MINUTES
Planning and Engineering Services Committee Meeting

Held on Monday 18 August 2014 at 4:00pm
City of Rockingham Boardroom
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## Declaration of Opening

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

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

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<th>2.2 Executive</th>
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<td>Cr Richard Smith (Deputy Mayor)</td>
<td>Mr John Pearson</td>
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<td>Cr Chris Elliott</td>
<td>Mr Bob Jeans</td>
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<td>Cr Ron Pease JP</td>
<td>Mr John Woodhouse</td>
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<td>Cr Deb Hamblin</td>
<td>Mr Chris Thompson</td>
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<td>Cr Matthew Whitfield</td>
<td>Mr Peter Ricci</td>
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<td>Mr Brett Ashby</td>
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<td>Mr Richard Rodgers</td>
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<td>Mr Mike Ross</td>
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<td>Mr Rod Fielding</td>
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<td>Mr Scott Lambie</td>
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<td>Mr James Henson</td>
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<td>Ms Melinda Wellburn</td>
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<td>Chairperson</td>
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<td>A/Chief Executive Officer</td>
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<td>Director Planning and Development Services</td>
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<td>Director Legal Services and General Counsel</td>
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<td>Director Engineering and Parks Services</td>
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<td>Project Manager Keralup</td>
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<td>Manager Strategic Planning and Environment</td>
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<td>Manager Building Services (until 4.22pm)</td>
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<td>Manager Statutory Planning</td>
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<td>Manager Health Services (until 4.22pm)</td>
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<td>Manager Engineering Services</td>
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<td>Manager Parks Development</td>
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<td>PA to Director Planning and Development Services</td>
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<td>2.3 Members of the Gallery:</td>
<td>1</td>
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<td>2.4 Apologies:</td>
<td>Nil</td>
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<td>Cr Allan Hill OAM JP</td>
<td>4.01pm The Chairperson invited members of the Public Gallery to ask questions. There were none.</td>
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<td>2.5 Approved Leave of Absence:</td>
<td>4.00pm The Chairperson declared the Planning and Engineering Services Committee Meeting open at <strong>4.00pm</strong>, welcomed all present, and recited the Acknowledgement of Country.</td>
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5. **Confirmation of Minutes of the Previous Meeting**

 Moved Cr Hamblin, seconded Cr Elliott:

 That Committee **CONFIRM** the Minutes of the Planning and Engineering Services Committee Meeting held on 14 July 2014, as a true and accurate record.

 Committee Voting – 5/0

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

 Nil

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

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

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

 **4.02pm** The Chairperson asked if there were any interests to declare.

 There were none.

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

 Nil

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

 Nil

11. **Bulletin Items**

 Planning and Development Services Information Bulletin – August 2014

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

Strategic Planning and Environment
1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Local Planning Strategy (LUP/1352)
   3.2 Water Campaign (EVM/56-02)
   3.3 Karnup District Structure Plan (LUP/1546)
4. Information Items
   4.1 Delegated Final Adoption of Structure Plan
   4.2 Delegated Minor Change to Structure Plan
   4.3 Proposed Outline Development Plan – Madora Bay North – City of Mandurah
   4.4 State Planning Strategy 2050
   4.5 Kwinana Waste to Energy Public Environmental Review

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

Planning and Development Directorate
1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Primary Centre Centre Plan Implementation (LUP/137-08)
   3.2 Northern Smart Village Sector – Masterplan, Development Policy Plan and Scheme Amendment
   3.3 Campus Sector – Masterplan, Development Policy Plan and Scheme Amendment
   3.4 Eastern Sector – Masterplan, Development Policy Plan and Scheme Amendment
   3.5 Keralup
   3.6 Mangles Bay Marina
   3.7 Rockingham Beach Foreshore Masterplan
4. Information Items
   4.1 Proposed Amendment to Metropolitan Region Scheme – Rockingham Strategic Metropolitan Centre
   4.2 Proposed Scheme Amendment No.144 to Town Planning Scheme No.2 – Bushfire Prone Areas
   4.3 Syren Street Subdivision

Advisory Committee Minutes

Committee Recommendation

That Councillors acknowledge having read the Planning Services Information Bulletin – August 2014 and the content be accepted.

Committee Voting – 5/0

Engineering and Parks Services Information Bulletin – August 2014

Engineering Services
1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Delegated Authority for approval of Directional Signage
   4.2 Delegated Authority for Thoroughfare Closures
   4.3 Engineering Services Design Projects 2014/2015
   4.4 Delegated Authority for approval of Engineering Drawings - Subdivisions
   4.5 Delegated Authority for acceptance of As-Constructed Engineering Drawings - Subdivisions
   4.6 Delegated Authority to approve the release of Bonds for private subdivisional works
   4.7 Handover of Subdivisional Roads
   4.8 Delegated Authority for the payment of Crossover Subsidies
   4.9 Mundijong Road Extension (Kulija Road) Project

Engineering Operations
1. Engineering Operations Team Overview
2. Human Resource Update
3. Project Status Reports
4. **Information Items**
   - 4.1 Road Construction Program Main Roads Grant 2013/2014
   - 4.2 Road Construction Program Federal Black Spot 2013/2014
   - 4.3 Road Construction Program State Black Spot 2013/2014
   - 4.4 Road Construction Program Municipal Works 2013/2014
   - 4.5 Drainage Program Municipal Works 2013/2014
   - 4.6 Road Maintenance Program 2013/2014
   - 4.7 Passenger Vehicle Fleet Program 2013/2014
   - 4.8 Light Commercial Vehicles Program 2013/2014
   - 4.9 Heavy Plant Program 2013/2014
   - 4.10 Establishment of the Rapid Response Team

**Parks Development**
1. Parks Development Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Golden Bay Shared Use Oval
   - 3.2 Mornington Reserve Development
   - 3.3 Lake Richmond Boardwalk
   - 3.4 Warnbro Sound Avenue - Bakewell to Port Kennedy Drive Irrigation Project
   - 3.5 Warnbro Recreation Ground Irrigation Upgrade
   - 3.6 Rae Road Streetscape Project- Read to Seabrooke Avenue
   - 3.7 Dixon Road Environmental Management Plan Review
   - 3.8 Tramway Management Plan Review
4. Information Items
   - 4.1 Groundwater Monitoring
   - 4.2 Mundijong Road Environmental Offsets
   - 4.3 Climate Change Mitigation
   - 4.4 Lake Richmond Heritage Listing
   - 4.5 Delegated Subdivision Public Open Space Practical Completion
   - 4.6 Delegated Subdivision Public Open Space Handovers
   - 4.7 Delegated Public Open Space Approvals
   - 4.8 Memorial Seat Approvals

**Parks Operations**
1. Parks Operation Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Hourglass Reserve replacement of long jump running track
   - 3.2 Stan Twight Reserve replacement of netting to turf cricket practice nets
   - 3.3 Waterfront Village porous paving to tree surrounds
   - 3.4 Play Equipment Replacement
   - 3.5 Anniversary Park AFL Boundary Fence Replacement
4. Information Items
   - 4.1 Parks Maintenance Program 2013/2014

**Asset Management**
1. Asset Management Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 ROMAN Traffic Count Update
   - 3.2 Drainage/stormwater assets data collection
4. Information Items
   - 4.1 Asset Management Improvement Strategy
   - 4.2 Asset Systems Management
## Building Maintenance

1. Building Maintenance Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Building Maintenance
   4.2 Graffiti Removal

## Procurement and Capital Projects

1. Procurement and Capital Projects Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Coastal Management Consultants (Sand Drift/Erosion Problems)
   3.2 Coastal Infrastructure Facilities Consultant (Jetties/Boat Ramp Planning)
   3.3 Lighting Consultants (Technical Planning/Design, Underground Power Program)
   3.4 Major Project Property Development Planning (Design Modifications/Tender Planning/Structural Testing)
4. Information Items
   4.1 Delegated Written Notification of Successful Tenders
   4.2 Delegated Approval of Tenders by CEO
   4.3 Delegated Release of Retention/Bank Guarantees
   4.4 Shoalwater North Underground Power Project
   4.5 2014 Public Area Lighting and Arterial Lighting
   4.6 Lark Hill Wind Turbine
   4.7 Bent Street Boat Launching Facility – Navigation Channel
   4.8 Mary Davies Library and Community Centre
   4.9 Secret Harbour Surf Life Saving Club - Renovation
   4.10 Val Street Jetty Design
   4.11 Point Peron Geotextile Sand Container Construction (C12/13-74)
   4.12 Settlers Hill Toilet Installation (Grice Reserve)
   4.13 Mike Barnett Sporting Complex Roof Replacement
   4.14 Administration Building Upgrade of BMS
   4.15 Currie Street Reserve Sports Floodlighting
   4.16 City Centre Infrastructure Works Car Park Design and Construction
   4.17 Anniversary Park Change Rooms
   4.18 Lark Hill Sub Metering
   4.19 Challenger Court Eaves
   4.20 Port Kennedy Community Centre Acoustic Ceiling
   4.21 Watts Road Toilet Roofing Rust Treatment
   4.22 Arcadia Drive Toilet Roofing Rust Treatment
   4.23 Waikiki Toilet Roofing Rust Treatment
   4.24 Administration Building Solar System
   4.25 Autumn Centre Solar System
   4.26 Churchill Park Toilet System Solar System
   4.27 Aqua Jetty Roof Replacement
   4.28 Aqua Jetty Condensation Issue
   4.29 Lake Richmond Boardwalk Replacement
   4.30 Lions Park Upgrade
   4.31 Recreational Boating Facilities Scheme Round 19 Grants
   4.32 Coastal Adaptation and Protection Grant
## Waste Services
1. Waste Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Kerbside collection
   4.2 Bulk verge collection
   4.3 Waste Diversion Percentage

## Millar Road Landfill and Recycling Facility
1. Millar Road Landfill and Recycling Facility's Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Landfill Construction
4. Information Items
   4.1 Tip Passes
   4.2 Landfill Statistics
   4.3 Education and Promotion

### Advisory Committee Minutes

## Committee Recommendation
That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – August 2014 and the content be accepted.

