted in relation to being part of the Structure Plan and are interested in being included.

Proponent’s Response:
Lot 774 and Lot 1 do not form part of this structure plan. Lot 1, 3 and 774 were excluded from the LSP (Local Structure Plan) prior to advertising as requested by the City Rockingham. This formed part of the agenda item that was put to Council in September 2012.

City’s comment:
It was the City’s understanding that the owners of Lot 1 Baldivis Road and Lot 774 Fifty Road had indicated to the Proponent that they did not wish to be part of the application. Lots 1 and 774 cannot be included within the proposed Structure Plan as the Proponent does not represent these landowners and the City has no statutory ability to require the lots to be included. Furthermore, it is not feasible to include Lot 1 Baldivis Road and Lot 774 Fifty Road into the proposed Structure Plan at this stage because these lots have not been subject to key assessment and analysis that has been undertaken in preparing the proposed Structure Plan. For example, these lots are not covered by the Environmental Report (including Flora and Fauna Survey Reports) and the Local Water Management Strategy.

Submission:
(ii) Owners of Lot 1 Baldivis Road are concerned with the concept layout on their property which includes a road through their house.
**Proponent’s Response:**
Concept over Lot 1 is indicative only, and as previously stated, this lot does not form part of this structure plan. Lot 1 will be subject to its own environmental studies etc that have not been undertaken, and will require an independent structure plan to be undertaken at their cost.

**City’s comment:**
The concept plan shown over Lot 1 is indicative only. Retention of the existing house can be considered when a Structure Plan is prepared for Lot 1.

### Road Network

**Submission:**
1. Inclusion of Lot 774 in the Local Structure Plan (LSP) and provision of a fair apportionment of costs for the road works between developers.

**Proponent’s Response:**
Lot 774 does not form part of this structure plan, with the applicant not being their representative. Lot 1, 3 and 774 were excluded from the LSP prior to advertising as requested by the City Rockingham. This formed part of the agenda item that was put to Council in September 2012.

**City’s comment:**
The proposed Structure Plan indicatively shows Lot 774 facilitating an important four-way intersection at Fifty and McDonald Roads. This four-way intersection will provide an important function to the precinct and is supported by the City.

It is acknowledged, however, that the costs associated with road widening and road improvements should, if possible, be equitably distributed across the structure plan area (and not necessarily borne by the individual abutting landowner).

Given that there is no development contribution scheme in place over the precinct, it is recommended that the City request that the matter be addressed as a condition of subdivision approval.

**Recommendation 1:** That the City request that a condition of Subdivision Approval be imposed requiring that costs associated with road widening and road improvements should be equitably distributed across the structure plan area.

**Submission:**
2. The service road parallel to Baldivis Road is an inefficient use of available land, as is the north/south road on the boundary of Lots 1 and 2.

**Proponent’s Response:**
Access directly from Baldivis Road is not permitted. Lot 1 does not form part of this structure plan. An applicant liaised with Council in preparing the road layout that provides passive surveillance of street etc. Considered an orderly and proper planning outcome. This land does not form part of this LSP, having been removed at the instruction of the City of Rockingham. The road layout in conceptual only and the landowners of these lots will be required to prepare and submit an LSP at their own cost.

**City’s comment:**
The road layout shown over Lot 1 is conceptual only. It illustrates an indicative road design over Lot 1, having regard to the design shown on the proposed Structure Plan. The actual road design over Lot 1 will be subject to assessment when a proposed Structure Plan is formally submitted for the landholding.
Submission:
(iii) The developers of Lot 311 are willing to discuss a revision to the road network adjacent to the 'Commercial' zoned land.

**Proponent's Response:**
Lot 311 is subject to a structure plan currently being considered by Council. The proposed layout interfaces with the current layout proposed by Lot 311. Applicant is willing to liaise with Lot 311, but note that any change may be done as a minor amendment at a later stage and should not delay consideration/approval of the current LSP layout.

**City's comment:**
Noted and agreed.

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### Flora and Fauna

**Submission:**
(i) Retention of the existing vegetation on Lot 774 to provide an aesthetic entrance to the development.

**Proponent's Response:**
Lot 774 is not part of this LSP.

**City's comment:**
The retention of vegetation on Lot 774 will be assessed when a proposed Structure Plan is formally submitted for the landholding.

**Submission:**
(ii) No attempt to preserve any remnant bushland on the corner of Fifty Road and Eighty Road.

**Proponent's Response:**
An area of open space at the junction of Fifty Road and Eighty Road is proposed.

**City's comment:**
The proposed Structure Plan shows POS on the corner of Fifty and Eighty Roads. This POS has an area of 3,100m² and provides for the retention of a group of Jarrah trees that were identified in the Proponent's Flora and Vegetation Survey Report.

**Submission:**
(iii) Wetlands in the locality will be affected by the drawing of water and overuse of fertilisers and chemicals in residents' gardens.

**Proponent's Response:**
Not relevant.

**City's comment:**
Management of the impacts of the proposed development upon groundwater is required to be addressed by the submission of a Local Water Management Strategy (LWMS). The LWMS is required to address water usage, groundwater and stormwater management, and monitoring requirements for the proposed site.

The Proponent has submitted a LWMS that has been developed with reference to the following guiding documents:
- Interim: Developing a Local Water Management Strategy (Department of Water, 2008).
- Better Urban Water Management (Western Australian Planning Commission, 2008).
- Western Australian State Water Plan (Government of Western Australia, 2007).

The LWMS satisfactorily addresses the matters raised in the submission.

### Public Open Space (POS)

#### Submission:
(i) The POS areas provided do not achieve the environmental outcomes outlined in the LSP, with little remnant bushland being retained and most replaced with playing areas.

#### Proponent’s Response:
Subjective statement. Open space proposed will meet the needs of future residents, and provide a hierarchal POS network.

As demonstrated through environmental assessment of the site, some conservation of remnant vegetation will occur. A site walk was undertaken with City of Rockingham technical staff (planner and environmentalist) on 13 November 2012 where the proposed open space distribution was discussed and considered acceptable.

#### City’s comment:
It is necessary for the POS provision to achieve a balance between providing space for active and passive recreation and at the same time, provide opportunities for the retention of some remnant vegetation.

The Proponent’s Flora and Vegetation Survey Report identified several opportunities for the retention of remnant vegetation and in this regard, POS areas D, H and I have been specifically located for the retention of remnant vegetation and it is the City’s view that there are further opportunities to retain remnant vegetation within POS areas F and G.

(ii) The POS in the pipeline gas reserve should not be included as part of the POS requirements.

#### Proponent’s Response:
Credited in accordance with Council Policy.

#### City’s comment:
The City’s Planning Policy No.3.4.1 – Public Open Space and Liveable Neighbourhoods (WAPC, October 2007) provide for the easement and buffer of a high pressure gas transmission pipeline to be included within POS (the easement is calculated as 100% ‘Restricted’ POS and the buffer is calculated as 100% ‘Unrestricted’ POS).

(iii) Inadequate groundwater available for the establishment and maintenance of the POS.

#### Proponent’s Response:
Subjective statement. Not relevant.

#### City’s comment:
The LWMS includes a Water Usage Strategy which addresses the issue of POS water supply, irrigation and landscaping. An existing groundwater license is in operation and the permitted allocation is sufficient to meet the reticulation requirements of the proposed POS areas. In this regard, the LWMS satisfactorily addresses the matters raised in the submission.
Submission:
(iv) The south western corner of Lot 1 should be used for flora and fauna POS.

Proponent’s Response:
Not relevant. Vegetation in that area not worth of retention – Environmental Assessment.

City’s comment:
The retention of vegetation on Lot 1 will be assessed when a proposed Structure Plan is formally submitted for the landholding.

Water

Submission:
(i) Groundwater use will deplete available supplies and lower groundwater quality.

Proponent’s Response:
Noted. Not relevant.

City’s comment:
Management of the impacts of the proposed development upon groundwater and groundwater use has been satisfactorily addressed in the LWMS.

Submission:
(ii) What is the impact of the development on the quality of the water in the upper aquifer that is used for potable water supply for the owners of Lot 1.

Proponent’s Response:
Noted. Not relevant.

City’s comment:
The LWMS states that in order to ensure impacts to groundwater are minimised, from both a water quality and quantity perspective, stormwater must be managed appropriately. In this regard, stormwater will be infiltrated as close to source as possible to mimic pre-development infiltration conditions.

Earthworks

Submission:
(i) No details on earthworks required to alter topography to provide for continuity between lots, and impacts of these works on existing landholders (i.e. dust).

Proponent’s Response:
Noted. Earthworks plan showing indicative Lot levels included as Appendix 7. As per requirements of the Scheme.

City’s comment:
The preliminary earthworks plan submitted in Appendix 7 of the Structure Plan Report shows indicative finished lot levels. In this regard, this plan illustrates that it is not intended to undertake major earthworks over Lot 2 that would detrimentally impact upon the adjoining Lot 1 (that is, the indicative finished lot levels generally reflect the 7m – 8m contour in the vicinity of the common boundary between the two lots).
## Odour

**Submission:**

(i) The odour from the chicken hatching facility on Lot 3 reaches a noticeable and objectionable level on Lot 1, which differs significantly from the results found by the consultant.

**Proponent’s Response:**

Odour modelling done by qualified consultant in accordance regulations and associated process. Again noted that Lot 1 does not form part of LSP.

**City’s comment:**

An Odour Report has been submitted as part of the Structure Plan report which satisfies the requirements of *Environmental Protection Guidance Statement No.3: Separation Distances Between Industrial and Sensitive Land Uses.*

The impacts of odour upon Lot 1 will be assessed when a proposed Structure Plan is formally submitted for the landholding.

## Density/Zoning

**Submission:**

(i) Impact on streetscape of small house blocks next to the existing dwelling on Lot 1.

**Proponent’s Response:**

Noted. The proposed density is considered relevant in achieving the targets set by WAPC Directions 2031. It is noted that Lot 1 will be developed in the future for similar lot product.

**City’s comment:**

The existing house on Lot 1 is constructed in close proximity to the common boundary with Lot 2 and the proposed Structure Plan currently shows a future road separating the existing house from future R25 lots.

It is inevitable that there will some impact upon Lot 1 by the urbanisation of the adjoining Lot 2 and this will also be the case when the owner of Lot 1 chooses to urbanise that landholding.

## Schools

**Submission:**

(i) Baldivis Primary School is already at capacity, with limited room to expand. A primary school should be located within the Spires Estate.

**Proponent’s Response:**

Baldivis District Structure Plan does not propose a primary school on this site. Not relevant.

**City’s comment:**

The provision of school sites is undertaken as part of district and/or local structure planning processes. This work is done in close consultation with the Department of Education's Strategic Asset Planning Team. All proposals relating to School Site planning are forwarded to the Department of Education for formal comment and advice. In this regard, the Department of Education has offered no objections to this proposed Structure Plan.
In terms of proposed future primary school sites in the North Baldivis locality, a Primary School is shown on the approved Structure Plan over Lots 14, 15 and 299 Kerosene Lane, Baldivis (approximately 0.6km north of Fifty Road) and the City will also soon be advertising the East Baldivis District Structure Plan which will provide the indicative location for three new primary schools and a Senior High School within the Structure Plan area. The indicative location of the existing and potential future school sites in Baldivis is shown on Attachment 2.

Submission from Proponent: The Proponent also took the opportunity to make a submission seeking several minor changes to the advertised Structure Plan, as follows:-

Submission from Proponent

(i) The lots abutting POS D are currently zoned R30 and the Proponent is seeking to upgrade this cell to an R60 zoning. This change will enable development of grouped housing on this site. The site is heavily constrained by the topography of the land, therefore development of this site as grouped housing will enable a sole proponent to construct high quality housing that is sensitive to the site constraints and will provide the market with housing variety while facilitating a consistent interface with the POS.

City's comment:

*Liveable Neighbourhoods* (Element 1, R18) supports smaller residential lots and higher density housing in areas close to town and neighbourhood centres, near public transport stops, and in areas with high amenity such as next to parks.

The site in question is located in close proximity to the proposed Neighbourhood Centre and abuts POS area D. The R60 coding also provides the opportunity for a built-form outcome that is responsive to the site conditions. Accordingly, the increase in coding to R60 is supported.

(ii) The cell immediately north-west of the Neighbourhood Centre site is currently zoned R40, with a small portion of POS on the northern cell boundary. The Proponent is seeking approval to realign the road, increase the southern portion of this cell to R60 and replace the small area of POS with R40 residential coding.

The upgrading of the southern portion of the cell will support the development of higher density (R60) housing in and around the Neighbourhood Centre. This change will also enable a sole proponent to develop dwellings such as townhouses, duplexes or triplexes while allowing some flexibility to adjust the housing type to reflect the market need.

The Proponent is also seeking the realignment of the road separating the Neighbourhood Centre and the adjacent north-west cell. The realignment of this road slightly to the east is to address potential design issues associated with the 4-way intersection. The revised alignment provides better site lines and also a more regular development site in the vicinity of the intersection.

The Proponent seeks to remove the small area of POS located on the northern section of the cell and include it as residential R40 to enable surveillance over the street (as lots would be oriented to the north); while also removing the need for maintenance of this small area of POS.
The cell located to the north-west of the Neighbourhood Centre is currently coded R40 and it is proposed that the coding of the southern section of this cell be increased to R60. No objections are raised to the increased coding as it is consistent with Element 1, R18 of Liveable Neighbourhoods.

The POS currently shown on the northern boundary of the Neighbourhood Centre site is very small and is not considered critical to the immediate area. As such, no objections are raised to the deletion of the POS and the land being shown as R40 on the Structure Plan.

No objections are raised to the realignment of the road separating the Neighbourhood Centre and the adjacent north-west cell.

The R30 lot on the southernmost boundary of the Structure Plan (generally south of POS F) is to be developed in conjunction with abutting land to the south (which is coded R40), which is located within the approved Ingram Road Structure Plan. It is now proposed that the R30 site will be developed as one with the abutting R40 site. As such, the Proponent requests the coding of the R30 site be increased to R40.

No objections are raised to the increased coding as it will allow for the site to be developed in conjunction with an existing R40 to the south and furthermore, the proposal is generally consistent with Element 1, R18 of Liveable Neighbourhoods, as part of the site is located adjacent to POS area F.

In developing an indicative lot layout it was identified that the R25 cell abutting the R40 cell (located south-west of POS area E) requires an additional 2.0m width in order to obtain the desired lot mix. The Proponent is seeking to reposition the southern boundary of the R25 cell approximately 2.0m south. This will negate any issue arising at the time of subdivision.
b. Consultation with Government Agencies

As mentioned above, relevant government agencies and servicing authorities were notified of the proposal in writing and invited to comment, pursuant to Clause 4.2.6.5(b)(ii) of TPS2. In this regard, the City invited comments from the following agencies:
- Alinta Gas
- Department of Education
- Department of Environment and Conservation
- Department of Health
- Department of Indigenous Affairs
- Department of Water
- Department of Planning
- FESA
- Public Transport Authority
- Main Roads WA
- Telstra
- Water Corporation
- Western Power

The following matters were raised by servicing authorities:

1. Department of Health

   Submission:
   (i) The development is required to be connected to reticulated sewerage.

   Proponent’s Response:
   Noted.

   City’s comment:
   Noted.

2. Main Roads WA

   Submission:
   (i) The developer is responsible for all costs associated with the installation of traffic signals at Nairn Drive/Fifty Road and Nairn Drive/Amazon Drive when the traffic numbers increase to such a level that warrant the installation of signals.

   Proponent’s Response:
   Acknowledge intersection of Nairn and Amazon will be catered 100% by the LSP. Advise that LSP does not include Nairn/Fifty Road intersection. Cost of lights should not be placed on this LSP, with other structure plans within the Baldivis District Structure Plan not incurring any costs. Request to disregard cost impost.

   City’s comment:
   At a meeting held with Main Roads WA, the Proponent and City Officers in November 2012, it was agreed that traffic signals would be the most appropriate treatment for the intersection of Nairn and Amazon Drives.
It is recommended the installation of the traffic signals by the Proponent be required as a condition of Subdivision Approval, not at a later time as outlined by Main Roads advice.

The intersection of Nairn Drive and Fifty Road is located outside the Structure Plan area and as such, the Proponent is not responsible for the installation of traffic signals at this location.

**Recommendation 2:** That the installation of the traffic signals at the intersection of Nairn and Amazon Drives by the Proponent be required as a condition of Subdivision Approval.

### 3. Department of Environment and Conservation (DEC)

**Submission:**

(i) The flora survey on Lot 5 was undertaken in April 2011. A follow up spring survey is recommended.

**Proponent’s Response:**

Noted.

**City’s comment:**

A Botanical Assessment Report was undertaken for Lot 5 in April 2011. This report has been assessed by the City and is considered to be adequate.

The report recommended that the Tuarts along the eastern boundary of Lot 5 be retained. In this regard, the entire eastern portion of Lot 5 is proposed to be set aside for POS (POS area G) which provides the opportunity to retain the Tuarts, per the recommendations of the Botanical Assessment Report.

**Submission:**

(ii) The current LSP does not adequately protect areas of high conservation value. DEC recommends that POS D and H be redesigned to better protect the native vegetation, including habitat trees and the two POS areas are reserved for Conservation (and passive recreation).

**Proponent’s Response:**

Areas D and H were walked with the City of Rockingham environment and planning department. Configuration as proposed was considered/deemed acceptable. A site walk was undertaken with City of Rockingham technical staff (planner and environmentalist) on 13 November 2012 where the proposed open space distribution was discussed and considered acceptable.

**City’s comment:**

The Botanical Assessment Reports prepared in support of the Structure Plan application have identified remnant vegetation worthy of retention in locations across the structure plan area. POS areas D, H and I have been specifically located for the retention of remnant vegetation and it is the City’s view that there are further opportunities to retain identified remnant vegetation within POS areas F and G.

**Submission:**

(iii) POS G does not protect the native vegetation in good condition and does not retain any of the 19 recorded habitat trees, of which four (4) contain hollows.

**Proponent’s Response:**

Noted. This area retains native vegetation and large trees at the entrance from Baldivis Road. POS G contains drainage being a low point on the site, and accommodates the open space distribution throughout the LSP, which was to provide an equitable distribution amongst landowners given no Development Contribution Scheme exists. Significant trees are retained within the proposed open space area, and have been inspected by Council technical staff.
A site walk was undertaken with City of Rockingham technical staff (planner and environmentalist) on 13 November 2012 where the proposed open space distribution was discussed and considered acceptable.

City’s comment:
Notwithstanding the intention that POS G will perform a drainage function, it is the City’s view that there remains the opportunity to retain Tuarts along the road edge of Lot 5 within POS G.

Recommendation 3: That the remnant vegetation along the road edge of Lot 5 be retained in POS G.

Submission:
(vi) POS F does not protect the native vegetation in good condition nor retain any of the 19 recorded habitat trees, of which seven trees have a diameter greater than 100cm identified within Lot 7.

Proponent’s Response:
Noted. Open space F currently contains a dam, and is the lowest point along Nairn Drive. This open space area is required for drainage, and has been located to provide additional amenity to immediate residents by offering an active area in which to recreate.

City’s comment:
Remnant vegetation worthy of retention is located on the western side of Lot 7. Notwithstanding the intention that POS F will perform a drainage function, it is the City’s view that there remains the opportunity to retain remnant vegetation on the western side of Lot 7 within POS F.

Recommendation 4: That the remnant vegetation located on the western side of Lot 7 be retained in POS F.

Submission:
(viii) The width of the perimeter road adjacent to the Tamworth Hill Conservation Area is to be adequate to accommodate all road and drainage infrastructure and allows for a gently sloping fill batter (1 in 6) that meets the natural ground levels well inside the road boundary. A 16m road reserve is not considered of sufficient width to achieve this.

Proponent’s Response:
Noted. We confirm that no batters will be contained within the Tamworth Hill Conservation Area, and this is able to be conditioned appropriately at the time of subdivision.

Detailed road design and battering design will occur at the time of civil designs, which occur at the time of detailed subdivision design.

City’s comment:
The City notes that the Proponent will be responsible for the detailed engineering design at subdivision stage to ensure proposed ground levels and infrastructure provision will not impact the adjacent Parks and Recreation Reserve. A 16m road reserve is capable of accommodating all the necessary infrastructure and interface requirements to the Parks and Recreation Reserve, subject to an appropriate design.

Submission:
(ix) The small residential portion of land in the south-eastern corner of Lot 313 is inappropriate as there is no separation to the regional park.

Note: This matter was also raised in the submission received from the Department of Planning.

Proponent’s Response:
There is no residential area within Lot 313 that directly abuts a regional park. Not relevant.
The area referred to is to be either open space (extension to abutting reserve), or treated as a widened road reserve.

City's comment:
The proposed Structure Plan does in fact show a small portion of residential R25 land abutting the Regional Park (on the south-eastern corner of Lot 313). The land is required to be shown as road reserve given that it does not afford any recreational value.

Recommendation 5: The small portion of residential R25 land abutting the Regional Park (on the south-eastern corner of Lot 313) being shown as road reserve on the Structure Plan.

Submission:
(x) A shared path on the western and southern section of the subject land adjacent to the conservation area will allow for a greater setback distance to the bushland areas of potential extreme fire risk and therefore will help mitigate fire risk.

Proponent's Response:
Noted.

City's comment:
It is noted the Building Protection Zone (BPZ) containing the Road Reserve and in some instances the front setback area of the dwelling will need to maintain low fuel loads and limited pruned vegetation.

Whilst a dual use path or footpath to both sides of the road would assist to maintain a low fuel zone, a shared path in this location would not increase the distance to the hazard as this infrastructure would need to be contained within the road reserve.

Submission:
(xi) Due to the previous and current potentially contaminating land uses, investigations for soil and groundwater contamination need to be carried out in accordance with DEC's Contaminated Sites Management Series guidelines. These investigations should be carried out prior to finalising the LSP.

Proponent's Response:
Noted. An appropriate condition may be placed on the subsequent subdivision approval, with this investigation not required prior to finalisation of the LSP.

Given the size of the LSP, staging of development will commence from the east, with the existing market garden to continue current operations until such time that that portion of the site is required for development.

Request that this be postponed until the time of subdivision, with an appropriate condition being imposed on any subdivision approval.

City's comment:
It is a standard requirement that the Soil and Groundwater Investigation and Remediation Plan be provided as part of the consideration of the subdivision application for the landholding (it not required to be submitted prior to the Structure Plan being finalised).

Recommendation 6: That the City request that a condition of Subdivision Approval be imposed requiring that the subdivider prepare a Soil and Groundwater Investigation and Remediation Plan.

Submission:
(xii) DEC does not support developments that are not consistent with the generic buffers in the EPA's Guidance Statement No. 3 - Separation Distances between Industrial and Sensitive Land Uses (June 2005).
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<th>Proponent's Response:</th>
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<tr>
<td>Noted. Odour buffer done in accordance with guidelines.</td>
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<th>City's comment:</th>
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<tr>
<td>An Odour Report has been submitted as part of the Structure Plan report which satisfies the requirements of <em>Environmental Protection Guidance Statement No.3: Separation Distances Between Industrial and Sensitive Land Uses</em>.</td>
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<td>(xiii) The future development is proposed against a regional road, which could result in potential noise impacts from road traffic.</td>
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<th>Proponent's Response:</th>
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<tr>
<td>Noted. Same interface proposed as adopted in other structure plans directly abutting Nairn Drive. Given the size of the LSP, creation of residential lots directly abutting Nairn Drive will not occur in the first stages. It is proposed that this would be undertaken at the time of subdivision and not the LSP. An acoustic report would be undertaken at the time of subdivision where residential lots directly abut Nairn Drive, and would be submitted prior to the approval of that subdivision.</td>
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<td>The City supports a condition at subdivision stage to prepare and implement an Acoustic Report to limit potential noise impacts to nearby residential dwellings generated from traffic using Nairn Drive. Nairn Drive is classified as an 'Other Regional Road' and as such there is no requirement pursuant to State Planning Policy 5.4 - <em>Road and Rail Transport Noise and Freight Considerations in Land Use Planning</em> to require an Acoustic Report at Structure Plan stage.</td>
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**Recommendation 7**: That the City request that a condition of Subdivision Approval be imposed requiring that the subdivider to prepare and implement an Acoustic Report to limit potential noise impacts to nearby residential dwellings generated from traffic using Nairn Drive.

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<td>(xiv) DEC records show a portion of the site as having a known &quot;moderate to low&quot; risk of acid sulfate soils occurring within 3m of the nature soil surface or deeper.</td>
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<tr>
<td>Noted. An appropriate condition will be imposed on any subdivision approval that is impacted by ‘moderate to low’ ASS. The appropriate management plans etc would be undertaken as a condition of any subdivision approval.</td>
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<tr>
<td>The submission is noted. A condition is recommended at the time of subdivision for the appropriate management of acid sulfate soils.</td>
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**Recommendation 8**: That the City request that a condition of Subdivision Approval be imposed requiring that the subdivider to appropriately manage acid sulphate soils.

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<td>(xvi) DEC considers the proposed 16m wide road reserve (Access Road C) adjacent to the regional park to be inadequate for the Hazard Separation Zone (HSZ) required by the Bush Fire Hazard Assessment. All HSZs are to be accommodated within the subject site.</td>
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Proponent’s Response:
The HSZ identified by the Bush Fire Risk Assessment is 20m. This is capable of being accommodated by the road reserve and the front setback of lots. The HSZ is to be accommodated entirely within the subject site.

City’s comment:
The *Planning for Bush Fire Protection Guidelines Edition 2* (WAPC, 2010) recommend that development be sited at least 100m from an extreme fire hazard unless it can be demonstrated that acceptable permanent hazard reduction measures can be implemented to reduce the hazard level to an acceptable standard.

In this regard, the 16m wide road reserve (Access Road C) provides for the Building Protection Zone required to maintain low fuel loads and limited pruned vegetation.

Dwellings located within the Hazard Separation Zone of the Parks and Recreation Reserve will be required to be constructed to Bush Fire Attack Level standard (BAL) in accordance with Australian Standard AS3959 (as amended). The construction standard mandated at subdivision stage through the requirement to prepare a Detailed Area Plan. A condition will also be required at subdivision stage for the preparation and implementation of a Bush Fire Management Plan to mitigate the risk of bushfire.

**Recommendation 9**: That the City request that a condition of Subdivision Approval be imposed requiring that the subdivider prepare and implement a Bush Fire Management Plan to mitigate the risk of bushfire.

4. **Water Corporation**

Submission:
(i) Reticulated water of a sufficient capacity to serve the proposal is currently not available. The proposed development will require headworks size water mains to be constructed. The main along Baldivis Road is now to be 600mm and a 1400mm headworks main through the subject land.

Proponent’s Response:
Noted.

City’s comment:
Noted.

Submission:
(ii) Reticulated sewerage is currently available to the area by extension. All extensions required for the development site would be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.

Proponent’s Response:
Noted.

City’s comment:
Noted.
5. Department of Water (DoW)

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<td>(i) Consistent with Better Urban Water Management (BUWM) (WAPC, 2008) and policy measures outlined in State Planning Policy 2.9, the proposed Local Structure Plan should be supported by an approved Local Water Management Strategy (WMS) prior to final approval of the future Structure Plan. The DoW is currently reviewing the Local Water Management Strategy Lots 312, 313, 2, 4, 5, 7 and 8 Baldivis (Coterra, October 2012) and comments are attached. It is recommended the proponent revise the document in accordance with the attached advice, and any comments from the City of Rockingham. In accordance with BUWM (WAPC, 2008) the LSP should not be finalised in the absence of LWMS approved by the DoW and City of Rockingham.</td>
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<td>The LWMS has been revised in accordance with the Department of Water’s advice and the City is in receipt of correspondence from the Department of Water (dated 7 May 2013) advising that the LWMS is now satisfactory to inform the Local Structure Plan.</td>
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<td>(ii) The site is located within the Peel-Harvey Catchment and the provisions of the Environmental Protection (Peel Inlet - Harvey Estuary) Policy 1992 and the Statement of Planning Policy No. 2.1 - The Peel-Harvey Coastal Plain Catchment (SPP2.1) shall apply.</td>
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<th>City’s comment:</th>
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<td>Noted. The Proponent’s Environmental Report states that a change in land use from predominantly agricultural to urban development, with a reticulated sewer system, will reduce the potential for nutrient export to the receiving environment, which is in accordance with the general objectives of Environmental Protection (Peel Inlet - Harvey Estuary) Policy 1992.</td>
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Submissions were also received from the Department of Education, Department of Indigenous Affairs and Western Power offering no objections to the proposed Structure Plan.

c. Strategic

Community Plan

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

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

d. Policy

State Planning Policies

*Directions 2031*

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

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

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

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.

Whilst the advertised Structure Plan is generally consistent with LN, the following matters require resolution:-

(i) The road design over Lot 2 (in the north-eastern section of the proposed Structure Plan) shows two 4-way intersections across Eighty Road. These two intersections do not comply with LN as they are spaced too close together.

   It is considered that the most appropriate design solution to address this issue would be the deletion of the northernmost 4-way intersection in favour of an internal loop road that joins into the cul-de-sac adjacent to POS I.

(ii) The City does not support the laneway that connects the Controlled Access Place (CAP) road running parallel with Fifty Road (immediately east of POS B).

   The connection is likely to create an undesirable short-cut ('rat run') into the estate from Fifty Road and a redesign is required to address this issue.

**Recommendation 10**: That points (i) and (ii) above being addressed to the satisfaction of the City, prior to the proposed Structure Plan being adopted by the Council.

(iii) The redesign of the Neighbourhood Connector Road that runs parallel with the boundary of the Regional Park (immediately east of the gas pipeline corridor), has resulted in a triangular shaped piece of road reserve.

   The Proponent has yet to advise the City how it is proposed to design this section of road pavement.
Recommendation 11: That with respect to point (iii) above, the design of this section of road being addressed to the City’s satisfaction at the Subdivision Approval stage.

(iv) The City supports lots backing onto Baldivis Road for a short section on Lot 4 (east of POS H), however, the City is mindful of the location of remnant vegetation within the Baldivis Road road reserve.

The design of the Estate wall in this location should, wherever possible, provide for the retention of remnant vegetation.

Recommendation 12: That with respect to point (iv) above, the City request that a condition of Subdivision Approval be imposed requiring that the design of the Estate wall along Baldivis Road provide for the retention of remnant vegetation within the road reserve.


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

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

The site abuts a bush fire hazard predominantly to its southern and eastern boundaries and to a lesser extent to the north western boundary. The Proponent has provided a Bush Fire Hazard Assessment (BFHA). The assessment has been prepared in accordance with the Bush Fire Protection Guidelines and addresses site specific concerns.

In this regard, dwellings located within the Hazard Separation Zone of the Parks and Recreation Reserve will be required to be constructed to Bushfire Attack Level standard (BAL) in accordance with Australian Standard AS3959 (as amended). The construction standard is mandated at subdivision stage through the requirement to prepare a Detailed Area Plan. A condition will also be required at subdivision stage for the preparation and implementation of a Bush Fire Management Plan to mitigate the risk of bushfire.

Part One of the Structure Plan Report lists the situations where Detailed Area Plans (DAP’s) are required to be prepared at subdivision stage, however, it does not refer to DAP’s required for lots within the identified Bush Fire Hazard Separation Zone. The Part One Report will need to be amended accordingly.

Recommendation 13: That Part One of the Structure Plan Report be amended to include reference to those lots within the identified Bush Fire Hazard Separation Zone in the list of situations where Detailed Area Plans (DAP’s) are required to be prepared at subdivision stage.

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

A market garden is currently operating from Lot 312 Fifty Road. The EPA’s Guidance Statement No.3 identifies a default setback of 300-500m depending on size, to protect future residents from the potential impacts of the market garden operations. The market garden forms part of the subject site and would be one of the last stages developed. The extent of the buffer is to be depicted on the Structure Plan prior to advertising and in addition, a scientific study based on site and industry specific information, should be prepared and submitted by the Proponent at the subdivision stage.
A poultry (broiler) farm is operating from Lot 3 Baldivis Road, which is not part of the subject site but forms part of the overall concept Structure Plan site. The EPA’s Guidance Statement No. 3 identifies a buffer distance of 300-1000m depending on the size, to protect future residents from the potential impacts of the poultry farm operation.

An Odour Report has been submitted as part of the Structure Plan report which satisfies the requirements of *Environmental Protection Guidance Statement No.3: Separation Distances Between Industrial and Sensitive Land Uses*.

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

WAPC Planning Bulletin No.87 provides guidance for development and ensures orderly and proper planning within the vicinity of regional gas pipelines, including the Parmelia Gas Pipeline. Table 1 of the Bulletin provides for a 65m setback between residential development and the gas pipeline easement ‘as of right’.

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

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

The Proponent has yet to submit a Pipeline Risk Management Plan.

**Recommendation 14:** That prior to the proposed Structure Plan being adopted, the Proponent must submit a Pipeline Risk Management Plan in accordance with the requirements of WAPC Bulletin No.87, or otherwise provide documented evidence that agreement has been reached with the pipeline owner on the mitigation measures to be proposed, responsibility for the implementation of those mitigation measures, and the need for risk assessment.

**Local Planning Policies**

**Planning Policy 3.4.1 - Public Open Space**

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

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

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

**Planning Policy 6.3 - Local Commercial Strategy**

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

Part 2.4.4 of the Strategy identifies two Neighbourhood Centres for the Northern Baldivis component of the precinct. One of these centres was identified as being on the corner of Nairn Drive and Fifty Road.

The proposed Structure Plan proposes a variation to the Baldivis North District Structure Plan by relocating the designated Neighbourhood Centre from the intersection of Fifty Road and Nairn Drive, to the southern end of Lot 312 adjacent to Nairn Drive, the Tamworth Hill Regional Reserve, and a future Neighbourhood Connector Road (Amazon Drive). A concurrent modification to the Baldivis North Local Structure Plan to delete the Baldivis North Neighbourhood Centre, is being considered under Item SPE-012/13 of this Agenda.
The relocation of the Neighbourhood Centre is supported for the following reasons:

- It provides for an adequate distribution of centres throughout the Baldivis urban cell, in accordance with R4 of LN. In this regard, the Fifty Road/Nairn Drive site is 1.1km from the approved Kerosene Lane Neighbourhood Centre (current site of the ‘Spud Shed’) and 2.6km from the Baldivis Town Centre. The proposed location further to the south will result in a separation of 1.6km from the Kerosene Neighbourhood Centre and 2.1km from the Baldivis Town Centre;
- The revised location is well located on the intersection of integrator and neighbourhood connector roads in accordance with R5 of LN; and
- The Centre is not located near a school, which is supported by LN as schools are required to cater for more than just one walkable catchment, and therefore should be located midway between neighbourhoods.

The Proponent has provided a preliminary concept plan satisfactorily demonstrating how the site may be developed to achieve the requirements of Liveable Neighbourhoods.

e. **Financial**

Nil

f. **Legal and Statutory**

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

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

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

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

**Comments**

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

**Matters to be addressed prior to the proposed Structure Plan being adopted by the Council**

1. That the Structure Plan Report be amended to state that the remnant vegetation along the road edge of Lot 5 will be retained in POS G.
2. That the Structure Plan Report be amended to state that the remnant vegetation located on the western side of Lot 7 will be retained in POS F.
3. That the small portion of residential R25 land abutting the Regional Park (on the south-eastern corner of Lot 313) be shown as road reserve on the proposed Structure Plan.
4. The road design over Lot 2 (in the north-eastern section of the proposed Structure Plan) being redesigned as the spacing of the two 4-way intersections across Eighty Road does not comply with LN.
5. The road design immediately east of POS B being redesigned to prevent the potential for a short-cut (‘rat run’) into the estate from Fifty Road.
6. That Part One of the Structure Plan Report be amended to include reference to those lots within the identified Bush Fire Hazard Separation Zone in the list of situations where Detailed Area Plans (DAP’s) are required to be prepared at subdivision stage.

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

**Matters to be addressed as a condition of Subdivision Approval**

8. That the City request that a condition of Subdivision Approval be imposed requiring that costs associated with road widening and road improvements should be equitably distributed across the structure plan area.

9. The installation of the traffic signals at the intersection of Nairn and Amazon Drives by the Proponent.

10. That the subdivider prepare a Soil and Groundwater Investigation and Remediation Plan.

11. That the subdivider to prepare and implement an Acoustic Report to limit potential noise impacts to nearby residential dwellings generated from traffic using Nairn Drive.

12. That the subdivider to appropriately manage acid sulphate soils.

13. The design of the triangular shaped section of road pavement shown on the Neighbourhood Connector Road that runs parallel with the boundary of the Regional Park (immediately east of the gas pipeline corridor).

14. That the design of the Estate wall along Baldivis Road provide for the retention of remnant vegetation within the road reserve.

15. That the subdivider prepare and implement a Bush Fire Management Plan to mitigate the risk of bush fire.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ADOPT** the Proposed Structure Plan for Lots 2, 4 and 5 Baldivis Road, Lots 312 and 313 Fifty Road, and Lots 7 and 8 Ingram Road, Baldivis subject to the following matters being addressed to the satisfaction of the City:-

1. The Structure Plan Report being amended to state that the remnant vegetation along the road edge of Lot 5 will be retained in Public Open Space G.

2. The Structure Plan Report being amended to state that the remnant vegetation located on the western side of Lot 7 will be retained in Public Open Space F.

3. The small portion of residential R25 land abutting the Regional Park (on the south-eastern corner of Lot 313) being shown as road reserve on the proposed Structure Plan.

4. The road design over Lot 2 (in the north-eastern section of the proposed Structure Plan) being redesigned as the spacing of the two 4-way intersections across Eighty Road does not comply with **Livable Neighbourhoods**.

5. The road design immediately east of Public Open Space B being redesigned to prevent the potential for a short-cut (‘rat run’) into the estate from Fifty Road.

6. Part One of the Structure Plan Report being amended to include reference to those lots within the identified as Bush Fire Hazard Separation Zone in the list of situations where Detailed Area Plans (DAP’s) are required to be prepared at subdivision stage.

7. The Proponent must submit a Pipeline Risk Management Plan in accordance with the requirements of Western Australian Planning Commission Bulletin No.87, or otherwise provide documented evidence that agreement has been reached with the pipeline owner on the mitigation measures to be proposed, responsibility for the implementation of those mitigation measures, and the need for risk assessment.
Committee Recommendation

That Council ADOPT the Proposed Structure Plan for Lots 2, 4 and 5 Baldivis Road, Lots 312 and 313 Fifty Road, and Lots 7 and 8 Ingram Road, Baldivis subject to the following matters being addressed to the satisfaction of the City:-

1. The Structure Plan Report being amended to state that the remnant vegetation along the road edge of Lot 5 will be retained in Public Open Space G.
2. The Structure Plan Report being amended to state that the remnant vegetation located on the western side of Lot 7 will be retained in Public Open Space F.
3. The small portion of residential R25 land abutting the Regional Park (on the south-eastern corner of Lot 313) being shown as road reserve on the proposed Structure Plan.
4. The road design over Lot 2 (in the north-eastern section of the proposed Structure Plan) being redesigned as the spacing of the two 4-way intersections across Eighty Road does not comply with Liveable Neighbourhoods.
5. The road design immediately east of Public Open Space B being redesigned to prevent the potential for a short-cut (‘rat run’) into the estate from Fifty Road.
6. Part One of the Structure Plan Report being amended to include reference to those lots within the identified as Bush Fire Hazard Separation Zone in the list of situations where Detailed Area Plans (DAP’s) are required to be prepared at subdivision stage.
7. The Proponent must submit a Pipeline Risk Management Plan in accordance with the requirements of Western Australian Planning Commission Bulletin No.87, or otherwise provide documented evidence that agreement has been reached with the pipeline owner on the mitigation measures to be proposed, responsibility for the implementation of those mitigation measures, and the need for risk assessment.

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### Planning Services

**Strategic Planning & Environment Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-012/13 Major Modification to Structure Plan ('North Baldivis') – Adoption</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/290-05</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Development Planning Strategies</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Brett Ashby, Manager Strategic Planning &amp; Environment</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Ms Erika Barton, Senior Planning Officer</td>
</tr>
<tr>
<td></td>
<td>Mrs Tamara Vreeken, Special Projects Officer</td>
</tr>
<tr>
<td></td>
<td>Mr Jeff Bradbury, Coordinator Strategic Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>17 June 2013</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>September 2006 (PD180/9/06), December 2006 (PD239/12/06), December 2007 (PD128/12/07), April 2011 (SPE-009/11) and September 2012 (SPE-023/12)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Legislative</td>
</tr>
</tbody>
</table>

| Site:                   | Lots 268 and 9009 Fifty Road, Baldivis                                         |
| Lot Area:               | 6.521ha                                                                        |
| LA Zoning:              | Development                                                                    |
| MRS Zoning:             | Urban and Other Regional Roads                                                  |

**Attachments:**

1. Modified Structure Plan (as advertised)
2. Schedule of Submissions

**Maps/Diagrams:**

1. Location Plan
2. Extract of Existing Structure Plan
3. Extract of Proposed Structure Plan
4. Location of Advertising
1. Location Plan

**Purpose of Report**

To consider a proposed major modification to the Structure Plan over Lots 268 and 9009 Fifty Road, Baldivis following the completion of public advertising.

**Note:** This Report should be read in conjunction with SPE-011/13 for a Proposed Structure Plan over Lots 2, 4 and 5 Baldivis Road, Lots 312 and 313 Fifty Road, and Lot 7 and Ingram Road, Baldivis, which proposes a new location for the Neighbourhood Centre.

**Background**

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

The current proposed major modification was considered by the Council in September 2012, when it resolved to approve advertising subject to the following matters being resolved:

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

**Details**

The application proposes to modify the Structure Plan by changing:-
(a) the Commercial zone on the north western corner of Nairn Drive and Fifty Road to Residential R40.

(b) the Commercial land on the eastern side of Nairn Drive to Residential R40.

(c) a portion of land east of Nairn Drive from Residential R20 to Residential R40.