Committee Voting – 5/0

4.22pm - Mr Richard Rodgers, Manager Building Services and Mr Rod Fielding, Manager Health Services departed the Planning and Engineering Services Committee meeting.
12. Agenda Items

Planning and Development Services

### Proposed Scheme Amendment No.145

**Reference No & Subject:** PDS-057/14

**Proposed Scheme Amendment No.145 - Rezoning from 'Rural' and 'Special Rural' to 'Development' (Final Adoption)**

**File No:** LUP/1809

**Risk Register No:** 464

**Applicant:** Various

**Owner:** Various

**Author:** Mr Tristan Fernandes, Senior Strategic Planning Officer

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

**Date of Committee Meeting:** 18 August 2014

**Previously before Council:** March 2014 (PDS-024/14).

**Disclosure of Interest:** Legislative

**Site:**
- Lots 2, 5, 6, 10, 129, 447, 459 – 463, 511-513, 521, 545, 709, 746-750, 921, 922 Baldivis Road; Lot 510 Bodman Place; Lot 3 Key Close; Lots 104, 105 and 302 Paparone Road; Lots 515-520 Sabrina Road; Lots 1, 3, 4, 10, 101-103 Zig Zag Road, Baldivis

**Lot Area:** 376.5ha

**LA Zoning:** 'Rural' and 'Special Rural'

**MRS Zoning:** 'Parks and Recreation' and 'Urban Deferred'

**Attachments:**
- Lots 104, 105, 541, 544 and 1000 Baldivis Road Rezoned to 'Urban' by the WAPC in February 2012.
- Lots 447, 459, 460 - 463 and 709 Baldivis Road, Baldivis - Land subject to request for Lifting of Urban Deferment in July 2012.
- Proposal to lift Urban Deferment over lots south of Mundijong Road, Baldivis

**Maps/Diagrams:**
1. Lots 104, 105, 541, 544 and 1000 Baldivis Road Rezoned to 'Urban' by the WAPC in February 2012.
2. Lots 447, 459, 460 - 463 and 709 Baldivis Road, Baldivis - Land subject to request for Lifting of Urban Deferment in July 2012.
3. Proposal to lift Urban Deferment over lots south of Mundijong Road, Baldivis
4. Lots 10, 545, 921, 922, 746-750 Baldivis Road and Lot 3 Key Close, Baldivis rezoned to Urban under the MRS in February 2014.
5. Land Rezoned to ‘Urban’ within the East Baldivis District Structure Plan area as of February 2014.
7. Consultation Plan

Purpose of Report

To consider adopting Amendment No.145 for Final Approval following the completion of public advertising.

Background

In October 2008, the City was approached by a group of planning consultants representing the majority of landowners in the 'East Baldivis' locality (referring to themselves as the East Baldivis Stakeholder Team or 'BEST' group) to prepare a District Structure Plan over the land to generally guide the future development of the precinct for urban development. The City agreed to facilitate the preparation of the District Structure Plan with the 'BEST' group, however, advised the group that the preparation of the District Structure Plan should not be dictated by land ownership and at the expense of orderly and proper planning of the locality.

Rezoning of the East Baldivis Precinct under the Metropolitan Region Scheme

In July 2009, the City received correspondence from the Western Australian Planning Commission (WAPC) advising that the East Baldivis locality had been rezoned from 'Rural' to 'Urban Deferred' in the Metropolitan Region Scheme (MRS). It was originally intended that the precinct be rezoned to 'Urban' in the MRS, however, the WAPC required that the following matters were required to be addressed prior to the transfer of the land to the 'Urban' zone:

- Insufficient wastewater treatment capacity;
- Drainage requirements/drainage planning;
- Location of a High School; and
- Freeway Service Centre buffer requirements.

Rezoning of ‘Australand Joint Venture’ Landholding to Urban under the MRS

In February 2012, the WAPC rezoned Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis from the 'Urban Deferred' zone to 'Urban' zone under the MRS without a District Structure Plan having been endorsed by the Council (See Figure 1).

The City did not support the proposal as it concluded that it did not satisfy the criteria of the Commission's Lifting of Urban Deferment Guidelines for planning to be sufficiently advanced as required in Part 5 of the Guidelines given no District Structure Plan was endorsed over the land to guide the preparation of Local Structure Plan proposals.

Pursuant to s124 of the Planning and Development Act (2005), the Council was required to rezone TPS2 to be consistent with the Metropolitan Region Scheme’s ‘Urban’ zone. This Amendment to rezone the land under the Town Planning Scheme from ‘Special Rural’ and ‘Rural’ zones to ‘Development’ zone was gazetted on 6 March 2013.
Request to Lift Urban Deferment - Cedar Woods and BGC Landholding North of Mundijong Road (2012)

In July 2012, the WAPC sought the City’s comments on the proposal to transfer Lots 447, 459, 460 - 463 and 709 Baldivis Road, Baldivis (see Figure 2) from the 'Urban Deferred' zone into the 'Urban' zone, pursuant to clause 27 of the Metropolitan Region Scheme.
The City did not support the proposal as it concluded that it did not satisfy the criteria of the Commission's Lifting of Urban Deferment Guidelines for planning to be sufficiently advanced as required in Part 5 of the Guidelines given no District Structure Plan was endorsed over the land to guide the preparation of Local Structure Plan proposals.

In December 2013, the Western Australian Planning Commission resolved to lift 'Urban Deferment' over Lots 459-461, Pt Lots 462 and 463 Baldivis Road and portion of Pug Road, Baldivis into the 'Urban' zone under the Metropolitan Region Scheme.

A portion of the land subject to the lifting of Urban Deferment request was not transferred into the 'Urban' zone under the MRS. The land excluded from the lifting of Urban Deferment is subject to further investigation for regional transport planning requirements.

Request to Lift Urban Deferment - Various Lots South of Mundijong Road (2013)

In January 2014, the City received correspondence from the WAPC seeking the City's preliminary comments with respect to the proposed rezoning request.

In correspondence to the WAPC in response to the request, the City advised that the request for lifting of Urban Deferment be held in abeyance pending finalisation of the District Structure Plan.

The WAPC has yet to make a decision with respect to the request to rezone the land 'Urban'.

Request to Lift Urban Deferment - Lots 10, 545, 921, 922, 746-750 Baldivis Road and Lot 3 Key Close, Baldivis (2013)

In November 2013, WAPC sought the City’s comments on a proposal to transfer Lots 10, 545, 921, 922, 746-750 Baldivis Road and Lot 3 Key Close, Baldivis (see Figure 3) from an 'Urban Deferred' zone into the 'Urban' zone, pursuant to clause 27 of the Metropolitan Region Scheme.

In correspondence to the WAPC in response to the request, the City advised that the request for lifting of Urban Deferment be held in abeyance pending finalisation of the District Structure Plan.

On 25 February 2014 the WAPC resolved to rezone this land to ‘Urban’ under the MRS which is shown in Figure 4.
Due to the decision of the WAPC to rezone portions of the East Baldivis District Structure Plan area to 'Urban', the Council is now obligated to rezone the 'Urban' zoned land to 'Development' under Town Planning Scheme No.2 and to subsequently consider Local Structure Plans. A consolidated plan showing the land rezoned to 'Urban' under the MRS within the East Baldivis District Structure Plan Area is shown in Figure 5.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 SEPTEMBER 2014

PRESIDING MEMBER

**East Baldivis District Structure Plan**

In February 2014, the Council endorsed the East Baldivis District Structure Plan for the purpose of guiding and informing the City’s consideration of Local Structure Plans and regional planning initiatives and proposals, subject to the following amendments:

(i) The modified ‘Perron’ Landowner Agreed Option for the High School and District Open Space Precinct be incorporated into the District Structure Plan.

(ii) The southern Primary School being reorientated as proposed by the Proponent;

(iii) A connection to Pemberton Boulevard being provided; and

(iv) A notation be put on the District Structure Plan stating that the intersections of Baldivis Road and Mundijong Road; Mundijong Road and the Kwinana Freeway; and the alignment of Baldivis Road north of Mundijong Road are subject to a regional transport planning investigation and are subject to possible changes.

(v) The District Structure Plan Report and Traffic and Transport Management Plan being amended as per the comments contained within the Officer Report.
The Officer Report to Council noted that, as part of future Amendments to the City’s Town Planning Scheme to zone the land ‘Development’, the City should introduce provisions into TPS2 to require the following information be provided to address land use planning constraints within the East Baldivis locality:

1. A Bushfire Hazard Assessment; and/or
2. An Acoustic Consultant Report prepared by a suitably qualified acoustic consultant to demonstrate how sensitive land uses will not be adversely impacted by noise generated by the Kwinana Freeway and Mundijong Road; and/or

Figure 6: Draft East Baldivis District Structure Plan

Details

At its ordinary Meeting held in March 2014, the Council resolved to initiate Amendment No.145 to rezone all land within the East Baldivis District Structure Plan area to ‘Development’ zone, which is consistent with the future intended use of the land to be developed for urban purposes.
Implications to Consider

a. Consultation with the Community

The Scheme Amendment was advertised for public comment in accordance with the requirements of Town Planning Regulations 1967 for a period of 46 days, ending on 14 July 2014, with advertising being undertaken in the following manner:

(i) Four signs were erected in prominent locations of the subject land and remained on-site for the duration of the advertising period;
(ii) Two notices were published in the Public Notices section of the Weekend Courier newspaper on 30 May 2014 and 6 June 2014.
(iii) An advertisement was placed on the City’s website for the duration of the advertising period and copies of documents explaining the Scheme Amendment were also made available for inspection at the Council Administration Offices; and
(iv) Landowners directly affected by the proposal (40 in total) were notified in writing of the proposal, as shown on the Consultation Plan below.

Figure 7: Consultation Plan

At the conclusion of the advertising period, the City had received one submission on behalf of a landowner supporting the proposal.

b. Consultation with Government Agencies

The Amendment was referred to the Environmental Protection Authority (EPA) for consideration of the need for assessment under the Environmental Protection Act 1986 (the Act). The EPA advised that the Amendment should not be assessed under the Act. The Amendment was also referred to the WAPC prior to advertising.

The following government agencies were also notified of the proposal and invited to comment:
- Alinta Gas;
- Bunbury to Dampier Gas Pipeline Operator
- City of Kwinana;
- Department of Aboriginal Affairs;
- Department of Education;
- Department of Environmental Regulation;
- Department of Fire and Emergency Services
- Department of Health;
- Department of Mine and Petroleum
- Department of Parks and Wildlife;
- Department of Transport;
- Department of Water;
- Main Roads WA;
- Public Transport Authority;
- Telstra;
- Water Corporation; and
- Western Power.

At the conclusion of the advertising period, the City had received thirteen (13) submissions from Government agencies (refer to Schedule of Submissions). Only four of these submissions raised concerns with the proposed Amendment. These matters are summarised below:

<table>
<thead>
<tr>
<th>Main Roads WA and Department of Transport</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Issue:</strong></td>
</tr>
<tr>
<td>Main Roads WA and the Department of Transport do not support land zoned 'Urban Deferred' under the Metropolitan Region Scheme abutting Mundijong Road being rezoned to 'Development' because Main Roads is currently designing the interchanges of Mundijong Road at the Kwinana Freeway and Baldivis Road in response to a State Administrative Tribunal appeal.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>The City acknowledges that the land requirements for the ultimate regional road layout remain unknown at this time and will likely impact land immediately adjacent to both the northern and southern boundaries of Mundijong Road.</td>
</tr>
<tr>
<td>The purpose of rezoning the entire East Baldivis precinct is to permit the timely consideration of Structure Plan proposals and remove the need for the Council to initiate a number of separate Amendments to TPS2 to rezone land to 'Development' following any future decisions from the WAPC to rezone land from 'Urban Deferred' to 'Urban' under the MRS.</td>
</tr>
<tr>
<td>Once the regional road reservation is determined, any Amendment to the Metropolitan Region Scheme will automatically rezone TPS2 to account for the new regional road reserve.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department of Mines and Petroleum</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Issue:</strong></td>
</tr>
<tr>
<td>Land proposed for zoning is located within the generic buffer area for the extraction of regionally significant resources.</td>
</tr>
</tbody>
</table>
The City acknowledges comments made by the Department of Mines and Petroleum regarding the protection of buffers for the extraction of regionally significant resources, however, since receiving the Department's submission, all land within the East Baldivis locality (with the exception of land abutting Mundijong Road) has been rezoned to 'Urban' under the MRS.

For this land, the City is obligated pursuant to s124 of the Planning and Development Act (2005) to initiate an amendment to TPS2 to be consistent with the Region Planning Scheme. With respect to the remaining land zoned 'Urban Deferred', this land is subject to regional road planning which is not considered a sensitive land use. Notwithstanding this point, however, Proponents seeking approval for Local Structure Plans within vicinity of the extractive industry buffers will need to address this land use constraint as part of the preparation of a Local Structure Plan.

Dampier to Bunbury Gas Pipeline Operator

**Issue:**
The City to incorporate within the Town Planning Scheme Amendment the preparation of a Qualitative Risk Assessment and a Pipeline Risk Management Plan as information required to be provided within a Local Structure Plan proposal.

**City's Comment:**
The proposed Amendment contains provisions within Schedule No.9 for land within 110m of the Bunbury to Dampier Natural Gas Pipeline easement requiring a Qualitative Risk Assessment and Pipeline Risk Management Plan to be prepared as part of a Proposed Structure Plan.

This requirement was prepared in accordance with WAPC Planning Bulletin No.87 High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region.

Given the nature of the land use constraint, provisions requiring the preparation of a Pipeline Protection Plan are considered appropriate to be implemented in Schedule No.9 of TPS2. This will ensure the matter is appropriately addressed within a Local Structure Plan application.

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 for Bushfire Protection Guidelines Edition 2

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

- Include a bush fire hazard assessment based on the fire hazard assessment methodology and classifications set out in Appendix 1 of the Guidelines;
- Identify any bush fire hazard issues arising from that assessment; and
- Address those issues, in accordance with the general principles that underpin these guidelines, in a statement or report which demonstrates that all fire protection requirements can be achieved to the satisfaction of the WAPC.
A Bushfire Hazard Assessment was prepared as part of the preparation of the submitted East Baldivis District Structure Plan where moderate and extreme fire risks were identified over the subject land.

As the Planning for Bushfire Protection Guidelines (Edition 2) is currently not an adopted State Planning Policy, and provides guidance only, Amendment No.145 proposes a Development Area provision that acknowledges the requirement for a Bushfire Hazard Assessment to be mandated as part of Proposed Local Structure Plans over the land.

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

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

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

Due to the potential impact of noise from the Kwinana Freeway and future extension of Mundijong Road, Amendment No.145 proposes a Development Area provision ensuring appropriate noise investigations be mandated as part of Proposed Local Structure Plans over the land.

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 Bunbury to Dampier Natural Gas Pipeline.

Table 1 of the Bulletin provides for a 75m setback between residential development and the gas pipeline easement and 110m between sensitive uses 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 Qualitative Risk Assessment.

In order for a Structure Plan proposal to proceed, a Proponent must submit a Pipeline Risk Management Plan and a Qualitative Risk Assessment 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.

Given the nature of the land use constraint, Amendment No.145 proposes a Development Area provision requiring the preparation of a Pipeline Risk Management Plan and Pipeline Protection Plan as part of Proposed Local Structure Plans prepared over land located within 110m of the pipeline easement.

e. Financial

Nil

f. Legal and Statutory

Planning and Development Act (2005)

Section 124 of the Planning and Development Act (2005) deals with the effect of a Region Planning Scheme on a Local Planning Scheme.

Clause 124 (1) states if a Region Planning Scheme is inconsistent with a Local Planning Scheme, the Region Scheme prevails over the Local Planning Scheme to the extent of the inconsistency. In this regard, the ‘Urban’ zone on the MRS applies over the ‘Rural’ and ‘Special Rural’ zoning prescribed under TPS2.
Clause 124 (2) requires the Council to initiate an amendment to TPS2 to be consistent with the Region Planning Scheme within 90 days after an amendment to the Region Planning Scheme has come into effect. In this regard, the Council is obligated to initiate an Amendment to TPS2 specifically with respect to the ensuring consistency with the MRS.

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

g. **Risk**

**Risk Implications of Implementing Officer Recommendation**
Nil

**Risk Implications of Not Implementing Officer Recommendation**
Low
- The WAPC and Minister for Planning may grant approval to the Amendment contrary to the Council’s decision

### Comments

The proposed Amendment to TPS2 to rezone the land from 'Rural' and 'Special Rural' to 'Development' zone will provide consistency with the MRS 'Urban' zone. The 'Development' zone and supporting Development Area outlined in Schedule No.9 of TPS2 provides the most appropriate statutory mechanisms to ensure orderly and proper planning of the subject land.

Now the Council has endorsed the East Baldivis District Structure Plan for the purpose of guiding and informing the City's consideration of Local Structure Plans and regional planning initiatives and proposals, it is considered appropriate to rezone the entire District Structure Plan area to 'Development' in line with the guiding planning framework.

The rezoning of the entire precinct will permit the timely consideration of Structure Plan proposals and remove the need for the Council to initiate a number of separate Amendments to TPS2 to rezone land to 'Development' following any future decisions from the WAPC to rezone land from 'Urban Deferred' to 'Urban' under the MRS.

The concerns raised in submissions are issues surrounding the preparation of future Local Structure Plan proposals. Once the City has received formal Structure Plan proposals, these will be advertised for public comment and at this stage, the detailed concerns over the design can then be addressed.

It is noted that the City identified a minor text error within amendment during the advertising process where Schedule No.9 refers to Local Structure Plans in lieu of the Scheme terminology Structure Plans. This minor change does not impact the intent of the Amendment and is recommended to be modified accordingly.

The TPS2 is required to be amended to be consistent with the MRS. Accordingly, it is recommended that the Council adopt the Scheme Amendment, subject to a minor modification, and request the Hon Minister for Planning grant Final Approval.

### Voting Requirements

**Simple Majority**

### Officer Recommendation

That Council:

1. **ADOPT** for Final Approval Amendment No.145 to Town Planning Scheme No.2, subject to the modifications shown in red below:

   (i) Rezone Lots 2, 5, 6, 10, 129, 447, 459 – 463, 511-513, 521, 545, 709, 746-750, 921, 922 Baldivis Road; Lot 510 Bodman Place; Lot 3 Key Close; Lots 104, 105 and 302 Paparone Road; Lots 515-520 Sabrina Road; Lots 1, 3, 4, 10, 101-103 Zig Zag Road, Baldivis from 'Rural' and 'Special Rural' to 'Development' on the Scheme Map.
(ii) Amend the Scheme Map to contain Lots 2, 5, 6, 10, 129, 447, 459 – 463, 511-513, 521, 545, 709, 746-750, 921, 922 Baldivis Road; Lot 510 Bodman Place; Lot 3 Key Close; Lots 104, 105 and 302 Paparone Road; Lots 515-520 Sabrina Road; Lots 1, 3, 4, 10, 101-103 Zig Zag Road, Baldivis within Development Area No.40 and reference this on the Scheme Map as ‘DA 40’.

(iii) Amend ‘Schedule No.9 - Development Areas’ to modify Development Area DA40 as set out below:

<table>
<thead>
<tr>
<th>Reference No.</th>
<th>Area</th>
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<tr>
<td>DA40</td>
<td>Lots 2, 5, 6, 10, 129, 104, 105, 447, 459-463, 511-513, 521, 541, 543, 544, 545, 709, 746-750, 921, 922, 1000 Baldivis Road; Lot 510 Bodman Place; Lot 3 Key Close; Lots 104, 105 and 302 Paparone Road; Lots 515-520 Sabrina Road; Lots 1, 3, 4, 10, 101-103 Zig Zag Road, Baldivis</td>
<td>An approved Local Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.</td>
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1. Proposed Local Structure Plan

1-1 The following matters must be addressed as part of the preparation of the Proposed Local Structure Plan in addition to those set out in Clause 4.2.5:

1. A Bushfire Hazard Assessment;

2. An Acoustic Consultant Report prepared by a suitably qualified acoustic consultant to demonstrate how sensitive land uses will not be adversely impacted by noise generated by the Kwinana Freeway and Mundijong Road.

3. For land within 110m of the Bunbury to Dampier Natural Gas Pipeline easement the following reports are required to be prepared:

   (i) Qualitative Risk Assessment; and

   (ii) Pipeline Risk Management Plan

(iv) Amend ‘Schedule No.4 - Special Rural Zones – Portions of Planning Unit 5 of the Rural Land Strategy’ to remove Plan Reference 5(i) and reference to Lots 101-105 and 129 Zig Zag and Paparone Roads, Baldivis from the Location Table.

(v) Modify ‘Plan No.4 – Special Rural Zones (North)’ to exclude Lots 101-105 and 129 Zig Zag and Paparone Roads, Baldivis from this Plan.

2. ADOPT the recommendations contained within the Schedule of Submissions.

Committee Recommendation

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1. ADOPT for Final Approval Amendment No.145 to Town Planning Scheme No.2, subject to the modifications shown in red below:

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Modify 'Plan No.4 – Special Rural Zones (North)' to exclude Lots 101-105 and 129 Zig Zag and Paparone Roads, Baldivis from this Plan.

2. **ADOPT** the recommendations contained within the Schedule of Submissions as follows:

CITY OF ROCKINGHAM
SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO.145 TO TOWN PLANNING SCHEME NO.2
REZONING FROM RURAL AND SPECIAL RURAL TO DEVELOPMENT - LOTS 2, 5, 6, 10, 129, 104, 105, 447, 459-463, 511-513, 521, 541, 543, 544, 545, 709, 746-750, 921, 922, 1000 BALDIVIS ROAD; LOT 510 BODMAN PLACE; LOT 3 KEY CLOSE; LOTS 104, 105 AND 302 PAPARONE ROAD; LOTS 515-520 SABRINA ROAD; LOTS 1, 3, 4, 10, 101-103 ZIG ZAG ROAD, BALDIVIS
<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Ms Kelly Stasiw, Western Power, Locked Bag 2520, Perth WA 6000</td>
<td>The submission offers no objection to the proposed Amendment.</td>
<td>That the submission be noted.</td>
</tr>
</tbody>
</table>

Thank you for submitting the above due diligence request to Western Power for a response. As there is/are overhead/underground distribution/transmission lines/cables/easement adjacent to your proposed works, Western Power will review your request and provide detailed comments in 4 weeks.

Please note that this email should not be considered to be an approval or non-objection to works. It is not advisable to commence with your works until you have received further comment from Western Power.

General Worksafe Information:
As there are overhead power lines and/or underground cables, adjacent to or traversing the property the following should be considered prior to any works commencing. This information should be considered when planning works although it should be noted that the provision of this safety information does not indicate an approval of these works to proceed.