2. Extract of Existing Structure Plan

3. Extract of Proposed Structure Plan

Implications to Consider

a. Consultation with the Community

Advertising Methodology

The Proposed Structure Plan was advertised for a period of 28 days, commencing on 27 February 2013 and concluding on the 27 March 2013. Public advertising was carried out in the following manner:

- 358 nearby owners and occupiers (as shown on Figure 4), servicing agencies and the Baldivis Residents Association were notified of the proposal in writing and invited to comment;
- The Proponent erected a sign on site in a prominent location advertising the Proposed Structure Plan;
- A notice was placed in the Sound Telegraph for two consecutive weeks, appearing in the newspaper on 27 February 2013 and 6 March 2013; and
- Copies of the Proposed Structure Plan and relevant documents were made available for inspection at the City's Administrative Offices and placed on the City's website.

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

**Summary of Submissions**

Following the close of the submission period, the City had received four (4) submissions from nearby landowners on the Proposed Structure Plan. The following dot-points generally summarise the issues of concern raised in submissions:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>1. Removal of Neighbourhood Centre</strong></td>
<td></td>
</tr>
<tr>
<td>Submission:</td>
<td></td>
</tr>
<tr>
<td>(i) Removal of the neighbourhood centre will result in a loss of a vibrant and diverse community.</td>
<td></td>
</tr>
<tr>
<td><strong>Proponent’s Response:</strong></td>
<td></td>
</tr>
<tr>
<td>The centre is being relocated south to Spires LSP to facilitate development. The vacant site has been investigated by the landowner and considers an unviable centre would result.</td>
<td></td>
</tr>
<tr>
<td><strong>City’s comment:</strong></td>
<td></td>
</tr>
<tr>
<td>The services that the neighbourhood centre are not being lost through this process, however, are being relocated approximately 500m to the south, to a more appropriate location to better service the catchment.</td>
<td></td>
</tr>
<tr>
<td>Submission:</td>
<td></td>
</tr>
<tr>
<td>(ii) The residents bought into the area on the understanding that there would be commercial development nearby. Removing the commercial land results in a loss for the residents to the benefit of the developer.</td>
<td></td>
</tr>
<tr>
<td><strong>Proponent’s Response:</strong></td>
<td></td>
</tr>
<tr>
<td>Noted. Not a planning issue.</td>
<td></td>
</tr>
<tr>
<td><strong>City’s comment:</strong></td>
<td></td>
</tr>
<tr>
<td>The proposed new location of the neighbourhood centre is only 500m to the south. The proposed new location provides for an adequate distribution of centres throughout the Baldivis urban cell, in accordance with Liveable Neighbourhoods (LN).</td>
<td></td>
</tr>
</tbody>
</table>
In this regard, the Fifty Road/Nairn Drive site is 1.1km from the approved Kerosene Lane Neighbourhood Centre (current site of the ‘Spud Shed’) and 2.6km from the Baldivis Town Centre. The proposed location further to the south will result in a separation of 1.6km from the Kerosene Neighbourhood Centre and 2.1km from the Baldivis Town Centre. The neighbourhood Centre is not being removed, just relocated to a more effective location.

**Submission:**

(iii) Loss of services and facilities for residents in the area which places further demand on the already congested regional shopping centres.

**Proponent’s Response:**

Noted. The Centre is to be relocated approximately 500 metres south. The recently constructed Baldivis District Centre is located to the south catering for the wider Baldivis area.

**City’s comment:**

The proposed new location of the neighbourhood centre is only 500m to the south and is considered to be a suitable location.

**Submission:**

(iv) The size of the neighbourhood centre as originally proposed is of a size that would not entice large corporation’s interests. Therefore the shops that would be attracted to the site are likely to be composed of mainly locally run businesses, which would benefit to the local community.

**Proponent’s Response:**

Noted. Not a planning issue.

**City’s comment:**

The proposed modification to the Structure involves the relocation of the Neighbourhood Centre, however, the proposed floor space remains the same as what is approved for the Baldivis North Structure Plan.

### 2. R40 Housing

**Submission:**

(i) The R40 land is likely to attract investment buyers rather than owner occupiers, which is not conducive to creating a proud community.

**Proponent’s Response:**

Noted. Not a planning issue.

**City’s comment:**

The ownership of the future dwellings is not a relevant planning consideration. A variety of densities provides for a variety of dwelling types and sizes to be provided for the community.

### 3. Transport

**Submission:**

(i) Fifty Road has not had any upgrades despite a large suburb being built and needing to use the road.

**Proponent’s Response:**

Fifty Road in front of Baldivis North has been upgraded where it abuts the estate.
<table>
<thead>
<tr>
<th>City's comment:</th>
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<tbody>
<tr>
<td>Fifty Road will be progressively upgraded when the land that it abuts is developed.</td>
</tr>
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</table>

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<thead>
<tr>
<th>Submission:</th>
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<tbody>
<tr>
<td>(ii) Fifty Road suffers significant congestion adjacent to the primary school in the morning and afternoon peak hours.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Proponent's Response:</th>
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</thead>
<tbody>
<tr>
<td>Noted. Congestion not attributed 100% with Baldivis North Estate. Not responsibility of Structure Plan area to upgrade this portion of Fifty Road.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's comment:</th>
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</thead>
<tbody>
<tr>
<td>This is not related to the consideration of the Structure Plan modification.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission:</th>
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</thead>
<tbody>
<tr>
<td>(iii) No bus service is available or organised for the future for this area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proponent's Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not issue associated with minor structure plan amendment.</td>
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</table>

<table>
<thead>
<tr>
<th>City's comment:</th>
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</thead>
<tbody>
<tr>
<td>The provision of bus services is the responsibility of the Public Transport Authority.</td>
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</table>

| 4. Environmental |

<table>
<thead>
<tr>
<th>Submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Prime farming land for both grazing and market gardening being lost for residential housing.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proponent's Response:</th>
</tr>
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<tbody>
<tr>
<td>Amendment seeking conversion of commercial and residential zoned land to residential. Not relevant or planning issue.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's comment:</th>
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<tbody>
<tr>
<td>The subject land is zoned 'Urban' under the Metropolitan Region Scheme and is not suitable for rural uses.</td>
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<thead>
<tr>
<th>Submission:</th>
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<tbody>
<tr>
<td>(ii) There is a duty of care to warn, advise and assist present and future homeowners of the Portuguese Millipede plague affecting the area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proponent's Response:</th>
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<tbody>
<tr>
<td>Not planning issue.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>City's comment:</th>
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</thead>
<tbody>
<tr>
<td>Portuguese Millipedes do not present a health issue to humans and there is no obligation for potential purchasers to be advised of their existence.</td>
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<thead>
<tr>
<th>Submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(iii) Since the new sprawling suburbs have gone up in Baldivis, there has been a steady decline in the number of birds, including the population of black cockatoos.</td>
</tr>
</tbody>
</table>
Proponent’s Response:
Noted. Not planning issue associated with minor amendment. No proof and this is subjective.

City’s comment:
The subject site has previously been cleared and levelled, in accordance with a subdivision approval granted by the Western Australian Planning Commission.

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

- Alinta Gas
- Department of Education
- Department of Environment and Conservation
- Department of Health
- Department of Indigenous Affairs
- Department of Water
- Department of Fire and Emergency Services
- Public Transport Authority
- Telstra
- Water Corporation
- Western Power

The following matters were raised by servicing authorities:

Submissions were received from Water Corporation, Department of Environment and Conservation and the Department of Water which raised no concerns with the proposal.

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

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

d. Policy
State Planning Policies

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

- Include a bush fire hazard assessment based on the fire hazard assessment methodology and classifications set out in Appendix 1 of the Guidelines;
- Identify any bush fire hazard issues arising from that assessment; and
- Address those issues, in accordance with the general principles that underpin these guidelines, in a statement or report which demonstrates that all fire protection requirements can be achieved to the satisfaction of the WAPC.
The site abuts a bushfire hazard predominantly to its southern and eastern boundaries and to a lesser extent to the north western boundary. The Proponent has provided a Bush Fire Hazard Assessment (BFHA). The assessment has been prepared in accordance with the Bush Fire Protection Guidelines and addresses site specific concerns.

Local Planning Policies

Planning Policy 6.3 - Local Commercial Strategy

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

Part 2.4.4 of the Strategy identifies two Neighbourhood Centres for the Northern Baldivis component of the precinct. One of these centres was identified as being on the corner of Nairn Drive and Fifty Road.

The proposal involves a variation to the Baldivis North District Structure Plan by relocating the designated Neighbourhood Centre from the intersection of Fifty Road and Nairn Drive, to the southern end of Lot 312 adjacent to Nairn Drive, the Tamworth Hill Regional Reserve, and a future Neighbourhood Connector Road.

As noted above, the proposed new location provides for an adequate distribution of centres throughout the Baldivis urban cell, in accordance with Liveable Neighbourhoods (LN). In this regard, the original site is 1.1km from the approved Kerosene Lane Neighbourhood Centre (current site of the ‘Spud Shed’) and 2.6km from the Baldivis Town Centre. The proposed location further to the south will result in an improved separation of 1.6km from the Kerosene Neighbourhood Centre and 2.1km from the Baldivis Town Centre.

e. Financial

Nil

f. Legal and Statutory

The consideration and determination of major modifications to Structure Plans is to be undertaken in accordance with the same Scheme provisions that apply to the consideration of Proposed Structure Plans.

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

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

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

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

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

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

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

### Matters considered prior to advertising

1. **Redesign Area 1 to provide for suitable interface with the arterial roads.**
   **Comment:**
   The Western Australian Planning Commission's (WAPC) *Structure Plan Preparation Guidelines* (2012) (Structure Plan Guidelines) do not require the provision specific lot layouts or the illustration of roads below Neighbourhood Connectors. As such, it is appropriate for the issue to be addressed as part of detailed design, for consideration at subdivision or development application stage.

2. **Provision of a Bushfire Hazard Assessment that determines the constraints to development on Area 2 from the adjacent Baldivis Reserve bushfire hazard, in accordance with the WAPC’s Planning for Bushfire Protection Guidelines (Edition 2) and reconsideration of the R Coding cognisant of the Bushfire Hazard Assessment outcomes.**
   **Comment:**
   A Bush Fire Hazard Assessment has been completed and is considered adequate. A Detailed Area Plan will be required to ensure that the required setback to dwellings is achieved.

3. **Obtain the Minister for Education’s consent for the proposed change of use over Area 3.**
   **Comment:**
   The proposal for Area 3 was deleted prior to advertising commencing.

4. **Provision of all streets with cross sections consistent with Liveable Neighbourhoods.**
   **Comment:**
   The proposed roads are consistent with the previously approved parts of the Structure Plan.

5. **Identify those lots to be subject to Detailed Area Plans.**
   **Comment:**
   The need for Detailed Area Plans will be determined at assessment of future subdivision applications.

6. **Provision of a revised Public Open Space (POS) Schedule to remove the 50% POS credit for the drainage swales.**
   **Comment:**
   The POS schedule is consistent with that already approved as part of the Structure Plan. No changes to the POS is proposed through this modification.

7. **Provision of a revised Urban Water Management Plan.**
   **Comment:**
   Upon review, it is considered appropriate for the Urban Water Management Plan to be addressed at subdivision stage in accordance with normal practice.

### Conclusion

In light of the response to submissions and Structure Plan assessment provided above, it is recommended that the Council adopt the Modified Structure Plan.

### Voting Requirements

Simple Majority
<table>
<thead>
<tr>
<th>Officer Recommendation</th>
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<tbody>
<tr>
<td>That Council <em>ADOPT</em> the Modified Structure Plan for Lots 268 and 9009 Fifty Road, Baldivis.</td>
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<th>Committee Recommendation</th>
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<td>That Council <em>ADOPT</em> the Modified Structure Plan for Lots 268 and 9009 Fifty Road, Baldivis.</td>
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<tr>
<td>Committee Voting – 4/0</td>
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<table>
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<tr>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
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</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
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<th>Implications of the Changes to the Officer’s Recommendation</th>
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1 Correction of typographical error. Inclusion of Lot 268 into Officer Recommendation.
### Statutory Planning

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<tr>
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<tr>
<td><strong>Reference No &amp; Subject:</strong></td>
<td>SP-026/13 Proposed Home Business (Personal Training &amp; Remedial Massage)</td>
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<tr>
<td><strong>File No:</strong></td>
<td>DD020.2013.0000083</td>
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<tr>
<td><strong>Proponent/s:</strong></td>
<td>Mr N &amp; Mrs K Thompsons</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr John-Paul MacDonagh, Planning Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
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<td>Mr Mike Ross, Manager Statutory Planning</td>
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<td>17 June 2013</td>
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<td><strong>Previously before Council:</strong></td>
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<td><strong>Disclosure of Interest:</strong></td>
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<td><strong>Nature of Council’s Role in this Matter:</strong></td>
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<td><strong>Site:</strong></td>
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<td><strong>MRS Zoning:</strong></td>
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<td><strong>Attachments:</strong></td>
<td>Schedule of Submissions</td>
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<td><strong>Maps/Diagrams:</strong></td>
<td>1. Location Plan</td>
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<tr>
<td></td>
<td>2. Internal Layout of Training Area depicted on website</td>
</tr>
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<td></td>
<td>3. Consultation Plan</td>
</tr>
<tr>
<td></td>
<td>4. Personal Training car parking (green) Remedial Massage car parking (pink)</td>
</tr>
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<td></td>
<td>5. Carparking for Personal Training Clients</td>
</tr>
<tr>
<td></td>
<td>6. Carparking for Remedial Massage Client</td>
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</table>
1. Location Plan

Purpose of Report

To consider an application seeking Planning Approval for a Personal Training and Remedial Massage Home Business at Lot 143 (No.126) Penguin Road, Safety Bay.

Background

The Proponents received Planning Approval for a Home Business (Remedial Massage) and Home Business (Personal Training) in 2007 and 2010 respectively to operate from Lot 1009 (No.29) Toledo Circuit, Port Kennedy.

The current proposal represents the relocation of existing home based businesses to a new address. The history of operation from the Port Kennedy address is a relevant planning consideration as the City received no complaints from nearby residents regarding those operations.

Details

The details of the application are as follows:-

Personal Training
- a maximum of four clients attending at any one time;
- music would be used during the sessions and would comply with the assigned noise levels under the Environmental Protection (Noise) Regulations 1997;
- the personal training would operate out of a living room located at the rear of the dwelling;
- all client car parking would be accommodated on site with no parking of vehicles on the street; and
- The Training Room has an area of 30m².
Remedial Massage
- a maximum of one client attending at any one time;
- the remedial massage would operate from a bedroom on the western side of the dwelling;
- all client car parking would be accommodated on site with no parking of vehicles on the street; and
- The bedroom from which remedial massage activities would occur is 11m² in size.

The hours of operation for both proposals would be from 7am to 7pm Monday to Friday and 9am to 12 noon on Saturdays with no operation on Sundays or Public Holidays.

No employees are proposed.

2. Internal Layout of Training Area depicted on website

**Implications to Consider**

a. **Consultation with the Community**

In accordance with Planning Policy 3.3.10 – Home Occupations & Home Businesses ('the Policy'), the application was referred to adjacent and nearby land owners for comment for a period of 14 days.

At close of the advertising period, four submissions were received. One submission objected to the proposal while three submissions offered qualified support conditional to details of the proposals being modified. The submissioners raised the following concerns:-

(i) Adverse impact on residential amenity;
(ii) Hours of operation;
(iii) Parking;
(iv) Traffic/Pedestrian Safety Concerns; and
(v) Noise.

A response to submissions is included within the ‘Comments’ section of this report.
The consultation plan below shows which residents were consulted and the location of submissioners.

3. Consultation Plan

b. Consultation with Government Agencies
Not Applicable

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

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

d. Policy
Planning Policy 3.3.10 – Home Occupations and Home Businesses
Planning Policy 3.3.10 – Home Occupations and Home Businesses (the Policy) sets out policy objectives and provisions which the Council must have regard to in the assessment and determination of applications for planning approval for Home Occupations and Home Businesses.

The objectives of the Policy are as follows:

“(a) To promote the orderly and proper development of land by making suitable provisions to guide applicants who wish to operate a Home Occupation or a Home Business from a dwelling;

(b) To secure the amenity, health and convenience of the neighbourhood through appropriate development requirements; and

(c) To provide for economic growth and employment opportunities by facilitating the development of home based businesses.”

The application was assessed against the Policy assessment criteria which include, among other requirements:
(i) “Method of Operation – The operation of the Home Business must not cause injury to or adversely affect the amenity of the neighbourhood.”

Comment
The proposed Personal Training Home Business will operate from the living room within the existing dwelling at the rear of the property. The proposed Remedial Massage Home Business will operate from a bedroom at the western side of the dwelling. Given the Home Business will only operate indoors, the amenity of the neighbourhood is unlikely to be compromised.

(ii) “Scale of Operation – The Council shall only permit the operation of a Home Business within a dwelling or within the boundaries of a lot where it is satisfied that the operation:-

- Does not employ more than 2 people not members of the occupier’s household;
- Does not occupy an area greater than 50m²; and
- Does not involve the use of an essential service of greater capacity than normally required in the zone.

Comment
The proposal does not employ any persons not members of the occupier’s household. The remedial massage room and training room have a combined area of 41m². The proposal does not involve the use of an essential service of greater capacity than normally required in the ‘Residential’ Zone.

(iii) “Traffic Generation – The traffic generated by the Home Business must not have the potential to adversely affect the amenity of the neighbourhood. All visits to the site must be controlled i.e. by appointment only. If the Home Business is likely to have an adverse impact on the existing nature of the street or its amenity, the Council is unlikely to approve the proposal.”

Comment
All clients attending the premises will be controlled via appointments. While it was originally proposed that four clients at a time may attend the premises for Personal Training, due to concerns raised by the City in response to submissions, the Proponent has agreed to reduce the number of clients to attend to a maximum of three at any one time for both Personal Training and Remedial Massage activities.

(iv) “Parking - The Council shall only permit the operation of a Home Business within a dwelling or within the boundaries of a lot where it is satisfied that the operation does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling.”

Comment
A single dwelling requires two carparking spaces pursuant to the Residential Design Codes 2002. As a maximum of three clients will attend the premises at any one time, the Proponent requires a total of five carparking spaces onsite (three for clients and two for the dwelling).

The Proponent has indicated that parking for the Home Businesses will be separately located on-site. Clients attending the Personal Training will park their cars in the existing single car width driveway on the western side of the lot. Clients attending the Remedial Massage Home Business will park on the eastern side of the lot. There is a garage and carport at the rear of the block to accommodate the Proponent’s vehicles.

As there are separate parking locations for clients associated with each Home Business this reduces the potential conflicts in client carparking. Despite this arrangement, there is still the potential for carparking conflicts to occur due to the single width driveway. Where clients for personal training are expected to park. This will require on-going management by the Proponent to ensure clients park on-site and not park on Penguin Road.

As the parking for the Remedial Massage proposal is on an area which is currently grass and there is no crossover, it is considered appropriate to require the construction of a crossover and hardstand car parking space as a condition of Planning Approval.
The proposed carparking arrangement is considered to be acceptable, subject to the above requirements being satisfied.

4. Personal Training car parking (green) Remedial Massage car parking (pink)
5. Carparking for Personal Training

6. Carparking for Remedial Massage

e. **Financial**
Nil

f. **Legal and Statutory**

A Home Business is a (‘D’) use that is not permitted in the Residential Zone, unless the Council has exercised its discretion by granting Planning Approval.

TPS2 interprets a Home Business as follows:

"means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-

(a) does not employ more than 2 people not members of the occupier’s household;
(b) will not cause injury to or adversely affect the amenity of the neighbourhood;
(c) does not occupy an area greater than 50 square metres;"
(d) does not involve the retail sale, display or hire of goods of any nature;
(e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
(f) does not involve the use of an essential service of greater capacity than normally required in the zone”.

Clause 4.16.2 of TPS2 similarly states that Council will only permit the operation of a Home Business within a dwelling or property, when it is satisfied that the operation:-

“(i) does not employ more than 2 people not members of the occupier’s household;
(ii) will not cause injury to or adversely affect the amenity of the neighbourhood;
(iii) does not occupy an area greater than 50 square metres;
(iv) does not involve the retail sale, display or hire of goods of any nature;
(v) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
(vi) does not involve the use of an essential service of greater capacity than normally required in the zone;”

The proposed Home Business is compliant with the above interpretations.

Response to Submissions

With respect to the Objector’s concerns, the following comments are provided:-

1. Adverse Impact on Residential Amenity

Concerns were raised that the residential amenity of the locality will be compromised due to the establishment of businesses within the Residential Zone.

Comment

To address the concern that the advertised proposal has the potential to adversely impact the residential amenity of neighbours, the Proponent has reduced the hours of operation and number of clients attending the premises. The scaled down proposal is considered acceptable, to ensure the proposed Home Business will not compromise the amenity of neighbouring properties, as there will be fewer clients attending at the same time and reduced operating hours.

2. Hours of Operation

Concerns were raised regarding the hours of operation which was considered excessive by all four submissioners.

Comment

The hours of operation originally proposed and advertised were considered excessive. The Proponent was advised of the concerns relating to the proposed hours of operation and has agreed to reduce the hours of operation to 8:00am to 7:00pm Monday to Friday and 9:00am to 12 noon Saturday.

The reduced hours of operation are considered acceptable and will provide a balance between the protection of residential amenity whilst providing for the Home Business to operate. The City does not support business activities operating on Sunday and Public Holidays.