It is responsibility of the person in control of the workplace to ensure that works comply with regulation 3.64 (1) and (2) of the Occupational Health Regulations 1996. These regulations state that a minimum distance must be maintained from the overhead line during the course of any works. The person in control of the workplace is responsible for ensuring no personnel, plant, or material encroaches within the danger zone around the lines. The responsible person must assess their work methods and decide whether they can maintain this minimum separation. You need to be aware that the line will sag under the influence of temperature (either ambient or due to current flow) and deflect under the influence of the wind. You cannot reliably base an assessment of the expected clearance on the static position of the line.

For more information on this please visit the website links below:
or
or
www.1100.com.au

Western Power is obliged to point out that any change to the existing power system, if required, is the responsibility of the individual developer.
If you have further questions please contact Western Power on 13 10 87.
<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
</table>
| **2. Ms Hilary Smith, Department of Parks and Wildlife - Locked Bag 104, Bentley DC WA 6983**  
Department of Parks and Wildlife (DpaW) Swan Region has no comments on the proposal. It is considered that the proposal and any potential environmental impacts will be appropriately addressed through the existing planning framework. | The submission offers no objection to the proposed Amendment. | That the submission be noted. |
| **3. Mr Stephen Muldoon, Department of Education - 151 Royal Street, East Perth WA 6004**  
Thank you for your letter dated 30th May 2014 regarding Amendment No.145 to Town Planning Scheme No.2.  
The Department of Education has reviewed the East Baldivis Structure Plan and advises that it has no objection to the rezoning of the area from 'Rural' and 'Special Rural' to 'Development' zone.  
The Department is satisfied with the location of the future high school and primary school sites within the structure plan. | The submission offers no objection to the proposed Amendment. | That the submission be noted. |
| **4. Mr Rick Rogerson, Geological Survey of Western Australia - Mineral house, 100 Plain Street, East Perth WA 6004**  
Thank you for your letter dated 30th May 2014 inviting comment on the above proposal to rezone the balance of the East Baldivis District Structure Plan area from 'Rural' and 'Special Rural' to 'Development Zone'.  
The Geological Survey of Western Australia (GSWA) has assessed this proposal on behalf of the Department of Mines and Petroleum (DMP) with respect to access to mineral and petroleum resources, geothermal energy and basic raw materials, and makes the following comments.  
Due to the presence of Priority Resource Locations (PALs) for sand and clay adjacent to the East Baldivis District Structure Plan area, DMP has raised concerns with the Western Australian Planning Commission (WAPC) regarding the lifting of 'Urban Deferment' under the Metropolitan Region Scheme within this area since May 2007.  
Taking all relevant information into account, the WAPC has progressively lifted 'Urban Deferment' for most of the East Baldivis District Structure Plan area, with the exception of a number of areas, shown in red in Figure 1 where the land falls within parts of the 500 metre separation distance of the PALs.  
WAPC Statement of Planning Policy No. 2.4 (SPP2.4), section 6.1.1 states that Priority Resource Locations "are the locations of regionally significant resources which should not be constrained by incompatible uses or development". | The City acknowledges comments made by the Department of Mines and Petroleum regarding the protection of buffers for the extraction of regionally significant resources, however, since receiving the Department's submission, all land within the East Baldivis locality (with the exception of land abutting Mundijong Road) has been rezoned to 'Urban' under the MRS. For this land, the City is obligated pursuant to s124 of the Planning and Development Act (2005) to initiate an amendment to TPS2 to be consistent with the Region Planning Scheme. | That the submission not be upheld. |
4. Cont...

In this context, the proposal for urban zoning and potential residential housing adjacent to these areas does suggest potential for future land use conflicts. In addition, DMP draws the attention of any proponent for residential development to Section 6.3.3 which states "There should be a presumption against the introduction of sensitive land uses which could be adversely affected by existing or potential future extractive industries unless appropriate measures can be taken to ameliorate the adverse impacts".

Thus, DMP has no further comment to make on those areas that have already had 'Urban Deferment' lifted within the metropolitan Region Scheme (see attached map). However, consistent with SPP2.4, DMP continues to have concerns about and hence cannot support any rezoning that would allow for urban development within the PRL separation areas highlighted in red before the associated resource extraction has been completed.

With respect to the remaining land zoned 'Urban Deferred', this land is subject to regional road planning which is not considered a sensitive land use. Notwithstanding this point, however, Proponents seeking approval for Local Structure Plans within vicinity of the extractive industry buffers will need to address this land use constraint as part of the preparation of a Local Structure Plan.

5. Mr Cesar Rodriguez, Department of Aboriginal Affairs - PO Box 3153, East Perth WA 6892

Thank you for the opportunity to provide comment on the above. The Department of Aboriginal Affairs (DAA) has reviewed your proposed amendments and can inform you that based on the DAA Heritage Database, there are no known Registered Aboriginal sites, located within the lots subject of the proposed amendment.

The submission offers no objection to the proposed Amendment. That the submission be noted.
### 5. Cont...

There are two Other Heritage Places; DAA 4349 is located outside the boundary of the land and on the verge of lot 463 Baldivis Road, Baldivis. DAA 4348 is located outside the boundary of the land of lot 463 Baldivis Road, Baldivis. The Aboriginal Cultural Material Committee assessed both these places in 1991 and 2000 respectively and determined both not to be sites to which section 5 of the Aboriginal Heritage Act 1972 would apply.

DAA recommends the proposed amendments include reference to the Cultural Heritage Due Diligence Guidelines (the Guidelines) so that prospective developers are informed of their obligations with regards to Aboriginal places. You can find these electronically at:


Please contact Ms Christine Bolton, Heritage Project Officer on 6551 8132 should you require more information.

### 6. Mr Brett Dunn, Department of Water, PO Box 332, Mandurah WA 6210

Thank you for the referral for the Amendment No 145 to the Town Planning Scheme No 2, dated 30th May 2014. The Department of Water (DoW) has reviewed the information and offers the following advice:

**Groundwater**

The subject area is located within the Stakehill Groundwater Area as proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction in this proclaimed 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.

It is important to note, there may be difficulties securing groundwater in the Stakehill Groundwater Area. Groundwater may not be available for the future developments. Please contact the licensing section at the DoW's Mandurah office on 9550 4222 for further advice.

If you wish to discuss the above or require further information please contact Patrick Ridley on (08) 9550 4237.

The submission offers no objection to the proposed Amendment, however, raises an issue which will need to be addressed through the Structure Plan and future subdivision processes.

That the submission be noted.

### 7. Mr Peter Howard, Water Corporation, PO Box 100, Leederville WA 6902

Thank you for your letter dated 30 May 2014 inviting comments from the Water Corporation.

It is acknowledged that the purpose of the amendment is to rezone the area to ensure consistency with recent MRS rezoning’s and to reflect the Council's adoption of the East Baldivis District Structure Plan.

The submission offers no objection to the proposed Amendment.

That the submission be noted.
<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>7.  The Corporation has adopted water and wastewater infrastructure planning for this area, which provides a guide to developers and their consultants for the servicing of the East Baldivis area at the subdivision and development stages. The Corporation would welcome further opportunities to provide servicing advice on future Local Structure plans over the East Baldivis land. If you have any further queries on these comments please contact Brett Coombes on (08) 9420 3165.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>8. Mr Michael Lindsay, Department of Health, PO Box 8172, Perth Business Centre WA 6849</strong></td>
<td>The submission offers no objection to the proposed Amendment, however, raises issues which will need to be addressed through the Structure Plan and future subdivision processes.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>Thank you for your letter dated 30 May 2014 requesting comment from the Department of Health (DOH) on the above proposal. The DOH provides the following comment: 1. Water and Wastewater Disposal All developments are required to have a potable water supply and comply with the Government Sewerage Policy - Perth Metropolitan Region. 2. Public Health Impacts Enclosed is a scoping tool that highlights public health issues that should be addressed and incorporated into the proposed District Structure Plan. The scoping tool is available for download at: <a href="http://www.public.health.wa.gov.au/cprooU3965/2/Residential%20estates%20and%20precincts%20JUNE%202011.pdf">http://www.public.health.wa.gov.au/cprooU3965/2/Residential%20estates%20and%20precincts%20JUNE%202011.pdf</a> An additional resource that may also be helpful is an enHealth document 'Risky Business' - A resource to manage environment health risks specifically tailored for local governments. Available for download at: <a href="http://www.public.health.wa.gov.au/2/1400/2/health_riskassessment.pm">http://www.public.health.wa.gov.au/2/1400/2/health_riskassessment.pm</a> Should you have queries or require further information place contact Vic Andrich on 9388 4978 or <a href="mailto:vic.andrich@health.wa.gov.au">vic.andrich@health.wa.gov.au</a>.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>9. Mr George Hajigabriel, Rowe Group, Level 3, Newcastle Street, Northbridge WA 6003</strong></td>
<td>The submission offers no objection to the proposed Amendment.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>Rowe Group acts on behalf of BGC in relation to its landholdings at Lots 447, 459, 460 and 709 Baldivis Road, Baldivis. These properties are included within proposed Amendment No.145 which seeks to transfer the land from the &quot;Rural&quot; zone to the &quot;Development&quot; zone of the City of Rockingham Town Planning Scheme No.2. The Amendment is consistent with our Client's intended use of the land for residential development. At its meeting of 24 June 2014, the Western Australian Planning Commission (WAPC) resolved to amend the Metropolitan Region Scheme (MRS) by transferring Lot 447 and Part Lots 459, 460 and 709 Baldivis Road from the MRS &quot;Urban Deferred&quot; Zoned to the &quot;Urban&quot; Zone.</td>
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<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
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<td><strong>9. Cont…</strong>&lt;br&gt;The decision of the WAPC results in the majority of the BGC landholding now being in the &quot;Urban&quot; zone and as such we will be seeking to progress the Local Structure Planning processes. Given the above we convey our Client's <strong>SUPPORT</strong> of Amendment No.145.</td>
<td></td>
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</tr>
<tr>
<td><strong>10. Mr Lindsay Broadhurst, Main Roads Western AustrTalia, PO Box 6202, East Perth WA 6892</strong>&lt;br&gt;Thank you for your letter dated 30 May 2014 requesting comment from Main Roads with respect to the abovementioned proposal. Main Roads objects to the scheme amendment, particularly in relation to land adjacent to Mundijong Road, for the following reasons: Planning and design work for the Fremantle - Rockingham Control of Access Highway (FRCAH) connection to the Kwinana Freeway is currently being progressed by Main Roads. It is anticipated that this connection will have significant impacts on land within the vicinity of Mundijong Road with respect to levels of accessibility and land reservation requirements. Furthermore, matters in relation to land adjacent to Mundijong Road are currently being considered at the State Administrative Tribunal (SAT). The area to the north of Mundijong Road will be formalised through the SAT process shortly. Should further information be required in this regard the primary contact in relation to this matter is Sally Grebe, Planning Appeals - Department of Planning on (08) 6551 9433 or via email at <a href="mailto:Sally.Grebe@planning.wa.gov.au">Sally.Grebe@planning.wa.gov.au</a>&lt;br&gt;Should you require clarification on any of the above matters please contact Nicola Clark on (08) 9323 5877 or via email at <a href="mailto:nicola.clark@mainroads.wa.gov.au">nicola.clark@mainroads.wa.gov.au</a> In reply, please quote reference number 04/6857-08 (D14#332875).</td>
<td>The City acknowledges that the land requirements for the ultimate regional road layout remain unknown at this time and will likely impact land immediately adjacent to both the northern and southern boundaries of Mundijong Road. The purpose of rezoning the entire East Baldivis precinct is to permit the timely consideration of Structure Plan proposals and remove the need for the Council to initiate a number of separate Amendments to TPS2 to rezone land to 'Development' following any future decisions from the WAPC to rezone land from 'Urban Deferred' to 'Urban' under the MRS. Once the regional road reservation is determined, any Amendment to the Metropolitan Region Scheme will automatically rezone TPS2 to account for the new regional road reserve.</td>
<td><strong>That the submission not be upheld.</strong></td>
</tr>
<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
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</tr>
<tr>
<td><strong>11. Mr Doug Smith, Department of Fire &amp; Emergency Services, PO Box 1174, Perth WA 6844</strong>&lt;br&gt;I refer to your letter dated 5 June 2014 regarding the above Referral. Please be advised that the Department of Fire and Emergency Services (DFES) refers you to the Western Australian Planning Commission (WAPC) Planning for Bush Fire Protection Guidelines Edition 2 - May 2010 (These Guidelines replace DC 3.7 Fire Planning and Planning for bush Fire Protection, which were released by the WAPC and DFES in December 2001) and clause 6 of State Planning Policy 3.4 Natural Hazards and Disasters (SPP 3.4). Should you require further information relating to this application please telephone DFES South Coastal Regional Office on 9395 9300.</td>
<td>The submission offers no objection to the proposed Amendment, however, does note important information that future developers of the land need to consider for the preparation of a Proposed Structure Plan. The provisions of the Amendment account for the identified bushfire risks to the subject land and require a Bush Hazard Assessment to be prepared as part of a Proposed Structure Plan.</td>
<td>That the submission be noted.</td>
</tr>
</tbody>
</table>

<p>| <strong>12. Siobhan Riobhan, Public Transport Authority, PO Box 8125, Perth BC WA 6849</strong>&lt;br&gt;The PTA after consulting with Brookfield Rail have the following comments to make:&lt;br&gt;- While the development is on the southern side of Millar Road/Telephone Lane there would be additional traffic on Wellard Road Being mindful of the stacking distance when travelling south due to the ‘T’ Intersection where Wellard Road and Telephone Lane meet which is approximately 100m from the railway crossing. The crossing is protected with flash lights/600m gates so it may not be an issue but may need further assessment.&lt;br&gt;- Drainage to be closely monitored to avoid run off being diverted towards the culvert at the 10.8km (approx.).&lt;br&gt;- Fencing to 1.8m high to any rail corridor boundaries - no gates in the fencing.&lt;br&gt;- Adequate separation buffers from rail line to proposed residential.&lt;br&gt;- Noise abatement measures to the residences in accordance/development with SPPS4.&lt;br&gt;- Noise notations on titles (S70A). | The submission offers no objection to the proposed Amendment, however, raises issues which will need to be addressed through the Structure Plan and future subdivision processes. | That the submission be noted. |</p>
<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>13. Mr Neil Parry, Dampier Bunbury Pipeline, PO Box Z5267, Perth, St Georges Terrace WA 6831</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thank you for your letter of 30 May 2014 seeking comment on the above proposal. DBP acknowledges that the Council of the City of Kwinana propose to amend the Town Planning Scheme No. 2 to rezone the balance of the East Baldivis District Structure Plan area from 'Rural' and 'Special Rural' to 'Development Area'. As the owners of the Dampier to Bunbury Natural Gas Pipeline, DBP wish to object to the scheme amendment as it is our view that it would be inappropriate to rezone the DBNGP corridor given the limited use to which it can be put to by the authority of the provisions of the Dampier Bunbury Pipeline Act 1997. Generally speaking, the Dampier Bunbury Pipeline Act 1997 restricts the use of land gazetted as being within the DBNGP corridor to gas transmission related purposes. Therefore, we ask the City to rezone the corridor to 'Industrial Infrastructure' or 'Utility Services' or some other related zoning classification that is appropriate under the Town Planning Scheme. Although not part of this amendment process, DBP would like to revisit the concerns and issues that were highlighted in DBP's objection to the East Baldivis Structure Plan submission. DBP's objection to the submission was based on the developments proximity to the DBNGP and the inherent risks associated with residential development adjacent to a high pressure gas transmission pipeline that was designed to the land use classification R1/R2 Rural. DBP strongly urge the City to incorporate within the Town Planning Scheme Amendment for the preparation of a Qualitative Risk Assessment and a Pipeline Risk Management Plan as information required to be provided within a Local Structure Plan proposal. This is crucial to ensure that all matters relating to land use integration for development within the vicinity of the DBNGP are adequately addressed. Whilst the City endorse the Town Planning Scheme No. 2 as the most appropriate statutory mechanism to provide more orderly and detailed planning upon which more localised Local Structure plans can be prepared, it must be noted that DBP as pipeline licence holders, has specific obligations in regards to the management of societal risk. Although it is possible to quantify risk through analysis, residential development around a R1/R2 rural pipeline increases the inherent risk and those issues will need to be addressed at the Local Structure Planning Phase. At this stage, DBP cannot support the Amendment Number 145 and would put forward the following: The DBNGP corridor is identified as a linear gas infrastructure corridor under the Town Planning Scheme. The proposed Amendment contains provisions within Schedule No.9 for land within 110m of the Bunbury to Dampier Natural Gas Pipeline easement requiring a Qualitative Risk Assessment and Pipeline Risk Management Plan to be prepared as part of a Proposed Structure Plan. This requirement was prepared in accordance with WAPC Planning Bulletin No.87 High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region. Given the nature of the land use constraint, provisions requiring the preparation of a Pipeline Protection Plan are considered appropriate to be implemented in Schedule No.9 of TPS2. This will ensure the matter is appropriately addressed within a Local Structure Plan application.</td>
<td>That the submission not be upheld.</td>
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<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
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<tr>
<td>13 - Cont...</td>
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<tr>
<td>- The Town Planning Scheme Amendment provides for the protection of the DBNGP through development restrictions and setbacks appropriate for the nature of the pipeline.</td>
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<tr>
<td>- That developers be urged to engage with DBP at the earliest possible stage to ensure that technical and safety matters are addressed comprehensively and in a timeframe that does not prove to be an impediment to future development.</td>
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<tr>
<td>DBP is willing to provide a technical briefing on matters of concern if requested by Council. Should you have any further inquiries, please do not hesitate to contact me on the number above.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 14. Deo Balraj, Department of Transport, GPO Box C102, Perth WA 6839 | The City acknowledges that the land requirements for the ultimate regional road layout remain unknown at this time and will likely impact land immediately adjacent to both the northern and southern boundaries of Mundijong Road. The purpose of rezoning the entire East Baldivis precinct is to permit the timely consideration of Structure Plan proposals and remove the need for the Council to initiate a number of separate Amendments to TPS2 to rezone land to 'Development' following any future decisions from the WAPC to rezone land from 'Urban Deferred' to 'Urban' under the MRS. Once the regional road reservation is determined, any Amendment to the Metropolitan Region Scheme will automatically rezone TPS2 to account for the new regional road reserve. | That the submission not be upheld. |

Thank you for your letter dated 3rd June 2014 seeking comments from the DoT on the above amendment towards rezoning the balance of East Baldivis District Structure Plan from Rural and Special Rural to a Development zone under the City's town planning scheme.

DoT brings to the City's attention that the subject area has recently undergone amendments to the MRS scheme (i.e rezoned from Rural and Special Rural to Urban and Urban Deferred), which have been incorporated into the current MRS scheme.

DoT highlights that under the current MRS Scheme (Attached), parts of the following properties are still classified as Urban Deferred:
- Lots 447, 462, 463, 510, 515, 516 and 709 Baldivis Road
- Parts of Lot 129 (363 Baldivis Road)
- Lot 1 (7 Zig Zag Road)
- Lot 2 (293 Baldivis Road)
- Lot 131, 134 and 135

In addition, reference is also made to Main Roads WA comments dated 2nd July 2014 (attached), referring to the area abutting Mundijong Road (Lots 462, 463, 510, 515, 516 Baldivis Road) which is currently subject to an appeals process with the State Administration Tribunal (SAT).

In light of the above, it would be premature to amend the said Lots to Development Zone under the Town Planning Scheme prior to the following:
1. A formal MRS amendment process reflecting the proposed change and
2. Conclusion of appeals process with SAT.

The DoT will continue to work with the City to address the above concerns. Should you have further enquiries or require any further clarification with respect to this advice, please feel free to correspond with Stanley Naicker on 6551 6933.
The Committee’s Reason for Varying the Officer’s Recommendation
Not Applicable

Implications of the Changes to the Officer’s Recommendation
Not Applicable
## Planning and Development Services
### Statutory Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-058/14 Proposed Allocation of Cash-in-Lieu of Public Open Space Funds</th>
</tr>
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<tr>
<td>File No:</td>
<td>CPR/328-02</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>463</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr Ashley Pittard, Manager Community Infrastructure Planning</td>
</tr>
<tr>
<td>Owner:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 August 2014</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Laurie Stanford Reserve: Lot 1991 Singleton Beach Road, Singleton (Reserve 26471) and Lot 4064 Cavendar Street, Singleton (Reserve 26471)</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>8.5 hectares (total)</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Public Open Space</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
</tr>
<tr>
<td></td>
<td>3. Proposed Laurie Stanford Master Plan</td>
</tr>
</tbody>
</table>
1. Location Plan

Subject Site

Laurie Stanford Reserve

Oceancrest Estate - Subdivision where cash in lieu of funds were derived

2. Aerial Photo
Purpose of Report

To allocate cash-in-lieu of Public Open Space (POS) funds towards improvements to Laurie Stanford Reserve, subject to final approval from the Minister for Planning.

Background

In February 2011, the Western Australian Planning Commission (WAPC) granted conditional Subdivision Approval (#143106) for the creation of 116 lots at Lot 1002 Singleton Beach Road, Singleton. Refer to Figure 2.

Advice Note No.21 of the Subdivision Approval advised that the WAPC approved of a cash payment in lieu of providing the required area of POS. It states:

“In accordance with Section 153 of the Planning and Development Act 2005 (the Act) and the endorsed local structure plan a financial contribution payment being made to the City of Rockingham in lieu of the provision of 10% public open space being an area of 8,527m².”

The subdivider of Oceancrest Estate submitted a Valuation Report demonstrating that $620,000 was the value of land in lieu of providing POS. The City referred the Valuation Report to a Property Valuer for review, from which the amount of cash-in-lieu required to be paid by the landowner was calculated at $645,000. The subdivider agreed to this revised amount and has made payment of $645,000 to the City.