3. Parking

Concerns were raised that clients would not park in the driveway as detailed in the proposal, and would instead park on verges and on the road causing a disturbance to adjacent and nearby property owners.
Comment
There is adequate space onsite to park all client vehicles and a double garage for resident vehicles. A condition of Planning Approval can be included to ensure that all clients attending the premises park on the driveway, and not on the road or verge. The proposed carparking arrangement is considered acceptable given that a maximum of three clients will attend the premises, together with the two separate carparking locations for clients to park on-site.

4. Traffic/Pedestrian Safety Concerns
Concerns were raised that traffic and pedestrian safety would be compromised due to the increased volume of traffic associated with the Home Business proposal and clients potentially parking in Penguin Road.

Comment
The Proponents were advised of the submissions concerns and responded by reducing the maximum number of clients attending at any one time from five to three. The reduction in client numbers and corresponding reduction in traffic, is considered acceptable and within the capacity of the street to accommodate.

All three clients can park entirely onsite, at the same time. Clients for both proposals will have separate driveways allowing access to, and egress from, the site.

No vehicles will need to park on Penguin Road or verge and thus pedestrian safety will not be compromised.

5. Noise
Concerns were raised that the music and associated noises during the personal training sessions would cause a disturbance to nearby and adjacent residents.

Comment
Any amplified music must comply with the assigned noise levels under the Environmental Protection (Noise) Regulations 1997 (Regulations). The revised hours of operation ensure that the Home Business can comply with these Regulations. A condition of Planning Approval should require that all doors and windows in the training room are closed during training sessions.

Conclusion
The submissions objected to the anticipated noise, traffic and parking impacts associated with the proposal. The Proponents have reduced the number of clients attending the premises, and thus traffic and parking issues associated with the proposal are considered to be mitigated. The Home Business must comply with the Environmental Protection (Noise) Regulations 1997 and all windows and doors must be closed whilst personal training sessions are being undertaken.

The proposal complies with TPS2 and the objectives of the Policy. It is recommended that Council grant conditional Planning Approval for a period of 12 months only, to allow for further review.

Voting Requirements
Simple Majority

Officer Recommendation

That Council **APPROVE** the application for a Home Business (Personal Training & Remedial Massage) at Lot 143 (No.126) Penguin Road, Safety Bay, subject to the following conditions:-

1. This approval is valid for a period of 12 months only, following which a fresh application for Planning Approval is required.
2. All amplified music must comply with the assigned noise levels under the Environmental Protection (Noise) Regulations 1997.
3. Noise associated with the Home Business must not be audible outside the premises.
4. All doors and windows in the training room are to be closed whilst personal training sessions occur.
5. A new crossover is to be constructed in the location marked in red on the approved plan, prior to the Home Business commencing. The crossover and parking bay is to be constructed, sealed, and drained to the satisfaction of the City.

6. Clients must only arrive and depart between the hours of 8:00am and 7:00pm Mondays to Fridays and 9:00am to 12 noon on Saturdays and not at all on Sundays and Public Holidays.

7. Personal Training and Remedial Massage activities must only operate from the designated rooms as shown on the approved plan and not at all in the backyard.

8. No parking by any client is to occur on the road pavement and verge area of Penguin Road at any time.

9. Clients must not attend the premises except by appointment only and, with an interval of at least 10 minutes between group client bookings.

10. No more than three clients are to attend the premises at any one time.

11. Only one sign measuring no more than 0.2 square metres is to be displayed.

Footnote:
(i) In regard to Condition No.1, the Proponent is advised that the approval is valid for a period of 12 months only to enable the City to monitor the impact of the proposed Home Business on neighbouring properties.

Committee Recommendation

That Council APPROVE the application for a Home Business (Personal Training & Remedial Massage) at Lot 143 (No.126) Penguin Road, Safety Bay, subject to the following conditions:-

1. This approval is valid for a period of 12 months only, following which a fresh application for Planning Approval is required.

2. All amplified music must comply with the assigned noise levels under the Environmental Protection (Noise) Regulations 1997.

3. Noise associated with the Home Business must not be audible outside the premises.

4. All doors and windows in the training room are to be closed whilst personal training sessions occur.

5. A new crossover is to be constructed in the location marked in red on the approved plan, prior to the Home Business commencing. The crossover and parking bay is to be constructed, sealed, and drained to the satisfaction of the City.

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Footnote:
(i) In regard to Condition No.1, the Proponent is advised that the approval is valid for a period of 12 months only to enable the City to monitor the impact of the proposed Home Business on neighbouring properties.

Committee Voting – 4/0
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<tr>
<th>The Committee's Reason for Varying the Officer's Recommendation</th>
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<tr>
<td>Implications of the Changes to the Officer’s Recommendation</td>
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# Planning Services Committee Minutes

## Statutory Planning Services

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<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-027/13 Proposed Modification to Planning Policy No. 3.1.2 - Local Commercial Strategy - Warnbro District Centre</th>
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<td>File No:</td>
<td>DD20.2013.0000042.001</td>
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<tr>
<td>Proponent/s:</td>
<td>The Planning Group</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Riaan Stassen, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
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<td>Mr Mike Ross, Manager Statutory Planning</td>
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<tr>
<td>Date of Committee Meeting:</td>
<td>17 June 2013</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>April 2013 (SP-020/13)</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<td>Site:</td>
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<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
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<td>2. Local Context - Core Area and District Centre</td>
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<td>3. Consultation Map</td>
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<td>4. Activity Centre Functions (Table 3)</td>
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<td>5. Activity Centre Structure Plan Requirement (Table 6)</td>
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## Purpose of Report

To consider an application to amend the City’s Planning Policy No. 3.1.2 - Local Commercial Strategy (LCS), to increase the maximum shop/retail floor space for the Warnbro Shopping Centre (Core Area) from 17,840m² Net Lettable Area (NLA) to 19,962m² NLA in light of submissions received following community consultation. This will result in the Warnbro District Centre being approximately 22,000m² NLA.
Background

In February 2004, the LCS was adopted by the Council and endorsed by the Western Australian Planning Commission (WAPC) on 7 December 2006.

In February 2011, the City received an application for a proposal for Stage 2 of the Warnbro Shopping Centre. In August 2011, Planning Approval was granted for the Shopping Centre (Warnbro Cento) extension. This approval was never implemented.

In February 2013, the City received a Planning Application based on the 2011 Planning Approval, proposing additional retail floor space to accommodate a new operator for a larger Discount Department Store. This application has been approved by the Metro South West Joint Development Assessment Panel (SWJDAP) in April 2013 based on the non-shop/retail provision applied in the proposal which qualified the development as compliant with the City’s LCS.

At its ordinary Meeting held in April 2013, the Council resolved to endorse the publishing of a notice that it had prepared an amendment to the City’s LCS (for an increase in the recommended NLA floor space areas) for public inspection for a period of 21 days pursuant to clause 8.9.4 of TPS2.

The Proponent opted to separate the Planning Application (Centre extension - Stage 2) from this Application seeking to amend the LCS, to enable the final design and construction of Stage 2 of the Shopping Centre to commence.

Details

The Proponent seeks approval to increase the maximum allowable NLA for the Warnbro District Centre to be applied to the Shopping Centre (Core Area) (Refer to Figure 2).

The recommended maximum NLA floor area is indicated as 17,840m² NLA for the Core Area and application is made for an increase to 19,962m² NLA, which is currently the recommended NLA floor space for the Warnbro District Centre as a whole. These are the figures prescribed by the LCS.

In effect the maximum allowable NLA for the Warnbro District Centre is proposed to increase from 19,962m² NLA to approximately 22,000m² NLA.

The application is accompanied by a Retail Sustainability Assessment (RSA). The RSA considers the potential economic and related impacts of the proposed expansion of the centre on the surrounding network of centres, addressing the overall costs and benefits of the proposal from a community viewpoint.
The RSA states that Centro Warnbro is a main food and grocery shopping destination for surrounding residents, with its role to be enhanced to genuine District Centre status following its proposed expansion through the provision of a Discount Department Store. The Rockingham Shopping Centre will still remain the predominant regional hub for non-food and comparison shopping.

**Implications to Consider**

a. **Consultation**  
   The amended LCS Policy was advertised for public comment for a period of 21 days, commencing on 3 May 2013 and concluding on 24 May 2013, with consultation undertaken in the following manner:
   - A notice being published in the “Public Notices” section of the *Weekend Courier* newspaper on 3 and 10 May 2013;
   - Landowners surrounding the Warnbro District Centre (see Figure 1) were notified of the proposal in writing and invited to comment (38 owners of residential properties);
   - The owners of the Stargate St Clair Neighbourhood Centre, the Port Kennedy Shopping Centre and the Waikiki Shopping Centre were notified of the proposal in writing and invited to comment;
The owners of adjacent public land (Department of Housing and the Warnbro Community High School) were notified of the proposal in writing and invited to comment; and

Details of the proposal were published on the City’s website for the duration of the consultation period.

At the conclusion of the comment period, two submissions have been received from abutting land owners. A summary of the submissions, and the City’s comments in relation to each aspect of the submission, are included in the following tables.

1. Mr S Major - 8 Buri Cove Warnbro 6169

“We are very concerned about the new level car park as it will affect our privacy in our back garden as we live directly across from where it will be built……need more info on how many levels, restriction of patron’s views and eye sore.”

City’s Response: These comments cannot be considered applicable to the current application for an amendment to the Planning Policy. The comments focus on design issues with no reference made to the proposed Policy modification. The extension to the existing Shopping Centre was approved in April by SWJDAP.

2. Mr I T Ngo - 30 Cocos Court Warnbro 6169

“I think that this is a good idea because then people would not have to go to Rockingham to buy stuff they can get at Warnbro because there will be more shops.”

City’s Response: The City takes note of the support.

b. Consultation with Government Agencies

Consultation occurred with the Western Australian Planning Commission (WAPC) during the advertising in relation to the proposal the subject of this report and the implications raised under State Planning Policy 4.2 requiring the preparation of a Centre Structure Plan. The WAPC determination is summarised under the Policy section.
c. **Community Plan**

**Community Plan**

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

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

d. **Policy**

The size and function of commercial centres are guided by the WAPC's State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP 4.2) and the City's Planning Policy 3.1.2 - Local Commercial Strategy (LCS).

**State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP 4.2)**

State Planning Policy 4.2 - Activity Centres for Perth and Peel was adopted by the WAPC in August 2010.

SPP4.2 focuses strongly on the function and urban form of a centre, with reduced emphasis on maximum shop/retail floor space of a centre. Expansion of centres is dealt with by requiring proponents to prepare a Retail Sustainability Assessment (RSA) prior to major development (a building more than 10,000m² or extension more than 5,000m²) and prior to a neighbourhood centre exceeding 6,000m² or expanding by 3,000m². The requirements of SPP4.2 are implemented via amendments to the City's Local Commercial Strategy.

Part 6.5 of SPP 4.2 outlines the requirements for the RSA. An RSA outlines the potential economic and related effects of a significant retail expansion (expansion greater than 5,000m² NLA) on the network of activity centres in a locality. It addresses such effects from a local community access or benefits perspective, and is limited to considering potential loss of services, and any associated determent caused by a proposed development. Competition between businesses of itself is not considered a relevant planning consideration.

The RSA shall assess potential effects of the sustainable future provision of shopping by existing and planned centres in the locality taking into account:

- the supportive shop/retail floor space for an appropriate service population, based on normative primary service (trade) areas in Figure 4 (Table 3).
- the Commission's Guidelines for Retail Sustainability Assessments (NB: these guidelines have not been prepared by the Department of Planning at the time of assessing the proposal and at the time of preparing this Report); and
- an assessment of costs imposed on public authorities by the proposed development, including implications for and optimal use of public infrastructure and services provided or planning in a locality.

The following Table shows the proposal’s consistency with the typical characteristics of District Centres as depicted in SPP4.2.

<table>
<thead>
<tr>
<th>Table 3 Activity Centre Functions, Typical Characteristics and Performance Targets</th>
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<tbody>
<tr>
<td><strong>(State Planning Policy 4.2 - Activity Centres for Perth and Peel)</strong></td>
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<tr>
<td>Typical Characteristics</td>
</tr>
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<td>--------------------------</td>
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<tr>
<td><strong>Main role/function</strong></td>
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<tr>
<td><strong>Transport connectivity and accessibility</strong></td>
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</table>
Typical retail types

- Discount department stores
- Supermarkets
- Convenience goods
- Small scale comparison shopping
- Personal Services
- Some speciality shops

Discount department store
2 full sized supermarkets
Speciality Shops
Personal services
Convenience goods

Typical Office Development

- District level office development
- Local professional services

- Medical Centre

Future indicative service population (trade area)

20,000 - 50,000 persons
- Currently 66,700 people
- Projected 92,100 by 2026.

Walkable catchment for residential density target

400m

400m nominated on the Local Structure Plan

Residential density target per gross hectare

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<th>Minimum</th>
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<td>20</td>
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Although the minor increase in NLA floor space does not warrant the preparation of an RSA, the Proponent proceeded with the preparation thereof. The RSA states that Centro Warnbro is a main food and grocery shopping destination for surrounding residents, with its role to be enhanced to genuine District Centre status following its expansion through the provision of a Discount Department Store.

SPP 4.2 also requires that when District Centres exceeds 20,000m² NLA an Activity Centre Structure Plan need to be prepared and adopted.

The City undertook consultation with the Department of Planning to clarify if an Activity Centre Structure Plan will be required. The Department of Planning is of the view that the proposed increase in shop-retail Net Lettable Area (NLA) for the Centre:
- is within the Centre boundaries;
- will not impact the physical footprint of the existing development approval;
- has been supported by a Retail Sustainability Assessment which demonstrates that the increase in shop-retail NLA will not adversely impact surrounding Centres and continues to comply with the Centre’s District allocation as per the WAPC’s SPP 4.2 Activity Centres for Perth and Peel;
- does not comprise ‘major development’ (which may trigger Activity Centre structure plan requirement); and accordingly; and
- does not require preparation of a Structure Plan.

Planning Policy 3.1.2 - Local Commercial Strategy (LCS)

The LCS allocates maximum retail floor space recommendations for the various commercial centres within the City.
The LCS recommends the Rockingham City Centre as the Strategic Metropolitan Centre serving the whole City; four district shopping centres located at Rockingham Beach, Warnbro, Secret Harbour and Baldivis; and a network of smaller neighbourhood and local centres serving their perspective local catchments.

Within the District Centre precinct, Federation Centres (former Centro Group) owns Lot 909 (existing shopping centre), together with Lot 910 (liquor store) and Lot 911 (petrol station), which in combination have a total retail floor space allocation of 17,840m² NLA under the LCS and is described as the Core Area. The total retail floor space allocated for the designated Warnbro District Centre is 19,962m² under the LCS.

The City has undertaken an assessment of the proposal and considers that the proposed increase in retail NLA can be justified on the following planning grounds:-

(a) The retail floor space 'caps' have been removed from State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP4.2) and the focus is rather placed on function;

(b) The retail floor space increase represents a minor increase (described by SPP 4.2 as less than 5000m²) and would result in built form outcomes, role and function that are consistent with its classification as a District Centre;

(c) The proponent’s RSA (although not required in this instance) confirms Rockingham as the primary centre; the proposed additional retail area as a contributing factor in establishing Warnbro as a District Centre; and no detrimental impact on existing commercial concerns within the surrounding area.

(d) The additional retail floor space will assist in ‘rounding off’ the development of the site; and

(e) The SWJDAP has recently (April 2013) approved the extension of the Shopping Centre (Stage 2) up to the maximum recommended NLA (17,840m²) allocated for the Shopping Centre.

f. Legal and Statutory

Clause 4.6.6 of TPS2 states the Council may modify the LCS, provided that it is satisfied that such modification is in the interest of proper and orderly planning and will not detract from the amenity of the locality.

The procedures for amending and adopting a Planning Policy are set out in section 8.9 of TPS2. Clause 8.9.5 provides that after the expiry of the period within which submissions may be made, the Council is to:

“(a) Review the proposed Policy in the light of any submissions received; and

(b) Resolve to adopt the Policy with or without modification, or not to proceed with the Policy.”

Clause 8.9.6 of TPS2 states that if the Council resolves to adopt the amended Policy, the Council is to publish notice of the Policy amendment once in a newspaper circulating in the Scheme area and if, in the opinion of the Council, the Policy affects the interests of the WAPC, forward a copy of the Policy to the WAPC.

The amended Policy has effect on publication of a notice under clause 8.9.6(a).

Comments

The Proponent’s RSA advised that the expanded Centro Warnbro Shopping Centre will enhance the shopping choice and range for local residents, as well as create employment opportunities for the local community. Against these benefits, a minor level of impact is projected for retailers within the Centre’s trade area. These impacts as discussed in the proponent’s RSA are not perceived as significant and argue that it would not threaten the ongoing viability of any existing retailers.
It is recommended that Council proceed to adopt the proposed amendments to the LCS to increase the maximum shop/retail floor space of the Warnbro Shopping Centre (Core Area) from 17,840m² NLA to 19,962m² NLA, and increase the maximum shop/retail floor space of the Warnbro District Centre as a whole from 19,962m² NLA to 22,000m² NLA.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ADOPT** the amendment to Planning Policy 3.1.2 - Local Commercial Strategy to increase the maximum shop/retail floor space of the Warnbro Shopping Centre (Core Area) from 17,840m² NLA to 19,962m² NLA, and increase the maximum shop/retail floor space of the Warnbro District Centre as a whole from 19,962m² NLA to 22,000m² NLA.

**Committee Recommendation**

That Council **ADOPT** the amendment to Planning Policy 3.1.2 - Local Commercial Strategy to increase the maximum shop/retail floor space of the Warnbro Shopping Centre (Core Area) from 17,840m² NLA to 19,962m² NLA, and increase the maximum shop/retail floor space of the Warnbro District Centre as a whole from 19,962m² NLA to 22,000m² NLA.

Committee Voting – 4/0

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

Not Applicable

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

Not Applicable
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-028/13 Proposed Motor Vehicle Repair Station</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2012.288 D13/41028</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Dynamic Planning and Developments</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Erika Barton, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>17 June 2013</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 15 (No.7) Minden Lane, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>3,473m²</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></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
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<tr>
<td></td>
<td>3. Ground Floor Plan</td>
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<td>4. First Floor Plan</td>
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<td></td>
<td>5. Elevations</td>
</tr>
<tr>
<td></td>
<td>6. Artist’s Impression</td>
</tr>
<tr>
<td></td>
<td>7. Approved IDGP</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial Photo

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY 15 JULY 2013

PRESIDING MEMBER
**Purpose of Report**

To consider an application seeking Planning Approval for a Motor Vehicle Repair Station on Lot 15 (No.7) Minden Lane, Baldivis.

**Background**

In June 2008, Planning Approval was issued for a Medical Centre and Offices on the subject site. It can be seen in Figure 2. The approval for Medical Centre and Offices required the provision of 61 parking spaces, plus two parking spaces for people with a disability. A total of 68 parking spaces (including two spaces for people with a disability) has been provided on site.

**Details**

The proponent seeks approval for a Motor Vehicle Repair Station on Lot 15 (No.7) Minden Lane, Baldivis.

The proposed Motor Vehicle Repair Station is a part single-storey (314.94m²), part two-storey (124.89m²) building. It consists of two vehicle service bays, a waiting bay containing parking for five vehicles, amenities, and a reception area on the ground floor (see Figure 3). The first floor contains a training room and amenities (see Figure 4).

It is proposed to operate the development 7:30am to 5:30pm Monday to Fridays and 8:00am to 12:00 noon on Saturdays, with no operation on Sundays.

A total of three staff would be employed in conjunction with the development; two mechanics and one manager.

The two roller doors on the northern elevation of the building are to remain open during the operating hours of the development.
3. Ground Floor Plan
4. First Floor Plan
5. Elevations
6. Artist’s Impression

**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 contained in the Community Plan 2011:

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

**d. Policy**
State Planning Policy 4.2: Activity Centres for Perth and Peel
The purpose of State Planning Policy 4.2: Activity Centres for Perth and Peel (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 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 *Baldivis Activity Centre Structure Plan* (BACSP), which is discussed below, was prepared to fulfil this requirement. The proposed development is considered to be appropriate to the ‘District Centre’.

*Baldivis Activity Centre Structure Plan*
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 endorsed 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 does not strictly provide a land use that is consistent with the vision for the Core Precinct which is as follows:

"To promote a functional town centre, the Baldivis Activity Centre will consolidate its retail within the Core Precinct. The Core Precinct will include a Discount Department Store (DDS), full line supermarkets, and a range of speciality shops, as well a wide range of community and entertainment uses. Whilst retail dominated, the Core Precinct will also include a complementary mix of commercial (office), residential and personal services uses."

Activity

The BACSP provides the following description of the intended Activity for the Core Precinct:

"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."

The land uses of 'retail', 'civic and community', 'entertainment and leisure', 'eating and drinking premises', 'offices', 'residential', 'discount department store', and 'supermarkets and speciality shops' are identified as being suitable for the Core Precinct. The Transition Precinct is the precinct within the Activity Centre in which the proposed Motor Vehicle Repair Station would be more suited, given that 'Service Industry' is identified as a suitable use. Nevertheless, the development is a permissible use class in the zone and therefore can be considered on its merits.

Urban Form

Urban form in the Core Precinct is required to reinforce the 'Main Street' and have strongly defined streets with active ground floor uses being present on all frontages of the precinct. The development generally achieves this requirement.

Planning Policy 3.2.4 - Baldivis Town Centre

Planning Policy 3.2.4 - Baldivis Town Centre (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 generally consistent with the objectives of the PP3.2.4.

Integrated Development Guide Plan

PP3.2.4 contains an Integrated Development Guide Plan (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 7.

In applying PP3.2.4, regard is to the given to the principles and intent of the adopted IDGP. It can be seen from Figure 7, that the IDGP did not include a building in this location, however, the provision of a building in this location would assist with the intent of having strongly defined streets in the Core Precinct, and thus built form in this location considered to be consistent with the intent of the IDGP.
7. Approved IDGP

**Requirements**

PP3.2.4 includes general requirements as well as specific precinct requirements applying to development. The requirements are outlined below where relevant, 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 Objectives</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subject to the provisions of the Zoning Table of Town Planning Scheme No.2, and the requirements set out under the Precinct Requirements, the provision of a wide range of Town Centre related land uses and activities, which will contribute to the progressive development of a highly integrated town centre environment, is encouraged.</td>
<td>Whilst the use is a ‘D’ Use Class under the TPS2 Zoning Table, it is not a preferred use in the Core Precinct.</td>
<td>Partially complies</td>
</tr>
<tr>
<td>A contemporary approach to planning town centres emphasising urban performance rather than regulation will be exercised. Instead of rigid zoning controls, a mixed use environment where people may live, work and recreate in attractive, compatible circumstances within the Town Centre is promoted.</td>
<td>The development is consistent with this provision.</td>
<td>Complies</td>
</tr>
<tr>
<td>Uses such as shops, offices, commercial, showrooms, residential, health community, education, leisure and entertainment and recreation should be developed in an integrated manner.</td>
<td>The proposed development is not one of these uses. The information submitted with the application demonstrates that the proposed development should not result in land use conflicts and can therefore be considered as a complementary use.</td>
<td>Partially complies</td>
</tr>
</tbody>
</table>

| **Urban Design Objectives** | The proposed building achieves the minimum of two-storey height level design requirement. The development provides for generally contiguous and active building frontages along Safety Bay Road. The existence of the transformer and bin storage area to the east of the building prohibits contiguity. | Partially Complies |

| Proponents should interpret the basic urban design principles in a way which accommodates a variety of styles, materials and colours consistent with the need for an urban townscape discipline. | A condition should be applied to any approval requiring submission of a schedule of colours and finishes to the satisfaction of the City. | Partially complies |

| **PRECINCT REQUIREMENTS** | 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. | Complies |

| **Core Precinct** | Whilst the use is a ‘D’ Use Class under the TPS2 Zoning Table, it is not a preferred use in the Core Precinct. A Motor Repair Station has recently been previously approved by the Metro South West Joint Development Assessment Panel within the Core Precinct, albeit on the periphery and not on a street frontage. | Partially complies |
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.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed building provides a two storey equivalent height.</td>
<td>Complies</td>
</tr>
<tr>
<td>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.</td>
<td>The proposed development does not provide for one of these uses, however given the location of the site, it is considered to provide for suitable activation of the street. Complies</td>
</tr>
<tr>
<td>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.</td>
<td>The development would provide this. Complies</td>
</tr>
<tr>
<td>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.</td>
<td>The building is suitably articulated. Complies</td>
</tr>
<tr>
<td>Continuous pedestrian shelter shall be provided at street level through a generally continuous street verandah (awning) treatment that is a minimum 2.5m wide. Verandah posts within the road reserve are generally not supported.</td>
<td>The building provides for generally continuous awnings along its frontage of Safety Bay Road. Complies</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>Not applicable to this site. Not Applicable</td>
</tr>
<tr>
<td>Blank walls fronting public spaces will not be permitted.</td>
<td>No blank walls proposed. Complies</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.</td>
<td>The building achieves this requirement. Complies</td>
</tr>
<tr>
<td>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 development proposes this, however, a condition would be included on any Planning Approval to this effect.</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>A drive-through is not proposed.</td>
</tr>
<tr>
<td>Drive-through facilities will not be supported in the Core Precinct, consistent with main street design principles.</td>
<td>The development proposes this; however, a condition should be included on any Planning Approval to this effect.</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>No residential development proposed.</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>The Acoustic Report submitted with the application demonstrates the development would comply with the relevant amenity criteria.</td>
</tr>
<tr>
<td>All residential development must incorporate noise attenuation measures to the satisfaction of the City of Rockingham to protect dwellings from being unreasonably affected by activities causing noise associated with lively mixed use areas.</td>
<td>No streetscape works proposed as part of this application.</td>
</tr>
<tr>
<td>Full streetscape works shall be provided by the subdivider. Where the adjoining verge has not already been streetscaped, developers will be required to contribute the full cost of streetscape works in the public streets immediate adjoining their development site. These shall generally include pavements, kerbside parking, streets trees, lighting and furniture.</td>
<td></td>
</tr>
</tbody>
</table>
e. **Financial**

Nil

f. **Legal and Statutory**

Town Planning Scheme No.2

**Permissibility**

The site is zoned ‘District Town Centre’ under Town Planning Scheme No.2 (TPS2). The proposed development is interpreted as a ‘Motor Vehicle Repair Station’ which is a ‘D’ land use that is not permitted unless the Council has exercised its discretion by granting planning approval.

**Car Parking**

In the District Town Centre Zone where no specific parking rate is provided in Table 3 of TPS 2, the Council is required to determine the minimum number of car parking bays required for the development 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 of the locality.

Table 2 requires for Motor Vehicle Repair Stations the provision of one bay for every service bay plus one bay per employee. This is considered to be appropriate for the proposed development.

In this regard, the proposed development requires, based on two service bays and three staff, a total of five parking spaces.

Parking provision is further discussed below in the ‘Comments’ Section, however, the proposed development complies with parking requirements.

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**Comments**

**Parking**

The approval for Medical Centre and Offices on the subject site required the provision of 63 parking spaces (including two parking spaces for people with a disability). A total of 68 parking spaces (including two spaces for people with a disability) have been provided on site. Thus there is a current surplus of five spaces on site.

TPS 2 requires the provision of five parking spaces on site for the proposed development.

The proposed development includes rearranging of the existing car park directly to the north and west of the proposed building site (see Figure 2). Thirteen parking spaces including one space for people with a disability would be affected. The development would instead provide eight permanent parking spaces (including one for people with a disability) at the eastern end of this parking aisle. The remainder of this car parking area would be used as temporary drop off and pick up bays. This would ensure the required parking for the existing Medical Centre and Office development is provided external to the proposed building.

The application proposes to provide five parking spaces within the waiting bay area of the building. This satisfies the required parking for the proposed development.

Some concern is raised as to the functionality of this parking and the temporary drop off bays. As the proposed development complies with the parking requirements, it is deemed to be acceptable. To ensure the operation of this development does not impact on the access to the surrounding parking area for the operation of the medical centre and offices, a condition of Planning Approval should be applied prohibiting vehicles associated with the Motor Vehicle Repair Station from parking outside of the parking spaces dedicated to its use.
Signage, Colours & Finishes

Whilst the form of the building is considered to be appropriate, further information will be required on signage and external colours and finishes. In this regard a condition should be applied to a Planning Approval requiring submission of a schedule of amended colours and finishes to the satisfaction of the City. A condition of Planning Approval should also require a signage strategy to be prepared for the development.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVE the application seeking Planning Approval for the Motor Vehicle Repair Station on Lot 15 (No.7) Minden Lane, Baldivis in accordance with the amended plans received by the City on the 23 May 2013 and as amended in red, subject to the following conditions and with the following advice notes:

1. Trees, shrubs taller than 2m and grasstree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970—2009, Protection of trees on development sites.

Arrangements must be made to the satisfaction of the City for grasstree plants that are specifically identified for removal to be relocated, prior to applying for a Building Permit.

2. Earthworks must be stabilised to prevent sand blowing and dust nuisance, for the duration of construction.

3. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City for, and certified by a Hydraulic Engineer, prior to applying for a Building Permit.

4. The redesigned carpark to the north of the building must:
   - (i) provide a total of eight parking spaces;
   - (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit - Certified;
   - (iii) include one car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
   - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
   - (v) have lighting installed, prior to the occupation of the development; and
   - (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

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

5. A total of five car parking spaces must be provided within the building at all times while the business is operating. This space is not to be used for storage or otherwise. The parking spaces are to be designed in accordance with the Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking.
6. Four temporary drop off bays are to be provided to the north of the building, and are to be designed in accordance with the Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking, prior to applying for a Building Permit. The temporary drop off bays are not to be used as permanent parking spaces and shall not prohibit access to the building.

7. Vehicles associated with the Motor Vehicle Repair Station (both employees and patrons) are not to park in any designated parking areas outside the five internal parking spaces or the four temporary drop off bays.

8. Materials, sea containers, goods or bins must not be stored within the carpark at any time.

9. Washdown areas must be constructed of hard-stand, bunded, graded, roofed and serviced by a petrol and oil separator suitable for connection to Water Corporation sewer mains. Washdown areas, including petrol and oil separators, must be maintained for the duration of the development.

10. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit - Certified:-
   (i) the location of bin storage areas and bin collection areas;
   (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
   (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
   (iv) frequency of bin collections.

   All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

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

12. All works must be carried out in accordance with the Environmental Noise Assessment prepared by Lloyd George Acoustics dated 1 May 2013 for the duration of the development.

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

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

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

15. Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times.

16. The door facing the Safety Bay Road frontage of the building must be able to be accessed by customers and not locked during all hours when the subject premises is trading.

17. All service vehicles must park either within the building or within the temporary drop off bays, and are not to obstruct any parking bays or associated aisles of the car park.

FOOTNOTES TO APPROVAL

(i) This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City.

(ii) If the development the subject of this approval has not substantially commenced within a period of two years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first been sought and obtained.
(iii) The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant should liaise with the Water Corporation in this regard.

(iv) A design of the washdown area must be provided to the satisfaction of the City's Health Services. Please liaise with the City's Health Services in this regard.

(v) The development (awnings) must comply with the Street Verandahs Local Law 2000 relating to encroachments into the road reserve. The applicant and owner should liaise with the City's Building Services in this regard.

(vi) A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.

**Committee Recommendation**

That Council **APPROVE** the application seeking Planning Approval for the Motor Vehicle Repair Station on Lot 15 (No.7) Minden Lane, Baldivis in accordance with the amended plans received by the City on the 23 May 2013 and as amended in red, subject to the following conditions and with the following advice notes:

1. Trees, shrubs taller than 2m and grasstree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970—2009, Protection of trees on development sites.

   Arrangements must be made to the satisfaction of the City for grasstree plants that are specifically identified for removal to be relocated, prior to applying for a Building Permit.

2. Earthworks must be stabilised to prevent sand blowing and dust nuisance, for the duration of construction.

3. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City for, and certified by a Hydraulic Engineer, prior to applying for a Building Permit.

4. The redesigned carpark to the north of the building must:-

   (i) provide a total of eight parking spaces;

   (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit - Certified;

   (iii) include one car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;

   (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;

   (v) have lighting installed, prior to the occupation of the development; and

   (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

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

5. A total of five car parking spaces must be provided within the building at all times while the business is operating. This space is not to be used for storage or otherwise. The parking spaces are to be designed in accordance with the Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking.
6. Four temporary drop off bays are to be provided to the north of the building, and are to be
designed in accordance with the Australian/New Zealand Standard AS/NZS 2890.1:2004,
Parking facilities, Part 1: Off-street car parking, prior to applying for a Building Permit. The
temporary drop off bays are not to be used as permanent parking spaces and shall not
prohibit access to the building.

7. Vehicles associated with the Motor Vehicle Repair Station (both employees and patrons) are
not to park in any designated parking areas outside the five internal parking spaces or the
four temporary drop off bays.

8. Materials, sea containers, goods or bins must not be stored within the carpark at any time.

9. Washdown areas must constructed of hard-stand, bunded, graded, roofed and serviced by a
petrol and oil separator suitable for connection to Water Corporation sewer mains.
Washdown areas, including petrol and oil separators, must be maintained for the duration of
the development.

10. A Waste Management Plan must be prepared and include the following detail to the
satisfaction of the City, prior to applying for a Building Permit - Certified:-
   (i) the location of bin storage areas and bin collection areas;
   (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
   (iii) management of the bins and the bin storage areas, including cleaning, rotation and
        moving bins to and from the bin collection areas; and
   (iv) frequency of bin collections.
   All works must be carried out in accordance with the Waste Management Plan, for the
duration of development.

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

12. All works must be carried out in accordance with the Environmental Noise Assessment
prepared by Lloyd George Acoustics dated 1 May 2013 for the duration of the development.

13. A Schedule of the colour and texture of the building materials, demonstrating that the
proposed development complements the surrounding area, must be provided to the
satisfaction of the City, prior to applying for a Building Permit.
   The development must be finished in accordance with the Schedule provided and approved
by the City, prior to occupation of the development.

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

15. Entries and window frontages facing the street of ground floor tenancies must not be covered,
closed or screened off (including by means of shutters, curtains, blinds or roller doors or
similar), to ensure that a commercial, interactive frontage is available to the development
from the street, at all times.

16. The door facing the Safety Bay Road frontage of the building must be able to be accessed by
customers and not locked during all hours when the subject premises is trading.

17. All service vehicles must park either within the building or within the temporary drop off bays,
and are not to obstruct any parking bays or associated aisles of the car park.

FOOTNOTES TO APPROVAL

(i) This Approval relates to the details provided in the application; to undertake the development
   in a different manner to that stated in the application, a new application for Planning Approval
   must be submitted to the City.

(ii) If the development the subject of this approval has not substantially commenced within a
   period of two years from the date of this letter, the approval shall lapse and be of no further
   effect. Where an approval has so lapsed, no development shall be carried out without the
   further approval of the Council having first been sought and obtained.
(iii) The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant should liaise with the Water Corporation in this regard.

(iv) A design of the washdown area must be provided to the satisfaction of the City's Health Services. Please liaise with the City's Health Services in this regard.

(v) The development (awnings) must comply with the Street Verandahs Local Law 2000 relating to encroachments into the road reserve. The applicant and owner should liaise with the City's Building Services in this regard.

(vi) A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable
### Planning Services
Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-029/13 Proposed Road Closure - Truncation Adjustment - Rockingham Beach Road and Roe Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1730</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr K M Phillips</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Riaan Stassen, 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>17 June 2013</td>
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<td>Previously before Council:</td>
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<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
</tbody>
</table>

| Site:                  | Lot 13 (No.153) Rockingham Beach Road, Rockingham                                            |
| Lot area:              | 989m²                                                                                         |
| LA Zoning:             | Residential R5/40                                                                             |
| MRS Zoning             | Urban                                                                                         |
| Attachments:           | 1. Location Plan                                                                               |
| Maps/Diagrams:        | 2. Aerial View                                                                                 |
|                       | 3. Proposed Road Closure                                                                      |
Purpose of Report

To consider an application to initiate road closure proceedings to rectify an unconventional arched truncation on the corner of Rockingham Beach Road and Roe Street, Rockingham.

Background

Nil
Details

The proponent requested the City to consider an amendment to the existing arched lot truncation on the corner of Rockingham Beach Road and Roe Street, to accommodate the traditional triangular shaped lot truncation.

It is the Proponent’s intention to construct a swimming pool in this location and the arched shape of the lot truncation limits the usability of the front yard for this purpose.

The proposed lot truncation will be 6m x 6m in size to match the lot truncation on the adjoining corner. The road closure will consist of 5m² of existing road reserve to be amalgamated with the subject property.

![Proposed road closure diagram]

3. Proposed Road Closure

Implications to Consider

a. Consultation

In order to comply with Section 58 of the Land Administration Act 1997, a resolution of the Council is required to progress the closure of the portions of road reserve. Under the Act, the Council is required to advertise the proposed road closure by way of a publication in a newspaper for a period of 35 days.
b. **Consultation with Government Agencies**

Consultation with the City’s Engineering Services confirmed no impact on existing services infrastructure.

The following authorities still need to be consulted during the advertising period:

(i) Department of Planning  
(ii) Western Power  
(iii) Water Corporation  
(iv) Telstra

c. **Community Plan**

Community Plan

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

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

d. **Policy**

Nil

e. **Financial**

Nil

f. **Legal and Statutory**

The responsibility for determining applications for the closure of road reserves rest with the Minister for Planning, on advice from the Department of Land Administration.

**Comments**

Given the minor extent of the proposed road closure, the fact that it will have no impact on the existing public domain and the benefit it will provide the impacted land owner, it is recommended that Council initiate road closure procedures.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **PROCEED**, pursuant to Section 58 of the Land Administration Act 1997, for the purpose of advertising the proposed closure of the portions of Rockingham Beach Road and Roe Street, Rockingham to seek public comment.

**Committee Recommendation**

That Council **PROCEED**, pursuant to Section 58 of the Land Administration Act 1997, for the purpose of advertising the proposed closure of the portions of Rockingham Beach Road and Roe Street, Rockingham to seek public comment.

Committee Voting – 4/0

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

Not Applicable

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

Not Applicable
### Planning Services

**Statutory Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-030/13 Request to Amend Approval Conditions and Revised Proposal - Baldivis District Shopping Centre (Metro South West Joint Development Assessment Panel)</th>
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<tbody>
<tr>
<td>File No:</td>
<td>DD020.2012.290 - D13/55292</td>
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<tr>
<td>Proponent/s:</td>
<td>Urbis on behalf of Stockland Development Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Erika Barton, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
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<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
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<td>(determined by SWJDAP on 8 March 2013)</td>
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<td></td>
<td>Lot 9084 = 1.3726ha</td>
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<td>MRS Zoning:</td>
<td>Urban</td>
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<td>Attachments:</td>
<td>Responsible Authority Report</td>
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<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
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<td>2. Aerial Photo</td>
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<tr>
<td></td>
<td>3. Site Plan</td>
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<td></td>
<td>4. Approved Ground Floor Plan</td>
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<td>5. Proposed Ground Floor Plan</td>
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<td>6. Approved Level 1 Plan</td>
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<td>7. Proposed Level 1 Plan</td>
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<td>8. Approved Building 5 Plan</td>
</tr>
<tr>
<td></td>
<td>9. Proposed Building 5 Plan</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial Photo
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application to amend the Planning Approval granted by the SWJDAP on 8 March 2013, for additions and alterations to Baldivis District Shopping Centre, which includes a request for reconsideration of conditions and approval of amended plans.

Background

The following outlines the history of planning approvals on the site:

July 2006 - Stage 1 Shopping Centre - conditional Planning Approval issued.
March 2009 - McDonalds Restaurant - conditional Planning Approval issued.
July 2010 - Car Park Extension - conditional Planning Approval issued.
October 2011 - Red Rooster - conditional Planning Approval issued.
November 2011 - Extension to Shopping Centre - conditional Planning Approval granted by the City. The proponent has chosen not to commence this Planning Approval and instead has lodged the subject application for a larger development.
March 2011 – Extension to Shopping Centre – conditional Planning Approval issued by the SWJDAP.

City Officers have until recently understood that a Responsible Authority Report (RAR), as attached, could be provided by the City as part of its assessment of DAP applications. Following the SWJDAP Planning Approval in March 2013, the Chief Executive Officer and Director, Legal Services and General Counsel identified that the City cannot provide a RAR directly to the Development Assessment Panel (DAP) applications. The Planning and Development (Development Assessment Panel) Regulations 2011, require the Responsible Authority, being the Local Government, to provide its recommendations on DAP applications.

Details

Urbis seeks minor changes to the design of the development and the conditions imposed on the Planning Approval for the additions and alterations to the Baldivis District Shopping Centre, as approved by the SWJDAP.

The application includes the following minor changes:-

(a) Proposed modifications to the Approved Development

(i) Extension of the trading area of the Discount Department Store (DDS) so that it is better connected to the internal mall circulation area. This results in an addition of 187m² retail NLA located within the approved building footprint;

(ii) Expansion of DDS back-of-house area to incorporate a pallet enclosure. The expansion is into a fenced and partly roofed storage area which is part of the approved development;

(iii) Provision of alternative glazing to the food terrace that can be opened for natural ventilation where the weather permits or closed to provide a controlled climate during inclement conditions. These alterations result in a decrease in retail NLA, however, maintains the same seating capacity within the food terrace;

(iv) Expansion to the food terrace southward into the at-grade carpark due to the introduction of a service corridor to the rear of the food outlets, resulting in the replanning of the at-grade and roof carpark in the vicinity;

(v) Replanning western side of roof carpark (centre manager’s office) to avoid building a suspended slab over the Coles expansion;

(vi) Replanning of the lift, skylight and travelators on roof in the vicinity of the bulky goods tenancies; and

(vii) Changes to the circulation of the roof car park associated with modifications in skylight locations.
(viii) As a consequence of these modifications the development results in a further deficiency of 59 parking spaces on site.

(b) Proposed Changes to Conditions

(i) Deletion of Condition 2 relating to the exclusion of rear car parking bays within the Development Area. Condition 2 states:

“2. The development must be designed to exclude the car parking spaces, access ways and retaining walls north side of the location marked in red on the approved plan, prior to applying for a Building Permit.”