Details

As the cash-in-lieu of POS funds must be applied within the vicinity of the subdivided area, the following works are proposed to Laurie Stanford Reserve:

- Landscaping and pathways;
- Spectator cover;
- Reticulation;
- Play equipment; and
- Car parking.

These works are consistent with the draft Laurie Stanford Reserve Master Plan (CD-028/14), which includes:

- Extensions to existing Singleton Community Centre;
- Demolition of existing Singleton Hall and Comet Bay Bowling Club;
- Upgrade and/or relocation of cricket practice nets; and
- Related external works including earthworks, landscaping and car parking and undertake necessary works to improve turf quality.
3. Draft Laurie Stanford Master 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 Aspirations contained in the Community Plan 2011:

**Aspiration 4:** A healthy community engaging in positive and rewarding lifestyles with access to a range of passive and active recreational and personal development opportunities.

**Aspiration 5:** Community facilities and services delivered in a timely manner, able to meet expectations and serve new and growing neighbourhoods.

d. Policy

Development Control Policy 2.3 – Public Open Space in Residential Areas (DC 2.3)
DC2.3 is a Western Australian Planning Commission (WAPC) Policy which guides the provision of POS in Residential Areas. The objective of DC2.3 is to ensure all residential development in the State is complemented by adequate and well-located areas of POS. DC2.3 outlines in what circumstances a cash payment can be made by the subdivider in lieu of providing land for POS, as follows:

- The land area is such that a 10 precent contribution would be too small to be of practical use;
- There may be sufficient open space already in the locality; and
- Public open space is planned in another location by way of a Town Planning Scheme or Local Structure Plan."

The WAPC may impose a POS condition of Subdivision Approval with a footnote seeking the provision of a cash-in-lieu equivalent of the POS, where the required 10% area of open space would yield an area of unsuitable size and dimension of practicable use, as has occurred in this instance.

The City considered that the provision of POS within the subdivision area was unsuitable and, as 8.5 hectare area of POS for active and passive recreational purposes is provided for immediately adjacent to and linked to the subdivision.

e. Financial

There is no financial impact on the City regarding the use of the cash-in-lieu of public open space funds. The proposed works using cash-in-lieu funds will be carried out during 2014/2015.

f. Legal and Statutory

Planning and Development Act 2005 (the Act)
Section 153 of the Act outlines when payment in lieu of providing POS is accepted by agreement between the City and the owner of land.

Section 154 of the Act enables POS funds to be used to purchase land for parks, recreation grounds, open spaces within the vicinity of the subdivided area; repaying of loans for the purchase of such land; and/or with approval from the Minister for Planning, the improvement or development of parks, recreation grounds and open spaces nearby the subdivision. In this instance, the City will seek approval from the Minister for Planning to use the POS funds to upgrade Laurie Stanford Reserve, which is consistent with the improvement of the park within the vicinity of the subdivision.
Under Section 154(2)(c) of the Act, the cash-in-lieu funds can be applied by the City, with the approval of the Minister for Planning, for the improvement or development of parks, recreation grounds or open spaces generally on any land in that locality vested in or administered by the City. The expenditure of POS funds for the purposes proposed requires the approval of the Minister for Planning, prior to the commencement of works.

g. Risk

Risk Implications of Implementing Officer Recommendation

Low:
- There is a risk of the cash-in-lieu funds towards the improvement of the Laurie Stanford Reserve not being approved by the Minister for Planning, but this is a low risk, as the City considers that the proposal complies with the requirements of the Act.

Risk Implications of Not Implementing Officer Recommendation

Nil

Comments

The allocation of POS funds towards the Laurie Stanford Reserve complies with the requirements of the Act. The park improvement is considered to be necessary and appropriate in these circumstances.

Voting Requirements

Simple Majority

Officer Recommendation

That Council SEEK Minister for Planning approval for the use of cash-in-lieu of Public Open Space funds towards improvement works to the Laurie Stanford Reserve 26471 (Lot 1991 and Lot 4064, Cavendar Street, Singleton).

Committee Recommendation

That Council SEEK Minister for Planning approval for the use of cash-in-lieu of Public Open Space funds towards improvement works to the Laurie Stanford Reserve 26471 (Lot 1991 and Lot 4064, Cavendar Street, Singleton).

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

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

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>PDS-059/14 Proposed Place of Worship</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>DD020.2013.00000431.1</td>
</tr>
<tr>
<td><strong>Risk Register No:</strong></td>
<td>363 and 365</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Mulder Kampman Design Pty Ltd</td>
</tr>
<tr>
<td><strong>Owner:</strong></td>
<td>Samoan Independent Seventh Day Adventist Church (WA Division) Incorporated</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr Riaan Stassen, Senior Planning Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
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<tr>
<td><strong>Date of Committee Meeting:</strong></td>
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<td><strong>Disclosure of Interest:</strong></td>
<td></td>
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<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td></td>
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<tr>
<td><strong>Site:</strong></td>
<td>Lot 588 (No.162) Haines Road, Baldivis</td>
</tr>
<tr>
<td><strong>Lot Area:</strong></td>
<td>23.45ha</td>
</tr>
<tr>
<td><strong>LA Zoning:</strong></td>
<td>Rural</td>
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<td><strong>MRS Zoning:</strong></td>
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<td><strong>Attachments:</strong></td>
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<td>1. Location Plan</td>
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<td></td>
<td>3. Surrounding Land Uses</td>
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<td>4. Proposed Site Plan</td>
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<td>5. Artist Impression – view from Haines Road</td>
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<td>6. Proposed Floor Plan</td>
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<td>7. Elevations (north and south)</td>
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<td>8. 3D View</td>
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<td>9. Elevations (east and west)</td>
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<td>10. Consultation Plan</td>
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</tbody>
</table>
Purpose of Report

To consider an application seeking Planning Approval for a church (Place of Public Worship) to be developed on Lot 588 (No.162) Haines Road, Baldivis.

Background

The locality in which the subject property is situated comprises a range of uses, which includes raw material extraction, broad hectare cattle grazing and holding yards, WA Water Ski Park and Caravan Park, market gardening and rural pursuits. The Doghill Road area to the west is characterised by predominantly ‘Special Rural’ and ‘Special Residential’ subdivisions.
3. Surrounding Land Uses

Details

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

A church hall - ±752m² to cater for a future congregation of 170 persons (current congregation of 110 persons);
- Two Church Services are proposed to be held on Saturdays between 9:00am and 2:00pm;
- Bible studies will be undertaken two evenings per week;
- 1 to 2 times per year larger services will be held at the premises to cater for visiting members from other congregations;
- Meeting rooms - ±91m²;
- Foyer, kitchen, offices, store - ±251m²;
- Crèche - ±66m²;
- Multi-purpose hall (recreation) - ±949m²;
- A Pastor’s residence - ±301m²;
- Car parking area for 43 vehicles;

The aesthetic appearance of the building is described by the applicant as conservative in nature with pitched roofs to compliment the rural setting. The colour scheme is proposed as ‘natural and earthy tones’ in response to the natural environment. The pastor’s residence continues on with the colour scheme and has been positioned within the treed area for privacy and to take advantage of the natural shade.

The applicant has submitted a Traffic Impact Assessment Report (TIA) in the support of the proposal. The findings of the TIA have been summarised as follows:
- A left turning pocket and right auxiliary lane are required at the intersection of Mundijong Road and Telephone Lane due to a 100km/h speed limit, poor sight distances due to the curve in Mundijong Road at the intersection location, high number of turning vehicles during peak times and a substantial percentage of vehicles using the intersection being heavy vehicles.
- Excellent Level of Service achieved with intersection changes described above during AM arrival and midday departure periods;
- No widening of Haines Road is necessary at the access point into the site given the very low traffic volumes; and
- The car park has been designed to accommodate refuse vehicles.

An Acoustic Report has also been submitted in support of the proposal.
5. Artist Impression – View from Haines Road
6. Proposed Floor Plan

- **Multi-purpose hall**: 949.78m²
- **Church hall**: 752.67m²
- **Foyer, offices and meeting rooms**
- **Crèche**
7. Elevations (north and south)

8. 3D View
9. Elevations (east and west)
Implications to Consider

a. Consultation with the Community

In accordance with the requirements of Town Planning Scheme No.2 (TPS2), the application was referred to adjacent and nearby owners and occupiers for comment for a period of 28 days.

At the close of the advertising period, one submission was received objecting to the proposal. A consultation plan is depicted below:

The objection and concerns received were based on the following grounds:

**Submission:**
(i) Illegal dumping of various household and construction materials has occurred over the property over a period of up to twenty years.

**City’s Comment:**
This matter has been separately investigated as a compliance matter which revealed that the works were undertaken over a period of years, however, the works undertaken were outside the statute of limitations. The current owner has been advised of the requirement to seek approval and that any further filling of land/stockpiling will result in the City taking further compliance action.

There is no evidence to suggest that the material located on-site is contaminated. Furthermore, a geotechnical report will be required as part of a future Building Permit application to determine the suitability of fill.
Submission:
(ii) Haines Road is not suitable to carry high traffic numbers. The road currently consists of a narrow hard surface with no shoulders to accommodate passing vehicles.

Applicants Response:
The Traffic Impact Assessment Report, which is based on an auditorium of 170 persons, found that no widening of Haines Road is required and the road has sufficient capacity to cater for the increased patronage generated by the church and would maintain the current level of service. It was noted that the increase in traffic would occur half an hour before and after church services.

City's Comment:
The City's Engineering Services support the findings of the TIA. Based on the above and the limited hours of operation (Saturdays and two week nights), the City considers the potential impact on the amenity of neighbours and road capacity to be acceptable.

Submission:
(iii) The possible impact of ‘urban’ related land uses on the rural amenity of the area.

City's Comment:
The City's Town Planning Scheme No.2 makes provision for a ‘Place of Public Worship’ as an ‘A’ use under the 'Rural' zone. The City is satisfied that the proposal will not have a detrimental impact on the rural environment or amenity and relevant conditions are recommended to ensure the rural amenity of neighbours is maintained.

b. Consultation with Government Agencies

In accordance with the City’s Town Planning Scheme No.2, the application was referred to the following external agencies for comment:
- Department of Environment Regulation (DER)
- Department of Water (DoW)

A response was received from the following agency:

1. Department of Water

Effluent Disposal
On-site effluent disposal systems should only be used where there is a 1.2m vertical separation between the underside of the wastewater disposal system and the highest known water table, and at least 100m horizontal separation between the disposal system and the nearest water body or public well. Alternative Treatment Units (ATU), where approved by the Department of Health, may be accepted with ongoing maintenance requirements.

Peel Harvey Coastal Plain Catchment
The proponent is advised that the proposal 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 shall apply.

Groundwater
The subject area is located within the Stakehill Groundwater Area as proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction in this proclaimed area for purposes other than domestic and /or stock watering taken from the superficial aquifer is subject to licencing by the Department of Water. It is important to note, there may be difficulties securing groundwater in the Stakehill Groundwater Area.

Flooding
The Serpentine River Flood Study shows that parts of the lot are affected by flooding during major river flows with the 100 year ARI flood level in the southern portion of the lot. Based on the floodplain development strategy for the area, proposed development that is located outside of the floodway is considered acceptable with respect to major flooding. However, minimum habitable floor levels of 0.5m above the appropriate 100 year ARI flood level are recommended to ensure adequate flood protection.
City’s Comment:
The location of the proposed development within the subject site is unaffected by the 100 year ARI flood level. With the introduction of acceptable minimum floor levels, the proposed development should have adequate flood protection.

<table>
<thead>
<tr>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision and development to be carried out in accordance with an approved Rural Concept Plan, where the following performance standards apply:</td>
<td>A rural concept plan does not apply to this site.</td>
<td>Yes</td>
</tr>
<tr>
<td>Provision of an Aerobic Treatment Unit (ATU) for effluent disposal purposes.</td>
<td>This would be a condition of approval.</td>
<td>Yes</td>
</tr>
<tr>
<td>Buildings to be setback 30m from all subdivisinal roads and 10m from all other boundaries.</td>
<td>The development is consistent with the setback requirements of TPS2.</td>
<td>Yes</td>
</tr>
<tr>
<td>Required</td>
<td>Provided</td>
<td>Compliance</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Stormwater shall be retained on site to WRC and Council specifications.</td>
<td>This would be a condition of approval.</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum building level 0.5m above 1:100 year flood level in areas of inundation as identified.</td>
<td>This would be a condition of approval.</td>
<td>Yes</td>
</tr>
<tr>
<td>No development being permitted within 20m of the 1:100 floodway.</td>
<td>DoW has identified that the site is located within the floodway, however, considers the development suitable. See full comments from DoW above.</td>
<td>Yes</td>
</tr>
<tr>
<td>Subdivision/development proposals are to include a landscaping plan detailing a proposed tree planting programme.</td>
<td>This would be a condition of approval.</td>
<td>Yes</td>
</tr>
<tr>
<td>Development shall be of a scale that minimises intrusion into the landscape.</td>
<td>The development is of a scale that is considered appropriate for a rural area. The buildings contain elements that mimic the character of rural buildings. A range of neutral colours and colours from the natural landscape are to be used. A condition should be imposed requiring a schedule of colours and finishes to be approved by the City prior to applying for a Building Permit.</td>
<td>Yes</td>
</tr>
<tr>
<td>When sensitive development (such as rural-residential development) is proposed near an existing/proposed intensive rural land uses (such as piggeries, poultry farms, market gardens or any other agricultural activity or industry), or a new intensive rural land use is proposed near existing or proposed sensitive development, the requirements of the WAPC’s State Industrial Buffer Policy must be observed.</td>
<td>This is discussed below.</td>
<td>Yes</td>
</tr>
</tbody>
</table>


This document contains a set of guidelines and addresses a range of matters that need to be taken into consideration at various stages of the planning process to provide an appropriate level of protection to life and property on land where bush fire risk is identified.

The subject property is located within an existing rural setting with a potential bush fire risk.

A Fire Management Plan is therefore required based on a Bush Fire Hazard Assessment and should address appropriate mitigation measures, inclusive of the following:

- Building protection zones;
- Hazard separation zones;
- Fire breaks;
- Bush fire attack levels;
- Hazard reduction measures, and
- Emergency access and exit ways.

Environmental Protection Authority (EPA) – *Generic Separation Distances between Sensitive and Intensive Rural (Industrial) Land Uses*

The EPA generic separation distances guides the determination of suitable distances between industry and sensitive land uses where industry may have the potential to affect the amenity of a sensitive land use.

The subject property is situated approximately 1000m from existing cattle holding yards to the north-east of the property. The proposed minimum separation distance between such a use and a sensitive land use is 1000m which is outside of the required buffer distance.

State Planning Policy No.2.1 – Peel Harvey Coastal Plain Catchment (SPP2.1)

SPP2.1 applies to land within the Peel-Harvey Catchment. It requires that new developments incorporate effluent management systems in accordance with the Health Department, EPA and the Water Authority of Western Australia requirements.

The proposed development will be required to incorporate a nutrient retentive effluent management system, which is a requirement in the Peel Harvey Catchment.

e. Financial
Nil

f. Legal and Statutory

Metropolitan Region Scheme (MRS)

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

The application must therefore be determined by the Western Australian Planning Commission (WAPC), pursuant to the MRS. The City will provide its comments and recommendations to the WAPC following the Council’s decision on the proposal under the TPS2.

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

Town Planning Scheme No.2 (TPS2)

Permissibility

A church is interpreted under TPS2 as a ‘Public Worship – Place of’, which is a use that is not permitted in a Rural Zone unless Council has exercised its discretion by granting Planning Approval after advertising the proposal for public comment.
Place of Worship is interpreted under TPS2 as follows:

“means premises used for religious activities such as a church, chapel, mosque, synagogue or temple.”

Rural Zone

The objective of the Rural Zone under TPS2 is to preserve land for farming and foster semirural development, which is sympathetic to the particular characteristics of the area in which it is located.

The City considers that the proposed church complies with the objectives of the Rural Zone and will be compatible to its rural setting subject to screen planting being provided within the street setback area to Haines Road and side setback area to the neighbouring property to the west.

Parking

The proposal includes 43 car parking bays which complies with the car parking requirements of TPS2, based on 1 bay per 4 persons accommodated for the Place of Worship. There are currently 110 members, which require 28 parking bays. The additional bays are proposed to accommodate future growth of the congregation.

Setbacks

TPS.2 requires all development to be setback 30m from Haines Road and 10m from all other boundaries. All existing and proposed structures are behind the current 30m street setback.

Environmental Protection (Noise) Regulation (Regulations)

The applicant has prepared a preliminary Acoustic Report in support of the proposal. The Report has assessed the proposed development against the Environmental Protection (Noise) Regulations 1997 (Regulations). It has determined that the development will comply with the noise emission criteria subject to the implementation of appropriate acoustic treatments and management measures.

The City is satisfied with this assessment, subject to preparation of a Noise Impact Assessment being undertaken post commencement of the development, to demonstrate that the development is complying with the assigned noise criteria. A standard condition of approval has been included in this regard.

g. Risk

Risk Implications of Implementing Officer Recommendation

Low:

• There is the potential risk of the applicant lodging either a request for reconsideration of conditions of approval or an Application for Review to the State Administrative Tribunal if the applicant is aggrieved by a condition of Planning Approval.

Risk Implications of Not Implementing Officer Recommendation

Low:

• There is the potential risk of the applicant being aggrieved by a refusal of Planning Approval lodging an Application for Review to the State Administrative Tribunal.

Comments

The location of the proposed development is acceptable as the development complies with the requirements of TPS2. The objections raised by the submissioner can be satisfactorily addressed by conditions of Planning Approval.

The Acoustic Consultant's Report has demonstrated that the development will comply with the Regulations.

The City accepts the findings of the TIA, where the additional traffic is predicted to not impact on the road network performance, due to an upgraded intersection at Mundijong Road and Telephone Lane. No changes to the road network are required to facilitate the proposed development along Haines Road, which will not be unduly affected except for the new intersection treatment required at the intersection of Mundijong Road and Telephone Lane.
It is recommended that Council grant conditional Planning Approval to the proposed Place of Worship.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVE** the application for the proposed Place of Worship on Lot 588 (No.162) Haines Road, based on the following conditions:

1. No vehicle parking associated with the development is permitted along Haines Road at any time.
2. The car park must:
   (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking, prior to applying for a Building Permit;
   (ii) include one car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work; and
   (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
3. All Finished Floor Levels must be a minimum of 4.1m AHD.
4. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, during construction.
5. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City, and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to applying for a Building Permit.
6. The development must be connected to an alternative on-site wastewater system designed to reduce Phosphorus, Pathogenic Microbes, Biological oxygen demand, and Non-filterable residue, and constructed to the satisfaction of the City.
7. Materials, sea containers, goods or bins must not be stored within the car park at any time.
8. The new crossover onto Haines Road must be designed and constructed in accordance with the City's specifications, prior to the occupation of the development.
9. A bin storage area must be designed with a size suitable to service the development and screened from view of Haines Road, to the satisfaction of the City, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.
10. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit.
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) Landscape buffer to Haines Road and the western boundary.

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

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

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

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

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

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

(ii) tonality, modulation and impulsiveness; and

(iii) confirm the implementation of noise attenuation measures.

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

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

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

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

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

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

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

18. Prior to the occupation of the development:

(i) an auxiliary lane must be provided on Mundijong Road for vehicles turning right into Telephone Lane;

(ii) a left turning lane must be provided on Mundijong Road for vehicles turning left into Telephone Lane,

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

Footnotes:

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

(ii) The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City’s Health Services for information and conforming requirements.
(iii) A separate approval from the City's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City’s Health Services in this regard.

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

### Committee Recommendation

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

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The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City.
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Committee Voting – 5/0

<table>
<thead>
<tr>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
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</thead>
<tbody>
<tr>
<td>Not Applicable</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
### PDS-060/14 Proposed Closure of Paparone Road and Drainage Reserve

**Reference No & Subject:**

<table>
<thead>
<tr>
<th>File No:</th>
<th>LUP/1811</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk Register No</td>
<td>383</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Taylor Burrell Barnet Pty Ltd (on behalf of Peet &amp; Co)</td>
</tr>
<tr>
<td>Owner:</td>
<td>Crown</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Craig Zanotti, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Mr Riaan Stassen, Senior Planning Officer</td>
<td></td>
</tr>
<tr>
<td>Mr David Waller, Coordinator Statutory Planning</td>
<td></td>
</tr>
<tr>
<td>Mr Mike Ross, Manager Statutory Planning</td>
<td></td>
</tr>
</tbody>
</table>

**Date of Committee Meeting:** 18 August 2014

**Previously before Council:** May 2014 (PDS-042/14)

**Disclosure of Interest:**

<table>
<thead>
<tr>
<th>Nature of Council’s Role in this Matter:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive</td>
</tr>
</tbody>
</table>

**Site:** Portion of Paparoni Road, Baldivis and portion of Drainage Reserve (No.49555)

**Lot area:**

- Paparone Road: 50m²
- Drainage Reserve No.49555: 1.2228ha

**LA Zoning:** Local Roads and Rural

**MRS Zoning:** Urban Deferred

**Attachments:**

1. Location Plan
2. Aerial Map

**Maps/Diagrams:**

1. Location Plan
2. Aerial Map
1. Location Plan

Drainage reserve subject to closure

Section of road subject to closure

2. Aerial Map

Purpose of Report

To consider proceeding with the closure of a portion of Paparone Road and Drainage Reserve (No.49555).
Background

Road Closure
The applicant has previously sought Council’s support to close a small portion (approximately 50m²) of the Paparone Road cul-de-sac head, so that it can be integrated into the future residential development of Lot 129 Baldivis Road. In May 2014, Council resolved, pursuant to Section 58 of the Land Administration Act 1997, to advertise the proposed partial closure. Paparone Road is a rural cul-de-sac which will be reconfigured into a ‘Neighbourhood Connector’ profile road that will provide a continuous connection between the intersections of Baldivis Road with Kerosene Lane (to the north) and Amazon Drive (to the south), as provided for in the East Baldivis District Structure Plan.