(ii) Deletion of Condition 3 as this matter has been dealt with on the updated plans. Condition 3 states:

“3. The proposed stairs within the Safety Bay Road reserve adjacent to Bulky Goods Building 3 shall be deleted.”

(iii) Clarification of Condition 9 to confirm that it only relates to the area of land in the front of the Bulky Goods Precinct where car parking is provided. Condition 9 states:

“9. An Easement, in accordance with Section 195 and 196 of the Land Administration Act 1997, for the benefit of the public is to be registered on the Certificates of Title for Lot 1 and Lot 9084 Safety Bay Road, Baldivis, specifying public access rights for the car park. Notice of the Easement is to be included on the Deposited Plan. The Easement is to state as follows:-

“Public Access Easement for Carparking and Pedestrian Access”.

(iv) Deletion of Condition 11 relating to provision of service vehicle access, as follows:

“11. The Service Vehicle access shall be designed and constructed to the satisfaction of the City, to provide for access to the loading docks from Nairn Drive, in the vicinity of Mennock Approach road reserve. The Service Vehicle access shall be in place prior to the occupation of the development and maintained for the duration of the development or until such time that Mennock Approach is constructed and dedicated as a public road.”

(v) Deletion of Condition 12 relating to construction of Mennock Approach, as follows:

“12. The owner shall enter into a legal agreement with the City with a caveatable interest, for the construction of the portion of Mennock Approach on the Land, either:

(i) When the owner of the balance of Mennock Approach adjacent to the Land ("Balance") announces an intention to construct the portion of Mennock Approach on the Balance; or

(ii) When the owner of the land obtains the balance of Mennock Approach; Prior to issue of a certificate of occupancy.”

(vi) Modification of Condition 19 relating to service vehicle access, which states:

“19. Access to service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays.”

(vii) Modification of Condition 22 relating to the treatment of entries and window frontages, which states:

“22. Entries and window frontages of the ground floor tenancies facing Settlers Avenue must not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times and all tenants are advised accordingly.”

(viii) Modification of Condition 23 which requires all doors fronting Settlers Avenue to be kept open and not locked when premises are trading:

“23. All doors fronting Settlers Avenue must be kept open and not locked during all hours when the subject business is trading.”
(ix) Modification to Condition 22 to clarify that ‘Office’ uses may be appropriate within Buildings 2 and 3, however are not covered under this Development Approval, and a subsequent approval for the use is required; and


Figure 3 is the Site Plan which illustrates the location of the proposed amendments relating to the Conditions of Planning Approval. Figures 4 to 9 provide a comparison between the approved and proposed floor plans, to illustrate the proposed minor modifications to the development.
3. Site Plan
4. Approved Ground Floor Plan
5. Proposed Ground Floor Plan
6. Approved Level 1 Plan
7. Proposed Level 1 Plan
8. Approved Building 5 Plan
9. Proposed Building 5 Plan
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 contained in the Community Plan 2011:-

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

d. Policy
   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 Policy comprises both an Integrated Development Guide Plan (IDGP) and policy provision to guide development in accordance with the Policy principles and requirements.
   A complete assessment of the proposed amendment is provided in the attached RAR which is summarised as follows:
   - Condition 2 requires the deletion of the row of car parking at the rear of Coles as shown in Figure 3. The retention of the proposed car parking is not supported as it would hinder the attainment of the required built form along the future Mennock Approach, in accordance with the approved IDGP.
   - Condition 23 requires all doors fronting Settlers Avenue to be kept open and not locked during business hours. The Applicant seeks to amend this condition to not require the ‘main street’ front doors to be kept open. This is inconsistent with the provision of PP3.2.4 and is a condition that has been consistently applied by the City on all Planning Approvals along the ‘main street’ of the Baldivis Town Centre.

   Planning Policy 3.3.1 – Control of Advertising (PP3.3.1)
   PP3.3.1 provides guidance on advertisements within the City. Condition 22 requires the entries and windows of all ground floor tenancies along Settlers Avenue to remain uncovered at all times. Urbis seeks to amend this condition to allow 25% of the glazing to be covered. This modification is inconsistent with the provisions of PP3.3.1 and is a condition that the City has consistently applied to Planning Approvals within the Baldivis Town Centre.

e. Financial
   Nil

f. Legal and Statutory
   Town Planning Scheme No.2 (TPS2)
   Car parking is required to be provided for the development in accordance with Table No.3 of TPS2. An assessment of parking requirements and provision is included in the attached RAR. The amended development requires the provision of 1,745 parking spaces whilst 1,378 spaces have been provided.
   Whilst the parking provision does not comply with the car parking standards of TPS2, given the multiple use nature of trips generated in the Baldivis Town Centre, the proposed parking provision is considered to be acceptable.
Comments

Modification to the Development

The City supports the minor design modifications as proposed in the application.

Changes to the Conditions

(i) Deletion of Condition 2 relating to the exclusion of rear car parking bays

As outlined in the Policy Section of this report and the attached RAR, the proposed parking in this location is inconsistent with the approved IDGP and is therefore not supported.

(ii) Deletion of Condition 3 as this matter has been dealt with on the updated plans

The City supports the deletion of Condition 3, as the stairs have been deleted in the amended plans.

(iii) Clarification of Condition 9 to confirm that it only relates to the area of land in the front of the Bulky Goods Precinct where car parking is provided.

Condition 9 does not only relate to the land in front of the Bulky Goods Precinct. The access and parking easement is required to provide legal rights for the public at large to access and utilise the car park. This is explained further in the RAR. Upon further consideration Condition 9 could be amended to revise the current easement for car parking registered on the Certificate of Title for Lot 1 to reflect the 12 April 2013 revised at grade car park plan in accordance with Sections 195 and 196 of the Land Administration Act 1997, and not be applied to the roof deck car park.

(iv) Deletion of Condition 11 relating to provision of service vehicle access.

Condition 11 requires the provision of a service vehicle access to the loading docks at the rear of the development in the location of the future Mennock Approach. Urbis proposes to delete Condition 11 and continue to use Nancy Alley and Atwick Terrace for access to the loading dock. Given the tripling of the shopping centre size, narrow width of Nancy Alley and traffic and pedestrian safety, the deletion of Condition 11 is not supported.

(v) Deletion of Condition 12 relating to construction of Mennock Approach.

Condition 12 requires the owner to enter into a legal agreement for the future construction of Mennock Approach on the subject site. Mennock Approach is integral to the functioning of the town centre and would be required to be constructed as part of this application if it was held entirely in the one ownership. Given the circumstances, Condition 12 is considered to be the most suitable way to facilitate the future construction of Mennock Approach. The proposed deletion of Condition 12 is not supported.

(vi) Modification of Condition 19 relating to service vehicle access

Condition 19 relates to the hours service vehicles can access the site. The hours of access reflected in Condition 19 are consistent with the Environmental Protection (Noise) Regulations 1997 (EP Regulations), and reflect the approach taken by the City for other centres. While it is recognised that there are no current residential land uses nearby, given the mixed use development potential of the Baldivis Town Centre – Core Precinct and adjacent land, the proposed modification to Condition 19 is not supported.

(vii) Modification of Condition 22 relating to the treatment of entries and window frontages

Condition 22 was discussed in the Policy Section of this report. The proposed changes to Condition 22 are not supported.

(viii) Modification of Condition 23 which requires all doors fronting Settlers Avenue to be kept open and not locked when premises are trading

Condition 23 was discussed in the Policy Section of this report. The proposed changes to this condition are not supported.

(ix) Modification of Condition 22 to clarify that ‘Office’ uses may be appropriate within Buildings 2 and 3, however, are not cover under this Development Approval, and a subsequent approval for the use is required
The Planning Approval designated Buildings 2 and 3 as ‘shops’, which reflected the application details. Whilst an ‘office’ is a preferred land use that may be supported by PP3.2.4 along Settlers Avenue, TPS2 requires a further Planning Approval for a change of land use. In this regard the modification of Condition 22 is not supported.

(x) New condition confirming approved uses of ‘shop’, ‘office’, ‘restaurant’, ‘fast food outlet’, and ‘motor vehicle repair station’

It is not considered necessary or appropriate to include a new condition that reflects the approved land uses. This would not be a relevant condition of Planning Approval. It is recommended that the approved development description be amended to read:

“Additions and Alterations to Baldivis District Shopping Centre (Shop, Restaurant, Office, Car Parking, Motor Vehicle Repair Station and Showroom)”.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ADOPT** the Responsible Authority Report for the Modification to Development Assessment Panel Planning Approval for Additions and Alterations to Baldivis District Shopping Centre, over Lots 1 and 9084 Safety Bay Road, Baldivis, dated 5th June 2013 as contained in Attachment 1.

**Committee Recommendation**

That Council **ADOPT** the Responsible Authority Report for the Modification to Development Assessment Panel Planning Approval for Additions and Alterations to Baldivis District Shopping Centre, over Lots 1 and 9084 Safety Bay Road, Baldivis, dated 5th June 2013 as contained in Attachment 1.

Committee Voting – 4/0

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

Not Applicable

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

Not Applicable
# Planning Services

**Statutory Planning Services**

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<th>Reference No &amp; Subject:</th>
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</thead>
<tbody>
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<td>DD020.2013.54</td>
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<tr>
<td>Proponent/s:</td>
<td>Handle Property Group</td>
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<tr>
<td>Author:</td>
<td>Ms Erika Barton, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
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<tr>
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<td>Mr Mike Ross, Manager Statutory Planning</td>
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<td>Date of Committee Meeting:</td>
<td>17 June 2013</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<tr>
<td></td>
<td>2. Aerial Photo</td>
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<td>3. Ground Floor Plan &amp; Elevations</td>
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<td></td>
<td>4. First Floor Plan</td>
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<td>5. Consultation Plan</td>
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</tbody>
</table>
Purpose of Report

To consider an application seeking Planning Approval for 20 Multiple Dwellings at Lots 28 and 29 (Nos.36 & 38) Lake Street, Rockingham.

Background

Nil
Details

The proponent seeks approval for 20 Multiple Dwellings, which comprises two, two-storey buildings. One building contains 16 dwellings, with eight dwellings on the ground floor and eight dwellings on the first floor. These dwellings all contain two bedrooms.

The other building contains four (4) dwellings, with two dwellings on the ground floor and two dwellings on the first floor. These dwellings all contain one bedroom.

The existing dwelling on Lot 29 is to be retained on a 600m² parcel of land. This lot is to be excised from the site by way of a separate subdivision application currently being considered by the Western Australian Planning Commission (WAPC).

A common central driveway would service the development. Twenty uncovered car bays for residents and five (5) uncovered bays for visitors have been provided as part of the development.

The proponent seeks approval for a number of variations to the Acceptable Development Criteria of the Residential Design Codes (R-Codes). The proposed variations are as follows:-

Variation 1. The R-Codes requires a Plot Ratio of 0.5 for R30 Coded land. The development proposes a 0.51 Plot Ratio

Variation 2. Based on the wall length and height, the ground floor rear setback to Unit 8 is required to be 1.5m, whilst 1.4m has been provided.

Variation 3. The development is required to provide 9 bicycle parking spaces. None have been provided.

Variation 4. The development proposes the provision of 40 wheelie bins to service the development. These would not fit on the verge on collection day, and thus alternate waste servicing arrangements would need to be made to the satisfaction of the City.
3. Ground Floor Plan & Elevations
4. First Floor Plan
**Implications to Consider**

a. **Consultation with the Community**

In accordance with Clause 6.3 of Town Planning Scheme No.2 (TPS2) and Clause 4.1 of the R-Codes, the application was referred to nearby owners and occupiers for comment, for a period of 14 days. Advertising of the proposal was undertaken by the City because the R-Code variation required the exercise of discretion by the Council and this required consultation with the nearby property owners and occupiers that could be affected by the proposal.

5. **Consultation Plan**

At the close of the advertising period, three (3) submissions had been received. The submissions raised the following main concerns:

<table>
<thead>
<tr>
<th>Submission Concern</th>
<th>No. of Submissions Raised the Concern</th>
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<td>Density of Development</td>
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<td>Parking</td>
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<td>Visual Privacy</td>
<td>1</td>
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<td>Number of bins on the verge on collection day</td>
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<tr>
<td>Rental population and undesirable occupants</td>
<td>1</td>
</tr>
<tr>
<td>Construction noise</td>
<td>1</td>
</tr>
</tbody>
</table>

b. **Consultation with Government Agencies**

Not Applicable
c. **Strategic**  
*Community Plan*

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

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

d. **Policy**

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

In November 2012, amendments were made to the R-Codes which involved inter alia the removal of the minimum site area for multiple dwellings in areas with a coding of R30 or greater to allow more flexibility in design and internal layout. New tables which outline new plot ratios, site covers, height controls and setbacks for multiple dwellings, were introduced to control the density of development instead.

The objectives of the amendments to the R-Codes were to:-

“(i) Expand the permissible range of housing within residential coding, so as to more effectively meet the housing needs of the community;

(ii) Facilitate the development and redevelopment of existing housing sites;

(iii) Reduce the disincentive for smaller dwellings in favour of increased density of housing within a framework of form-based design guidance;

(iv) Improve the standard of design for Multi-Unit housing, and encourage the development of housing with performance standards appropriate to form; and

(v) Build the capacity of local government to interpret and apply new methods for assessment and promotion of Multi-Unit housing and Mixed-Use development."

The result of these changes was an increased ability to construct multiple dwellings. The R-Codes also state that one or two-person households now make up over half of all households in Western Australia.

The proposed development generally complies with the R-Codes. The following outlines the proposed variations to the Acceptable Development provisions within the R-Codes and justification for variations. Acceptable Development requirements illustrate one way of satisfying the corresponding Performance Criteria.

**Plot Ratio**

For R30 coded land, the Acceptable Development requirement for building size is a plot ratio of 0.5. The development proposes a plot ratio of 0.51, which exceeds the requirement by 0.01. Plot Ratio is the ratio of the floor area of all buildings on the site, to the area of land in the site boundaries. The Plot Ratio variation does not permit any additional multiple dwellings and equates to approximately 23m$^2$ of additional floorspace between 20 multiple dwellings.

The performance criterion for plot ratio is:

“Development of the building is at a bulk and scale indicated in the local planning scheme and is consistent with the existing or future desired built form of the locality.”

The plot ratio variation is considered a minor variation. Given the development achieves the intent of the performance criteria and generally all other development controls such as setbacks, building height, parking requirements, overshadowing, and visual privacy, it is considered acceptable.

**Rear Boundary Setback**

Based on the wall length and height, the R-Codes requires the ground floor rear setback to be 1.5m, whilst 1.4m has been provided. This is a minor variation and would not result in any adverse visual privacy or overshadowing impacts; it is considered to be acceptable.
**Bicycle Parking**

The R-Codes require the provision of nine (9) bicycle parking spaces on site which are to be designed in accordance with *Australian Standard AS2890.3 – Bicycle Parking Facilities*. None have been included. This matter can be addressed as a Condition of Planning Approval requiring the provision of the nine (9) bicycle parking spaces.

**Waste Servicing**

The development proposes to utilise standard wheelie bins to service the development. Insufficient room exists on the verge for the servicing of 40 wheelie bins. In this regard the use of wheelie bins for waste management is not accepted. Alternative arrangements will be required to be made with the City for waste servicing which can be addressed as a Condition of Planning Approval. Preliminary discussions with the City’s Waste Services indicates that 4 x 1,100L skip bins may be appropriate.

e. **Financial**

Nil

f. **Legal and Statutory**

**Town Planning Scheme No.2**

Under TPS2, the proposed development is classed as a Multiple Dwellings, which is a (‘D’) use that is not permitted in the Residential Zone, unless the Council has exercised its discretion by granting planning approval. The subject land has a residential density code of R30, which designates the site for Grouped Dwellings or Multiple Dwellings. Clause 4.1 of TPS2 requires residential development, unless otherwise provided for in TPS2, to comply with the R-Codes.

The Council has discretion to either approve the proposal, with or without conditions, or refuse the application.

---

**Comments**

**Response to Submissions**

**Density of Development**

The proposed development has a minor increase in Plot Ratio, which is considered acceptable.

**Parking**

As each Multiple Dwelling is less than 75m² in area, each dwelling is required to have one on-site parking space. The proposal is compliant with these car parking requirements. Further, 0.25 spaces per dwelling are required for Visitors’ parking. Based on 20 Multiple Dwellings, five visitor spaces are required, whilst six have been provided.

The proposed parking spaces comply with the requirements of the R-Codes.

Submissions have raised concern that the majority of Multiple Dwellings are likely to have more than one car and with only one parking space provided per unit, there will be overflow onto Lake Street. The proposed development complies with the Acceptable Development requirements of the R-Codes in respect of car parking and is therefore deemed to be compliant in this respect.

**Visual Privacy**

The R-Codes include provisions to ensure visual privacy is maintained for adjoining residents. The proposed development incorporates privacy measures, which include 1.6m high walls to the balconies facing No. 34 Lake Street. The proposal complies with the R-Codes in respect to visual privacy requirements.

**Number of bins on the verge on collection day**

Insufficient area exists on the verge for the collection of 40 wheelie bins. Alternate waste storage and collection options need to be resolved with the City. The City’s Waste Services has advised that four (4) x 1,100L skip bins (two waste and two recycling) could potentially be utilised. Waste collection, however, would need to be on-site and the bin bay located closer to the street for truck access.
Rental population and undesirable occupants
This is not a relevant planning consideration.

Construction noise
Construction activities which generate noise are required to be carried out during daytime hours and not on Sundays or Public Holidays. A condition shall be imposed on any Planning Approval to this effect.

Conclusion
As the proposed development of 20 Multiple Dwellings is generally compliant with the R-Codes, it is recommended that Council grant conditional Planning Approval.

Voting Requirements
Simple Majority

Officer Recommendation
That Council APPROVE the application for 20 Multiple Dwellings on Lots 28 and 29 (Nos. 36 & 38) Lake Street, Rockingham, subject to the following conditions and advice notes:

1. All earthworks must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.
2. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City.
3. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit.
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) Verge treatments.

The landscaping must be completed in accordance with the approved Landscaping Plan prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City.

4. The street setback area and all verge areas must be landscaped and reticulated, prior to the occupation of the development and must be maintained at all times.
5. The carpark must:
   (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   (ii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
   (iii) have lighting installed, prior to the occupation of the development; and
   (iv) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

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

The visitor car parking spaces must be constructed, clearly marked/signposted as visitor spaces and connected to the development via a 1.2m wide continuous accessible path of travel prior to occupation of the development, and must be retained and maintained in good condition at all times.

7. The existing crossover must be removed and the verge, footpath, kerbing and landscaping must be reinstated to the satisfaction of the City, prior to the occupation of the development.

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

9. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:-
   (i) the location of bin storage areas and bin collection areas;
   (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
   (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
   (iv) frequency of bin collections.

All works must be carried out in accordance with the approved Waste Management Plan, for the duration of development.

10. Arrangements must be made for the amalgamation of the land, which includes the proposed Multiple Dwellings onto one Certificate of Title, prior to applying for a Building Permit or, alternatively, a Deed of Agreement being entered into between the landowner and the City of Rockingham requiring the amalgamation of all lots onto one Certificate of Title prior to the occupation of the development.

11. Clothes drying facilities (excluding electric clothes dryers) must be designed for each Multiple Dwelling, to be screened from public view, prior to applying for a Building Permit, and implemented as such for the duration of the development.

The facilities, so designed, must be completed prior to occupation of the development and must be retained at all times.

12. Above-ground meter boxes must not be located in a street setback area at any time.

13. Arrangements being made to the satisfaction of the City for the payment of contributions towards the Administration and Community Infrastructure items identified in the City of Rockingham Town Planning Scheme No.2, prior to commencement of development.

14. The provision of nine (9) short stay bicycle parking spaces designed in accordance with Australian Standard AS2890.3 – Bicycle Parking Facilities.

FOOTNOTES TO APPROVAL

(i) If the development the subject of this approval has not substantially commenced within a period of two years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first been sought and obtained.

(ii) Arrangements must be made to the satisfaction of the City for the payment of contributions towards the Administration and Infrastructure items identified in the City of Rockingham Town Planning Scheme No.2, prior to commencement of development.

(iii) A Building Permit - Certified must be obtained for all retaining walls prior to construction; the applicant and owner should liaise with the City's Building Services in this regard.

(iv) All works in the road reserve, including construction of a crossover and other streetscape works must be to the specifications of the City; the proponent should liaise with the City's Engineering Services in this regard.

Committee Recommendation

That Council APPROVE the application for 20 Multiple Dwellings on Lots 28 and 29 (Nos. 36 & 38) Lake Street, Rockingham, subject to the following conditions and advice notes:-

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY 15 JULY 2013

PRESIDING MEMBER
1. All earthworks must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.

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

3. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit.
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   (iii) Any natural landscape areas to be retained;
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The facilities, so designed, must be completed prior to occupation of the development and must be retained at all times.

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(iii) A Building Permit - Certified must be obtained for all retaining walls prior to construction; the applicant and owner should liaise with the City's Building Services in this regard.

(iv) All works in the road reserve, including construction of a crossover and other streetscape works must be to the specifications of the City; the proponent should liaise with the City's Engineering Services in this regard.

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable
**Planning Services**  
**Statutory Planning Services**

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<th>Reference No &amp; Subject:</th>
<th>SP-032/13 Proposed Peat Removal - East Baldivis</th>
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<td>20.2013.29</td>
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<tr>
<td>Proponent/s:</td>
<td>Development Engineering Consultants Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Erika Barton, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee</td>
<td>17 June 2013</td>
</tr>
<tr>
<td>Meeting:</td>
<td></td>
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<td>Previously before Council:</td>
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<td>Disclosure of Interest:</td>
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<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
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<td>Site:</td>
<td>Lots 1000, 105, 104, 541(^2), 543, 544 Baldivis Road, Baldivis</td>
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<td>3. Proposed LSP</td>
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<td></td>
<td>4. Extent of Works</td>
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<td>5. Proposed Development 1</td>
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<tr>
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<td>6. Proposed Development 2</td>
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\(^2\) Correction of typographical error throughout this Item. Lot 531 should be Lot 541.
1. Location Plan

2. Aerial Photo

**Purpose of Report**

To consider an application seeking Planning Approval for earthworks to remove peat material from Lots 1000, 105, 104, 541, 543, 544 Baldivis Road, Baldivis.
Background

The City is currently considering an application for a Local Structure Plan (LSP) for the site the subject of this application. It is known as East Baldvis LSP. The Council has resolved to advertise the proposed LSP, and the application was advertised for public submissions until 22 May 2013.

The proposed Structure Plan includes the following elements:-

- Residential densities ranging from 'R25' - 'R60' to facilitate development of approximately 900 dwellings;
- Road connections into Baldvis Road at the intersections of Amazon Drive and Ingram Road and a connection north into Paparone Road; and
- Eight Public Open Space reserves ranging in size from 1,930m² to 2.15ha.

3. Proposed LSP

The subject site is traversed by a stormwater drain, which can be seen in Figure 2, running from north to south through Lots 1000, 105, 543, and 544. Whilst there is no easement over this drain, it is currently an asset of the Water Corporation, by virtue of the Land Drainage Act 1925. It is known as Peel Rural Sub-Drain 'H'.

The site is also traversed by a 10m wide road reserve (unmade) that dissects Lot 1000 and Lots 105 and 541. The Proponent has advised that the road reserve has been closed, consistent with Council Resolution SP-013/10 (15 November 2010), and they are currently in the process of purchasing the land.

Details

In anticipation of Council and the Western Australian Planning Commission (WAPC) granting its approval to the LSP, the proponent has lodged the application for Planning Approval in order to remove the peaty material from site before the onset of winter. The land will become untrafficable during the wetter winter months, and consequently future subdivision in accordance with the LSP will not be able to progress in a timely manner once the LSP and subdivision applications are approved. The removal of the peaty material will provide a surface that is able to be further worked as part of subsequent applications, during the wet and preferred time of year for subdivision works.
4. Extent of Works
5. Proposed Development 1 (Southern Section)
6. Proposed Development 2 (Northern Section)
The application proposes to remove the peaty material from the area shown in Figures 5 and 6. It will be replaced and the land shaped with sand and clay material obtained from Borrow Pits 1, 2, and 3 as shown on Figures 5 and 6. The peaty material will then be stored in the Borrow Pits for future landscaping works as the Borrow Pits are the location of the future POS Areas C, D and E.

Figure 6 shows the cross sections of the finished levels of the works.

The site is affected by Acid Sulfate Soils (ASS) and as such will require treatment with lime as part of the earthworks process. An ASS Management Plan has been prepared and submitted as part of this application.

As no fill would be imported or exported from site, the traffic generation from peat removal is limited to workers accessing the site on a daily basis and the transportation of the earthmoving vehicles to and from site at the commencement and conclusion of the earthworks project. The lime required for the ASS treatment will be trucked in. Based on an estimated 1,100 tonnes of aglime required, approximately 44 loads (25 tonne truck) would be required.

**Implications to Consider**

a. **Consultation with the Community**

Consultation with the Community was not deemed to be necessary for this application. The two properties directly to the north of the site were, however, contacted and advised of the proposed development given the proximity of the development to the associated dwelling. The owner of these properties has advised that they have no objection to the proposed development.

b. **Consultation with Government Agencies**

The proposal was referred to the Department of Water (DoW), the Department of Environment & Conservation (DEC), and the Water Corporation.

**DoW**

The Sub H Branch Drain should be maintained at predevelopment levels to prevent upstream impacts.

The site is located within the Stakehill Groundwater Area. Any groundwater abstraction other than for stock or domestic purposes is subject to licensing by DoW.

**Officer Comment**

The proposed development would not impact on upstream of Sub H Branch Drain.

**DEC**

The ASS Section of DEC has reviewed the ASS Dewatering Management Plan and has no objection to the proposed forward earthworks.

The plans indicate some clearing of native vegetation will be required. A clearing permit from DEC is required for such unless it is exempt.

**Water Corporation**

The Water Corporation has provided the following initial comments on the application:

“A section of the Water Corporation’s Peel Sub-Drain “H” traverses the subject site and has previously provided a rural level of service to upstream and downstream rural customers.

The Corporation has no objections or advice in relation to the proposal to remove peaty soils from the site and undertake incidental earthworks in preparation for the residential subdivision of this land. These aspects of the proposal should be done to the City’s requirements and specifications. However, the proposal to modify a section of the Peel rural Sub-drain “H” is a matter that requires further agreement between the City of Rockingham and the Water Corporation before the proposed works commence.

Previous correspondence between the Water Corporation and the City’s Manager Engineering Services has laid the foundations for the City to take over a number of Peel rural sub-drains in Baldivis as the land becomes urbanised.
In the case of the East Baldivis land to the north of Safety Bay Road, this land is now zoned “Urban” and “Urban Deferred” and District and Local Structure Plans over the area will soon be advertised for public comment. Subdivision of some of this land is likely to commence in 2014. Peel Sub Drain “H” which traverses the subject land, together with the minor Peel Sub Drain “F” further to the south, no longer have a rural drainage function.

As these drains become modified through various developer site works, the Corporation will discontinue its management and maintenance of these rural sub drains. Sub Drains “H” and “F” are at the head of the drainage system and now serve an entirely urban catchment. It is therefore appropriate and necessary that they be incorporated into the future local urban drainage system.

The Corporation therefore requests the City to formally agree in writing to take over Sub Drain “H” and “F” as a pre-condition to any site works that would physically alter the drain. The Corporation will take steps to remove these sections of the Peel rural drainage network from its Drainage Operating Licence area and will delete these sections of the drains from its asset register. The Council is requested to give effect to this arrangement as soon as possible to allow the transfer of these drains to formally occur on 1 July 2013.

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

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

Further discussions were held with the Water Corporation following this advice. It was discussed that the City would not take over responsibility for the drains until such a time as the land was physically urbanised as there is not legal ability for the City to require the landowner to maintain or repair the drain. Subsequent advice was received from the Water Corporation on 23 May 2013:

“The initial submission plans prepared by DEC Engineering Consultants that accompanied the DA appear to be generally acceptable in principle from an operational perspective.”

Officer Comment

An advice note is required to be included on any approval making the proponent aware of the need to obtain the Water Corporation’s approval prior to any works commencing on site.

c. Strategic Community Plan

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

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

d. Policy

State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment (SPP 2.1)

The subject land is located within the Peel-Harvey Coastal Plain Catchment, referred to in Part 5.1 of TPS2, and the land is therefore subject to the provisions of the State Planning Policy. The objectives of SPP2.1 are:-

1. to improve the social, economic, ecological, aesthetic and recreational potential of the Peel Harvey Coastal Plain Catchment;
2. to ensure that changes to land use within the catchment of the Peel Harvey estuarine system are controlled so as to avoid and to minimise environmental damage;
- To balance environmental protection, with the environmental viability of the primary sector;
- To increase high water using vegetation cover within the Peel Harvey Coastal Plain Catchment; and
- To reflect the environmental objectives in Environmental Protection Policy (Peel Harvey Estuarine Systems) 1992, to prevent land use that is likely to result in excessive nutrient export into the drainage system."

The proposed earthworks are generally consistent with the abovementioned objectives, as the proposal is unlikely to result in nutrient export into the groundwater. Most of the site has already been cleared of vegetation and the management measures proposed are expected to mitigate and environmental impact within the Peel-Harvey Coastal Plain Catchment.

e. Financial
Nil

f. Legal and Statutory
The proposed earthworks constitute ‘development’ under Town Planning Scheme No.2 (TPS2) and therefore require Planning Approval pursuant to clause 6.1.1 of TPS2.

The site is zoned Development under TPS2. A Structure Plan is yet to be approved for the site as outlined in the Background section of this report.

Despite a Structure Plan not existing, this application can be considered as it is consistent with the prevailing character of the locality and will not prejudice the future development of the land. Affected landowners have been consulted and have advised that they have no objection to the proposed development.

Comments

Permissibility
The subject site has been rezoned to Urban under the MRS and Development under TPS2. Whilst the LSP is yet to be approved for the site, the proposed works facilitate the land being developed for urban purposes.

The intent of the proposed development is to remove the material from site which would make the site untrafficable in winter due to the boggy nature of the material. The proposed development would then enable the future subdivision works to be carried out in the wet winter months (following subsequent approval) which are more favourable for subdivision works, as the site would be suitably trafficable for earthmoving machinery.

Sub Drain H

Engineering Comments

The City acknowledges that it will eventually be responsible for management and maintenance of all urban drainage created by future subdivisional works. Until such time as the area is fully developed and stormwater infrastructure is completed, the City is unable to enter into any management agreement on a third party’s private property. The City will liaise with the proponent on the Peat Removal but it will also advise that any changes to “Sub-Drain” infrastructure and assets require Water Corporation approval prior to works commencing. In short the City does not seek to take over any maintenance or management of infrastructure from Water Corporation at this time.

Officer Comment

This is now reflected in the Water Corporation’s amended advice.

Conclusion

It is recommended that the application for Peat removal is granted Planning Approval, subject to conditions that address site management.

Voting Requirements

Simple Majority
Officer Recommendation

That Council **APPROVE** the application seeking planning approval for proposed Peat Removal on Lots 1000, 105, 104, 541, 543, 544 Baldivis Road, Baldivis, subject to the following conditions and advice notes:

1. Prior to any works commencing within the existing road reserve, the road reserve must be closed and land ownership obtained or consent has been granted by the Department of Regional Development and Lands and the City being notified accordingly.

2. Engineering drawings and specifications (including a cut to fill plan) are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the City.

3. The land being filled, stabilised, drained and/or graded as required to ensure that:
   a) Finished ground levels at the boundaries of the site the subject of this approval match or otherwise coordinate with the existing finished ground levels of the land abutting; and
   b) Stormwater is contained on-site, or appropriately treated and connected to the local drainage system.

4. All works shall be undertaken in accordance with the **Acid Sulfate Soils and Dewatering Management Plan** prepared by RPS dated December 2012.

5. Prior to the commencement of any work, the Proponent must submit to the City for its approval an Environmental Management Plan which addresses the following matters:-
   a) Noise management for on-site activities;
   b) Dust management including dust control on site; and
   c) a Traffic Management Plan for all vehicles entering and exiting the site, including driver education in regard to truck routes, vehicle speeds, and operations to minimise disturbance and public safety concerns.

6. Prior to the commencement of any work:
   a) A 24 hour telephone enquiry service must be established for use by members of the public to lodge any complaint associated with respect to the works.
   b) The telephone number of the telephone enquiry service must be displayed on a sign and in a location approved by the City.
   c) Any complaint lodged with the telephone enquiry service must be responded to within 24 hours of receipt of the complaint.

7. Prior to the commencement of any work:-
   a) a letter advising of:-
      (i) the commencement date of works;
      (ii) the proposed duration of the works; and
      (iii) the telephone number of the telephone enquiry service referred to in Condition 9 above,
      must be given to all owners and occupiers of land within 500m of any boundary of the site; and
   b) a copy of the letter and a list of the owners and occupiers notified must be given to the City.

8. A written record of:-
   a) every complaint received by the applicant during the works, whether lodged with the telephone enquiry service or otherwise received; and
(b) the response given, and action taken, to address the complaint,
must be kept and a copy of the record must be given to the City upon request and in any
event no later than 2 days after the end of each calendar month throughout the works.

9. No works are to be conducted:-
   (a) between 7pm and 7am Monday to Saturday inclusive; or
   (b) Sundays or public holidays

10. No haulage vehicle is to:
    (a) arrive at the site any earlier than 6.45am Monday to Saturday inclusive; or
    (b) park or stand along surrounding roads at any time.

11. Every haulage vehicle:
    (a) must be clearly numbered;
    (b) must have the operators/applicants name clearly displayed.

12. All truck access into and from the site must only occur from the existing access ways to Lots
    105 and 1000 Baldivis Road. No works are to occur within the existing access ways, and all
    trees shall be protected in accordance with AS4970-2009: Protection of Trees on
    Development Sites.

13. Prior to earthworks commencing a pre-works geotechnical report shall be prepared and
    submitted to the City. Following completion of works, the Proponent must provide a post
    geotechnical report certifying that all work have been carried out in accordance with the
    pre-works geotechnical report.

FOOTNOTES TO APPROVAL

(i) If the development the subject of this approval has not substantially commenced within a
    period of two years from the date of this letter, the approval shall lapse and be of no further
    effect. Where an approval has so lapsed, no development shall be carried out without the
    further approval of the Council having first been sought and obtained.

(ii) Condition 2 has been imposed in accordance with Better Urban Water Management
    Guidelines (WAPC 2008). Further guidance on the contents of urban water management
    plans is provided in ‘Urban Water Management Plans: Guidelines for preparing and
    complying with subdivision conditions’ (Department of Water 2008).

(iii) The earthworks levels approved as part of this application should not be construed as being
    the final design levels of the site which will be determined by a future subdivision application.

(iv) The development must comply with the Environmental Protection (Clearing of Native
    Vegetation) Regulations 2004; the proponent should liaise with the Department of
    Environment and Conservation in this regard.

(v) The proponent is advised that any Federal referral requirements relating to the Bulk
    Earthworks are the responsibility of the proponent following determination of the Planning
    Application.

(vi) The development must comply with the Environmental Protection (Noise) Regulations 1997;
    observance with this requires that work shall only be carried out between 7am and 7pm
    Monday to Saturday (excluding public holidays) and in accordance with control of noise
    practices set out in section 6 of AS2436-1981, Guide to Noise Control on Construction,
    Maintenance and Demolition Sites.

(vii) The proponent is advised that any groundwater abstraction in this area for purposes other
    than domestic and/or stock watering taken from the superficial aquifer is subject to licensing
    by the Department of Water. The issuing of a groundwater licence is not guaranteed but if
    issued will contain a number of conditions that are binding upon the licensee. Please note
    that this area has reached its allocation limit and there is no guarantee that any request for
    allocation will be approved. The proponent is advised to contact the Department of Water's
    Licensing section in the Mandurah Region on 9550 4222 to discuss water management
    options.
(viii) The proponent is advised that a separate approval is required from the Water Corporation for any works to the Water Corporation's Peel Sub-Drain "H" which traverses the subject site, before works commence on-site.

Committee Recommendation

That Council **APPROVE** the application seeking planning approval for proposed Peat Removal on Lots 1000, 105, 104, 541, 543, 544 Baldivis Road, Baldivis, subject to the following conditions and advice notes:

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(viii) The proponent is advised that a separate approval is required from the Water Corporation for any works to the Water Corporation’s Peel Sub-Drain “H” which traverses the subject site, before works commence on-site.

Committee Voting – 4/0

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

To ensure compliance with the approved Environmental Management Plan.

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### Planning Services
#### Statutory Planning Services

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>SP-033/13 Retrospective Application for Filling and Retaining Walls</th>
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</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>28/4602</td>
</tr>
<tr>
<td><strong>Proponent/s:</strong></td>
<td>Mr and Mrs Queros</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
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<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>17 June 2013</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>Tribunal</td>
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<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td>Tribune</td>
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<tr>
<td><strong>Site:</strong></td>
<td>Strata Lot 2 (No.42A) Warnbro Beach Road, Waikiki</td>
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<tr>
<td><strong>Lot Area:</strong></td>
<td>512m²</td>
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<tr>
<td><strong>LA Zoning:</strong></td>
<td>Residential (R20)</td>
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<td><strong>MRS Zoning:</strong></td>
<td>Urban</td>
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<td><strong>Attachments:</strong></td>
<td>Schedule of Submissions</td>
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<td><strong>Maps/Diagrams:</strong></td>
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<td>1. Location plan</td>
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<td>2. Development site (Aerial)</td>
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<td>4. Photo - No.42 Warnbro Beach Road</td>
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<td>5. Survey-strata subdivision</td>
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<td>6. Site Photo - facing west</td>
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<td>7. Photo - Rear Dwelling under construction (No.40 Warnbro Beach Road)</td>
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<td>8. Photo - Rear of No.6 Vista Place</td>
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<td>9. Photo - Rear of No.5b Vista Avenue</td>
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<td>10. Photo - No 44 Warnbro Beach Road</td>
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<td>11. Filling and Retaining Plan</td>
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<td>12. Section plan</td>
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<tr>
<td>13. Consultation plan</td>
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</tbody>
</table>

An email dated 16 June 2013 was tabled at the Planning Services Committee meeting from Mrs Teresa Queros with respect to this Item.

A copy of Mrs Queros' email was provided to all Committee members present.
1. Location Plan

2. Aerial photo
**Purpose of Report**

To consider an application seeking retrospective Planning Approval for filling, proposed retaining walls and additional fill on Strata Lot 2 (No.42A) Warnbro Beach Road, Waikiki.

**Background**

In March 2004, the City issued a Building Licence for a Single House on the Lot 36 (No.42) Warnbro Sound Avenue, Safety Bay. The site plan included with the Building Licence showed the location of future survey-strata boundaries which was the subject of a separate application to the WAPC.
4. Photo – No.42 Warnbro Beach Road

In February 2005, the Western Australian Planning Commission (WAPC) endorsed its approval of the survey-strata subdivision of Lot 37 (the original lot) to enable the creation of three strata lots and a common property driveway. The creation of the Survey-Strata Subdivision necessitated the demolition of an existing house and tennis court.

5. Survey-strata subdivision

In August 2012, the City received a complaint about filling being undertaken on the subject property. In September 2012, the City wrote to the owners advising that the filling of land was unauthorised and instructed them to either submit a retrospective application for Planning Approval or remove the fill.

In November 2012, the City received an application seeking retrospective Planning Approval for the fill and proposed retaining walls.
Details

The rear of the subject site originally had a significant fall to the rear of the property of approximately 3.8m. The unauthorised fill which has been placed on the property has increased the level of the centrally located strata lot such that it is similar to the level of the front survey-strata lot.

The Proponent seeks approval for filling and retaining walls on Strata Lot 2 (No.42A) Warnbro Beach Road, Waikiki.

The details of the proposal include:-

- New retaining wall and fill with a maximum of height of 1.875m from the level of the unauthorised fill. The level of the retaining wall, and the fill proposed to be located on the eastern portion of the site to achieve a level of 11.625m.
- The maximum height of the Retaining Wall measured from Natural Ground Level prior, to the unauthorised fill being placed on-site, is 2.684m.
- The retaining wall is to be located along the entire length of the eastern boundary and tapers back to half way along the southern and north boundaries of the site, excluding the 2m section located in the south-east corner of the lot where it returns around a sewer man hole;
- Cut/filling for the balance of the western portion of the lot to achieve a level of 12.35m;

The application is supported by a Survey Plan (Plan 4) indicating the height of retaining walls and filling overlaid and a separate plan (Plan 5) showing two section details of the development which include:-

a) the height of filling and retaining based upon the 2004 development; and
b) the average height of retaining across the site, based upon original levels shown on the Building Licence (2004) being 10.8m.

The Proponent has advised that Planning Approval is not sought for the future dwelling, even though the submitted plans show an indicative outline is shown. The Proponent has advised verbally that they intend to construct a two storey dwelling in the future.
7. Photo – Rear Dwelling under construction (No.40 Warnbro Beach Road)

8. Photo – Rear of No.6 Vista Place
9. Photo - Rear of No.5b Vista Avenue

10. Photo – No 44 Warnbro Beach Road
11. Site plan
12. Section plan
Implications to Consider

a. Consultation with the Community

The application was referred in accordance with clause 6.3 of Town Planning Scheme No.2 (TPS2) and clause 4.1 of the R-Codes, to nearby owners and occupiers for comment, for a period of 14 days.

At close of the advertising period, four submissions were received. Three submissioners objected to the proposal while one submissioner (owner of both No.42 and No.42b Wambro Beach Road) supported the proposal. The submissioners raised the following concerns:

(vi) Adverse impact on views;
(vii) Adverse impact on access to breezes;
(viii) Adverse impact on visual amenity in terms of scale and bulk;
(ix) Non Compliance with the Performance Criteria of the R-Codes; and
(x) Plans do not correct show original levels prior to illegal filling occurring.

A response to submissions is included within the ‘comments’ section of this report.

The consultation plan below shows which residents were consulted and the location of submissioners.

b. Consultation with Government Agencies

Not Applicable

c. Strategic

Community Plan

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

Aspiration 11: Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.
State Planning Policy 3.1 – Residential Design Codes

The purpose of State Planning Policy 3.1 - Residential Design Codes (R-Codes) is to provide a comprehensive basis for the control, through local government, of residential development throughout Western Australia. The R-Codes set a number of objectives for residential development, including Clause 1.3.1 (e):

“To protect the amenity of adjoining residential properties”.

The Proponent seeks variation to the Acceptable Development provisions of the R-Codes. The following outlines the proposed variations to the Acceptable Development provisions within the R-Codes and an explanation of whether the corresponding Performance Criteria has or has not been satisfied.

Site Works requirements

Acceptable Development

The Acceptable Development provisions of the R-Codes specify that the maximum height for filling behind the street setback line and within 1m of a common boundary to be limited to 0.5m above the Natural Ground Level at the boundary.

Sections of the fill and retaining wall have heights ranging of up to 1.875m metres along the eastern and southern boundaries, as measured from the ground levels as modified by the unauthorised fill. The height of the retaining wall measured from the Natural Ground Level prior to the importation of the fill, has a maximum height of 2.684m.

Performance Criteria

The Performance Criteria of the R-Codes in relation to Site Works states “development that retains the visual impression of the natural ground level of a site, as seen from the street or public place, or from an adjoining property”.

Definition Natural Ground Level

The R-Codes define Natural Ground Level as “The levels on a site which precede the proposed development, excluding any site works unless approved by the Council or established as part of the land proceeding development”.

Comment

The proposal is considered to address the first part of the Performance Criteria, to retain the visual impression of the development as seen from the street. The nominated level for the fill and retaining wall is similar to the floor level of the existing dwelling at No.42 Warnbro Beach Road and therefore retains the visual impression of the natural level of the site as viewed from the street. Also, as Strata Lot 2 is located behind an existing two storey house it will have limited visibility from Warnbro Beach Avenue.

It is considered that the height of the proposed retaining wall does not meet the second part of the Performance Criteria, to retain the visual impression of the development as seen from an adjoining property. Given that the average height achieved across the property based on NGL is 10.8m, and the proposal to have a split level for the lot of 11.625m for the eastern section and 12.35m for the western portion, it is considered that it does not retain the natural level by having a significant portion of the lot raised above this average level.

The City's approach in benching lots is for the average level across the property to be achieved. In the case of this proposal it is recognised that a significant portion of the lot is well above the average level. It would also be unreasonable to lower the entire level of the lot to achieve the average level, as significant retaining walls would then be required to be located along the western boundary of the property which would need to be wholly contained with the site.

It is also recognised that he development of an additional dwelling on Strata Lot 3 will also help to limit views of the retaining and therefore views from the two Vista Place neighbours will be limited. Views of the development from No.44 Warnbro Beach Road will remain unobstructed.
On balance of the above and having regard to the reduction of the entire level across the entire site by one course works of retaining wall blocks (i.e. 0.375m), it is considered that a modified proposal would satisfy the Performance Criteria.

e. **Financial**

Nil

f. **Legal and Statutory**

**Town Planning Scheme No.2**

In TPS2, the proposed development is classed as being incidental to a Grouped Dwelling, which is a ('D') use that is not permitted in a Residential zone, unless the Council has exercised its discretion by granting planning approval. For the purpose of this report the application for retaining walls was reared as development that facilitates the construction of an approved dwelling.

Clause 4.1 of TPS2 requires residential development, unless otherwise provided for in TPS2, to comply with the R-Codes. The Council has discretion to either approve the proposal, with or without conditions, or refuse the application.

---

**Comments**

**Response to Submissions**

1. **Visual Amenity**

Objectors raised concern that there would be an adverse impact on visual amenity in terms of scale and bulk of the retaining wall with a future fence constructed above.  

**Comment**

The impact of the height of retaining in terms of its scale and bulk needs to be considered in the context of the irregular shaped properties (triangle shaped) the proposal adjoins, being No.5b and No.6 Vista Place. The small portion of the proposed retaining wall that will be directly visible is limited and will be setback 2m from the corner of these properties to accommodate the sewer manhole. It is also considered that when a dwelling has been constructed on lot 3 this will significantly reduce the visual impact of the development when viewed form No. 5b and No.6 Vista Avenue. It is also noted that the existing dwelling located in an elevated position on the property and there level of the proposed retaining wall will be approximately one metre higher than the Finished Floor Level of this neighbour.

The most significantly affected property by the proposed retaining walls is Strata Lot 3 whom was the original owner of Strata Lot 2, which explains why no objections were received. The City also considers that the neighbour at No.44 Warnbro Beach Road will also be potential affected by the 1.87m high retaining wall, but this reduces over a distance of 8.5 metres along the common boundary to a nil height. Additionally, the primary outdoor living area for No.44 is located at the front of the dwelling.

In this regard, it is considered that the height of the retaining wall is significant and even though it has limited views from some adjoining neighbours, by reducing the level across the lot by a further 0.375m (0.7m from as originally proposed) the proposal is considered acceptable.

2. **Impact on views**

Objectors raised concern that there would be an impact on views due to the height of the retaining wall with a fence above.

**Comment**

It is considered that there will not be any impact of views from neighbouring properties to the beach given that they are already obstructed by existing elevated dwellings.

3. **Access to breezes**

Objectors raised concern that the proposed development would limit access to breezes.

**Comment**

Given the works are only for filling and retaining it is considered that there will be no obstruction of breezes to neighbouring properties.
4. Non Compliance with the Performance Criteria of the R-Codes

Objectors raised concern that the height of the proposed retaining wall and fill would not meet the Performance Criteria for Site Works in the R-Codes, which states “development that retains the visual impression of the natural ground level of a site, as seen from the street or public place, or from an adjoining property”.

Comment

It is agreed that the proposal in its current form does not meet the Performance Criteria of the R-Codes. As discussed in the Policy section, by modifying the levels of the lot by a further 0.375m it is considered that it would meet the Performance Criteria.

Inaccurate Plans

Objectors raised concern that the advertised plans do not correctly show original levels prior to illegal filling occurring.

Comment

The City received revised plans which show the original ground levels based on the 2004 Building Licence plans, prior to the unauthorised works occurring.

Conclusion

The significant slope of the site means a retaining wall along the rear and side boundaries of the lot are not unreasonable. The retaining wall will only be partially visible from the two rear neighbours, however, it will be more from the right hand side neighbour. It is also recognised that the future construction of a dwelling constructed on strata lot 3 in future will significantly ameliorate any visual impacts, however, the proposal is not considered to meet the Performance Criteria of the R-Codes to retaining the visual impression of the land as viewed from neighbours. It is therefore recommended that Council approve the application subject to the Finished Floor Levels of the fill and retaining be reduced by 0.375m to achieve a lot level closer to the average level across the site.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVE the application for Filling and Retaining on Strata Lot 2 (No.42A) Warnbro Beach Road, Waikiki, subject to the following conditions:-

1. The Finished Floor Level (FFL) of the retaining wall and fill is reduced by 0.375m.
2. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City.
3. The standard of finish to the retaining wall(s) built up to boundaries must be to the satisfaction of the adjoining owner(s) or, in the case of a dispute, to the satisfaction of the City.

Committee Recommendation

That Council REFUSE the application for Filling and Retaining on Strata Lot 2 (No.42A) Warnbro Beach Road, Waikiki as the proposed development fails to comply with objectives, acceptable development criteria and performance criteria of State Planning Policy 3.1 - Residential Design Codes 2010, in respect to:

(i) clause 6.3 Boundary Setback Requirements, where retaining walls must to be designed or setback to minimise the impact on adjoining properties; and
(ii) clause 6.6 Site Works Requirements, which requires the development to retain the visual impression of the natural ground level of the site, as seen from the adjoining property.

Committee Voting – 4/0
### The Committee's Reason for Varying the Officer's Recommendation

The application does not satisfactorily reflect the objectives, acceptable development criteria and performance criteria of State Planning Policy 3.1 - Residential Design Codes 2010.

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

Not Applicable
### Purpose of Report

To seek endorsement of a proposed Town Planning Scheme framework for Keralup and initiate a Scheme Amendment for the initial step of the framework.

### Background

The progress of the Keralup project is well known to the Council. In this regard, the Department of Housing, in its capacity as landowner, has been active in seeking to justify the ability of its substantial landholding to support urban development.

Keralup ‘Stage One’, being about 100ha (of the 4,000ha total development site) immediately east of the Kwinana Freeway/Paganoni Road interchange, was zoned ‘Urban Deferred’ under the Metropolitan Region Scheme (MRS) in December 2012. Although the rezoning relates to a small portion of the landholding, it is symbolic in the sense that it demonstrates the State Government’s preparedness to entertain urbanisation at Keralup.
Details

The Council has sought to take a pro-active approach with the Keralup project and influence those elements over which it has as ability to do so. The ‘Vision for Keralup’, adopted by the Council in March 2012, is a key document in the Council’s positioning on the project as it articulates those matters that will combine to achieve sustainable urban outcomes at Keralup.

One of the Aspirations within the ‘Vision’ is ‘Governance’ which identifies those matters that require attention for the preferred Keralup outcomes to be delivered. One of the ‘Governance’ Principles is to ‘establish an effective, binding legislative framework to ensure the principles of the agreed vision are carried through to timely implementation’. The Town Planning Scheme framework is the primary mechanism by which this Principle will be achieved.

The Department of Housing’s Planning Consultant has previously examined the options available for local statutory control at Keralup, as follows:

- ‘Development’ Zone within the existing Town Planning Scheme;
- Special ‘Keralup’ Zones within the existing Town Planning Scheme;
- A new Town Planning Scheme dedicated to Keralup; and
- An Improvement Plan/Scheme.

The process assumed that the project would be governed under the Planning & Development Act 2005, and not be subject to other enabling legislation such as the Metropolitan Redevelopment Authority Act 2011.

The Department of Housing’s Consultant recommended that the ‘Development’ Zone option be progressed as it was seen to be the least complicated means of achieving statutory control as it worked within the existing framework of the Scheme. Under this scenario, as land achieves an ‘Urban’ zoning under the MRS it would be zoned ‘Development’ under the Scheme, a ‘Development Area’ is created and special considerations to achieve project outcomes are contained within Schedule No. 9 of the Scheme.

The approached favoured by the Department of Housing’s Consultant is consistent with that applied to all other greenfield urban development proposals in the City.

Although it was acknowledged that the ‘Development’ Zone provisions could achieve statutory control, the City offered the preliminary view that an approach which reflected Keralup’s unique circumstances was warranted.

This position was confirmed by the City’s Consultant, PCA Australia Pty Ltd which was requested to recommend a Town Planning Scheme framework that:

(i) Enables broad Objectives to be stated for Keralup;

(ii) Enables the Keralup area to be divided into specific Sectors and have Objectives for each;

(iii) Allows for general and Sector planning requirements and planning process requirements.

(iv) Provides for Sector Policies to be adopted;

(v) Enshrines key development commitments to infrastructure, services etc, in terms of the responsible party and the timing of provision;

(vi) Provides the opportunity for Keralup to be the subject of development contributions for infrastructure, consistent with the approach taken by the Council under Statement of Planning Policy 3.6 - Development Contributions for Infrastructure (Amendment 114 to Town Planning Scheme No. 2);

(vii) Accommodates the Environmental Protection Authority’s recommendations for Keralup Stage One (refer to Attachment 5); and

(viii) Provides a secure statutory framework for District Structure Plans, Local Structure Plans and other lower order planning mechanisms.

The City’s Consultant recommended that Special ‘Keralup’ Zones be applied to offer a greater focus on the project. In this regard, the City’s Consultant stated that:

“Keralup warrants a special approach given it is the largest, single ownership urban development project in Australia with a very long-term development timeframe of up to 50 years. It is the primary landholding and catalyst for a major inland potentially self-contained development in the south-west
corridor east of the Freeway. It has a degree of special status having been recognised by the Department of Premier and Cabinet’s Land Availability Working Group as a priority urban development project resulting in the formation of DoP’s Project Coordination Group, and it has been a key project of the Department of Planning’s Office of Land & Housing Supply. A separate zone could also provide more ease of portability to a new scheme and to the Shire of Murray’s scheme (Keralup proposed stage 3 is within the Shire).”

The City’s Consultant also recommended that objectives and aspirations be inserted in the Scheme in the first instance to enable the Council's desired urban outcomes to be expressed in a statutory sense. A ‘Special Control Area’ was recommended as the mechanism to contain the objectives/aspirations.

A ‘Special Control Area’ was proposed as it is not possible to insert provisions into the Scheme that relate to urban development until the land achieves ‘Urban’ zoning under the MRS. To do otherwise would not be supported and it pre-empt the urbanisation of the land and potentially fetters the authority of the WAPC and/or Minister for Planning.

**Implications to Consider**

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

b. **Consultation with Government Agencies**
   
   Consultation with relevant Government Agencies will occur if the Scheme Amendment is initiated by the Council and following advice from the Environmental Protection Authority.

   The City requested preliminary comment from the Department of Planning on the City’s preferred planning framework. Officers from the Department responded that the existing Scheme and other mechanisms should be used in favour of formulating new zones and using additional mechanisms (such as a ‘Special Control Area’).

   The Department considered that the City’s preferred planning framework adds additional and unfamiliar layers to the existing framework.

   Notwithstanding the above, the Department offered the City the opportunity to provide more specific justification for the planning framework that demonstrates why the approach will result in better outcomes than through using existing mechanisms.

c. **Strategic**

   **Community Plan**

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

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

d. **Policy**

   Nil

e. **Financial**

   Nil

f. **Legal and Statutory**

   In accordance with Regulation 13 of the *Town Planning Regulations 1967*, the Council is required to resolve to either Adopt the Scheme Amendment or Not Proceed with the Scheme Amendment.

**Comments**

Upon considering the recommendations from the City's Consultant, and taking into account the advice from the Department of Planning as detailed above, a preferred Scheme framework has been developed.

**Specific Keralup Zones**
The application of specific (or special) Keralup zones is recommended as it recognises the unique circumstances of the project and immediately elevates its status. The approach establishes a point-of-difference to other proposed urban development areas, which are included into the generic ‘Development Zone’.

The City is committed to raising the profile of the Keralup project such that the stakeholders and decision-makers recognise its uniqueness and the challenges it presents. The application of specific Keralup zones is a step towards this end.

Also, the use of specific Keralup zones will ensure that the provisions are more readily portable and transferred to a new Scheme should the situation arise.

The manner in which the Scheme Provisions pertaining to the specific zones are structured will be established in the coming period. In this regard, the specific zones, such as ‘Keralup Development Zone’ or ‘Keralup Town Centre Zone’, will not be brought into the Scheme until corresponding zoning is achieved in the MRS (ie. ‘Urban’ and ‘Central City Area’).

It is likely that the specific zones will have defined objectives, development requirements and planning process considerations. The Scheme arrangements for the ‘Rockingham Primary Centre’ provide a template that could be equally applicable to the proposed ‘Keralup Town Centre Zone’ and potentially other Keralup zones.

**Special Control Area**

As recommended by the City’s Consultant, it is proposed to introduce a ‘Special Control Area’ over Keralup, as the initial phase, to contain urban development objectives in the Scheme. The objectives will provide an expression of the key outcomes sought within the Council’s ‘Vision’ document.

The objectives will state matters for which the Council will have due regard in its consideration of Structure Plan proposals at Keralup.

As mentioned above, a ‘Special Control Area’ contains provisions that apply in addition to the provisions applying to the underlying zone or any general provisions of the Scheme. As such, proposals for the Keralup landholding will continue to be assessed under the existing ‘Rural’ provisions, and in the event that a Structure Plan is lodged that seeks to justify the urban development of the land, the ‘Special Control Area’ provisions will apply.

**Preferred Scheme Framework**

The proposed Scheme framework is a staged process, as follows:

(i) Step 1 - ‘Special Control Area’; to be introduced immediately and contain objectives for the Council to have due regard in assessing proposed Structure Plans, including a District Structure Plan.

(ii) Step 2 - ‘Specific Keralup Zones’ (such as ‘Keralup Development Zone’ and ‘Keralup Town Centre Zone’); to be introduced after land is zoned ‘Urban’, ‘Central City Centre’, or an equivalent zone in the MRS.

To include precinct objectives, development requirements and planning process matters.

(iii) Step 3 - ‘Secondary Specific Keralup Zones’ (such as ‘Keralup District Centre Zone’ and ‘Keralup Activity Corridor Zone’); to be initially zoned ‘Keralup Development Zone’ and subsequently zoned ‘District Centre Zone’ and ‘Keralup Activity Centre Zone’ when the extent of these precincts is determined through the Local Structure Plan and subdivision processes.

To include precinct objectives, development requirements and planning process matters.

The Scheme framework is shown diagrammatically in Figure 1 below:
It is therefore recommended that the Council endorse the Town Planning Scheme framework for Keralup and initiate an amendment for the first Step of the framework involving the creation of a ‘Special Control Area’ that contains objectives against which to consider proposed Structure Plans. Should the Scheme Amendment be initiated, the City will address the issues raised in the initial feedback from the Department of Planning.

In this regard, the comment that the ‘Special Control Area’ will introduce additional and unfamiliar layers to the planning process is refuted as the approach is not seeking to impose additional requirements but clearly articulate where the Council will focus its Structure Plan assessment. The ‘Special Control Area’ will ensure that all stakeholders, most notably the proponent, is aware of the Council’s Structure Plan (or urban development) imperatives.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council:

1. Endorse the proposed Town Planning Scheme framework for Keralup which initially involves the creation of a ‘Special Control Area’, that establishes objectives for the consideration of proposed Structure Plans, then the staged application of specific, precinct based Keralup zones.

2. **ADOPT** (initiate) Amendment No.136 to Town Planning Scheme No.2 to introduce ‘Special Control Areas’ and to create the ‘Keralup Special Control Area’ over Lots 551 and 802, Keralup, by

   (i) Inserting new Part 5A immediately after Part 5, as follows:

   **“PART 5A – SPECIAL CONTROL AREAS”**

   **5A.1.1 Definitions**

   In this Part:

   “Keralup Special Control Area” means the Special Control Area shown and described on the Scheme map as the Keralup Special Control Area;

   “Proposed Structure Plan” has the same meaning as given in clause 4.2.1;

   “Special Control Area” means a part of the Scheme area shown and described on the Scheme map as a Special Control Area.

   **5A.2 Application of provisions**

   A provision of this Part which applies to a Special Control Area, is to apply in addition to all other provisions of this Scheme which apply to that Special Control Area including provisions with respect to zones and local reserves.
5A.3 Keralup Special Control Area

(1) This clause applies to any land in the Keralup Special Control Area which is shown as a Development Area on the Scheme map.

(2) In addition to any other matter which the Council may consider, when making a determination under clause 4.2.6.3 or clause 4.2.6.9 with respect to a Proposed Structure Plan in respect of land to which this clause applies, the Council is to have regard to the following objectives:

(a) to establish a connected community where urban growth is led by the early delivery of infrastructure, services and facilities;

(b) to create a strong sense of place that responds to the distinctive character of the Keralup location and its landscape;

(c) to ensure that the planning for Keralup is cognisant of its wider context to enable integrated and coordinated development;

(d) to create sustainable and vibrant activity centres that attract investment and provide the full range of residents needs, including shopping, leisure, community services and employment;

(e) to establish a regional and local access network that facilitates efficient movement across all modes, including public transport, that is integrated with land use and encourages walking;

(f) to facilitate the early provision of an integrated public transport network that enables residents to conveniently commute to local and regional destinations;

(g) to deliver a range of lot sizes and dwelling types that are located to respond to contextual considerations;

(h) to foster a sustainable urban environment that respects and enhances the existing environmental attributes of Keralup;

(i) to encourage and facilitate sustainable economic growth and employment self-sufficiency within Keralup;

(j) to facilitate the early provision of quality, innovative educational facilities, across all stages of learning, that integrate with complementary land uses and share facilities where practicable; and

(k) to create high quality public spaces and the full range of recreational facilities to foster community use and interaction.”

(ii) Amending the Scheme Map to depict the ‘Special Control Area’ over the subject lots.

Amended Officer Recommendation

That this Item be DEFERRED pending further discussion on the proposed Scheme Amendment with the Department of Housing.

Committee Recommendation

That this Item be DEFERRED pending further discussion on the proposed Scheme Amendment with the Department of Housing.

Committee Voting – 4/0

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

To enable further discussion on the proposed Scheme Amendment with the Department of Housing.

Implications of the Changes to the Officer’s Recommendation

Not Applicable
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<tbody>
<tr>
<td>13.</td>
<td><strong>Reports of Councillors</strong></td>
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<td>Nil</td>
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<td>14.</td>
<td><strong>Addendum Agenda</strong></td>
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<td>15.</td>
<td><strong>Motions of which Previous Notice has been given</strong></td>
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<td>Nil</td>
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<td>16.</td>
<td><strong>Notices of Motion for Consideration at the Following Meeting</strong></td>
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<td>17.</td>
<td><strong>Urgent Business Approved by the Person Presiding or by Decision of the Committee</strong></td>
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<td>18.</td>
<td><strong>Matters Behind Closed Doors</strong></td>
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<td>19.</td>
<td><strong>Date and Time of Next Meeting</strong></td>
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<td>The next Planning Services Committee Meeting will be held on <strong>Monday 15 July 2013</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
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<td>20.</td>
<td><strong>Closure</strong></td>
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<td>There being no further business, the Chairperson thanked those persons present for attending the Planning Services Committee meeting, and declared the meeting closed at <strong>5.09pm</strong>.</td>
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