Drainage Closure
Following the initial request to close a portion of Paparone Road, the City also received a request to close a portion of Drainage Reserve 49555 which dissects Lot 129, however, this did not need to be considered initially by Council since it is not a publicly used reserve. The open drainage reserve was initially constructed to help drain rural properties along Baldivis Road and runs in a north to south direction over a number of properties. The City of Rockingham is the managing authority for the reserve, however it is identified as a Water Corporation asset. As a result of the decision to advertise the closure of a portion of Paparone Road, the City advertised the proposed closure of the drainage reserve.

Details
Further to the application to close a portion of the Paparone Road cul-de-sac head, the applicant has requested a partial closure of Drainage Reserve 49555, which is 1.22ha in area. This reserve dissects the property from the south-west corner to a north-easterly direction through the southern half of the property which then runs along the eastern boundary along Paparone Road. Based on advice from the Minister for Lands, reserved land that is not open to the public and no longer provides the intended function can be advertised by the City for closure without needing to be initially considered by Council.

Implications to Consider

a. Consultation with the Community
The proposal was advertised for 35 days in accordance with the Land Administration Act 1997. Advertising was undertaken with letters sent to neighbours within close proximity to both assets and a notice being circulated in the local newspaper. Advertising closed on 25 July 2014. No public submissions were received.

b. Consultation with Government Agencies
The following authorities were consulted during the advertising period:
(i) Department of Water
(ii) Department of Environment Regulation
(ii) Western Power
(iii) Water Corporation
(iv) Telstra
Submissions were received from the Western Power, the Department of Water, Telstra, the Water Corporation.

1. Western Power
Submission:
Western Power advised that it has no objections to the proposal. In summary, the utility has no infrastructure on the property and the lot is unserviced.
City's Comment:
Noted.

2. **Department of Water**

Submission:
The Department of Water has advised that it has no objections to the proposal.

City's Comment:
Noted.

3. **Telstra**

Submission:
Telstra informed the City that according to its Plant Records there are Telstra assets within the area of the proposal. The location of those services are approximate. The Proponent should contact ‘Dial Before You Dig’ to obtain detailed services plans before the commencement of any works.

City's Comment:
There does not appear to be any impact on existing Telstra services.

4. **Department of Environment Regulation**

Submission:
The property has not been reported or classified under the Contaminated Sites Act 2003 and DER has no information to suggest that the drainage reserve or land within the vicinity of the proposed road closure is contaminated.

It is unlikely that the proposal will result in dewatering or excavation within 3m of the natural soil surface. Therefore, the DER has no objection to the proposal.

City's Comment:
Noted.

5. **Water Corporation**

Submission:
The City of Rockingham is the managing authority for this rural drain, however it is a Water Corporation asset. The Water Corporation agrees to the relinquishment of the sub-drain to allow for urban development integration.

City's Comment:
Noted.

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

The responsibility for determining applications for the closure of road reserves and drainage reserve rests with the Minister for Lands, on advice from the Department of Land Administration.

g. Risk Implications of Implementing Officer Recommendation

Low:

- The Minister for Lands could refuse the road and drainage closure request. The Minister may alternatively, direct the Council to reconsider the request.

Risk Implications of Not Implementing Officer Recommendation

Low:

- There is the potential risk of the subdivision of land being held up due to the closure not proceeding in a timely manner or not occurring.

Comments

As future residential development is identified for the surrounding landholdings and the drainage reserve has been incorporated into the design of the East Baldivis Structure Plan which has been approved by Council, the drainage reserve now needs to be formally closed. When Council adopted the City’s recommendation to proceed with advertisement of the partial road closure, the City undertook advertising concurrently through circulation in the local newspaper and the distribution of letters. No public submissions were received and the City is now presenting the matter before Council for consideration.

The Water Corporation has advised that the drainage reserve is the Authority’s asset, whilst being under the management of the City of Rockingham. The Water Corporation has agreed to relinquish asset rights for the drain as it is the Authority’s policy to transfer rural sub-drains to local authorities when the rural catchments become urbanised and are no longer utilised for their initial purpose.

Given the minor extent of the proposed road and drainage closures, which will facilitate consistency with the endorsed East Baldivis District Structure Plan, it is recommended that Council request the Minister for Lands to proceed with the closures.

Voting Requirements

Simple Majority

Officer Recommendation

That Council REQUEST the Minister for Lands to proceed with the closure of:
1. Portion of the western side of the cul-de-sac head of Paparone Road, Baldivis.
2. Portion of Drainage Reserve No.49555 that transects Lot 129 Baldivis Road, Baldivis.

Committee Recommendation

That Council REQUEST the Minister for Lands to proceed with the closure of:
1. Portion of the western side of the cul-de-sac head of Paparone Road, Baldivis.
2. Portion of Drainage Reserve No.49555 that transects Lot 129 Baldivis Road, Baldivis.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

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

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-061/14 Proposed Amendment No.149 to Town Planning Scheme No.2 - Community Purposes to Residential (R30)</th>
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<tbody>
<tr>
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<td>Applicant:</td>
<td>MW URBAN Planning and Development Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>The Salvation Army (Western Australia) Property Trust</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>18 August 2014</td>
</tr>
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<td></td>
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<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
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<td>2. Aerial View</td>
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<tr>
<td></td>
<td>3. Indicative Concept Plan (without laneway)</td>
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<tr>
<td></td>
<td>4. Indicative Concept Plan (with laneway)</td>
</tr>
<tr>
<td></td>
<td>5. Current Zoning Map</td>
</tr>
</tbody>
</table>
Purpose of Report

To consider an application to initiate an amendment to the City's Town Planning Scheme No.2 (TPS2) to rezone Lot 503 Warnbro Sound Avenue, Warnbro from ‘Community Purposes’ to ‘Residential (R30)’.

Background

The subject site was acquired by ‘The Salvation Army (Western Australia) Propriety Trust’ in 2000 for the purpose of establishing a church for the local community.

The Salvation Army (Western Australia) Property Trust now considers Baldivis as the preferred location for its church and intends to dispose of the subject site to assist in funding a church development in Baldivis.

Details

The applicant seeks to rezone the subject site from ‘Community Purposes’ to ‘Residential R30’ and has provided the following justification for the proposal:
- The proposed rezoning is consistent with State Government and City of Rockingham objectives to increase residential densities in established residential areas and promoting a variety of housing types to meet the diverse needs of a growing population;
- The proposed Residential Zone and R30 Density Code will complement the surrounding residential area, and
- Vehicular access is prohibited off Warnbro Sound Avenue. Non-residential land uses could create higher traffic generation along internal roads which could result in land use conflicts with the surrounding residential area.

Indicative subdivision plans, with and without a lane way, were submitted in support of the Scheme Amendment to demonstrate that the subject site can accommodate a residential development based on an R30 density coding.

3. Indicative Concept Plan (without laneway)
4. Indicative Concept Plan (with laneway)

**Implications to Consider**

a. **Consultation with the Community**

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

b. **Consultation with Government Agencies**

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

c. **Strategic**

   **Community Plan**

   This item addresses the Community’s Vision for the future and specifically the following Aspiration 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.
Planning Policy

Directions 2031

Directions 2031 was released by the Western Australian Planning Commission (WAPC) as a spatial framework and strategic plan to guide the future growth of the Perth and Peel metropolitan region.

Directions 2031 seek a 50% improvement on current infill residential development trends and sets a target of 47% of new dwellings as infill development so as to make the most efficient use of available land and infrastructure. In particular, higher residential densities are promoted in areas close to public transport and employment centres.

The site is adjacent to the Port Kennedy Business Park, which is a major employment centre, and is also well served by public transport (bus route) along Warnbro Sound Avenue.

As such the site is well positioned to provide new and diverse housing types within an established residential area.

Liveable Neighbourhoods

In considering land for rezoning to ‘Residential’, the City must assess the proposal against the objectives and provisions of Liveable Neighbourhoods (LN). Being a State Government operational policy, created for the design and assessment of urban development, this policy assists local government in achieving recognised planning principles for greenfield and infill development. Several elements of this policy apply to the proposed rezoning, which has been assessed against both Indicative Concept Plans (ICP). For future reference, the ICP without the laneway configuration (20 lots proposed) is referred to as ICP20; whilst the ICP with the laneway design (23 lots proposed) is referred to as ICP23.

Element 1

Community Design

Development abutting existing residential development

The policy requires integration of new residential areas with abutting existing areas. Designs need to balance the benefits of integration against significant adverse effects (through traffic from main roads - such as Warnbro Sound Avenue). Interfaces and edge treatment of new areas should generally transition into the existing urban character.

Requirement 5

- The layout should connect well to existing development on adjoining sites.

Officer Comment:

The western interface of the ICP20 proposal provides an increase in density transition whilst not proving too dissimilar to existing residential lots on the other side of Benbecula Loop. The existing development achieves a density of R17.5 and an average frontage of 18m, whilst the ICP20 proposal is consistent with an R25 density coding of 12m.

Development in accordance with ICP23 is consistent with a density coding of R35 with 10m frontage lots. Whilst the proposal would limit garage development to the rear, therefore reducing the impact of garage dominance on the existing streetscape, the City considers this is more out of character with the surrounding residential area.

Overall, both proposals allow good connectivity from the site to the existing streetscape and comply with Requirement 5. It is considered in this case that ICP20 is more consistent with the LN policy.

Residential Density

Achievement of more sustainable urban outcomes will require higher residential densities in urban areas. Increased densities will usually be associated with centres in close proximity (within 400m) and areas serviced by public transport. Development should aim to deliver a range of housing densities within a greater area, especially within a five minute (400m) walkable catchment area.
Requirement 17 and 18
The following minimum residential densities are suggested in the following context:
- 20 to 30 dwellings per hectare for areas in 400m of neighbourhood centres and in 250m of main bus routes.
The lot layout should provide higher density housing where it is located closer to neighbourhood centres and near public transport stops.

Officer Comment:
The site is located to the north of the Port Kennedy Neighbourhood Centre, within a 400m walkable catchment and is adjacent to high frequency bus routes traversing Warnbro Sound Avenue. ICP23 is more consistent with the objectives of LN and satisfies requirements 17 and 18 to a greater extent as it offers a higher density of development and a more diverse range of land options considering existing residential areas achieve a density of less than R20. The City considers that ICP23 better satisfies the provisions of LN as it achieves a higher density and is well positioned to take advantage of a higher level of services and infrastructure.

Element 2
Movement Network
Controlling vehicular access along arterial routes
LN encourages development to front arterial roads rather than to back onto them. Solutions that limit points of access to main arterial roads will be required with the incorporation of service roads.

Requirement 4
- Development should front arterial roads and service roads should be provided to enable this to occur.

Officer Comment:
Both development options adequately respond to the site constraints associated with Warnbro Sound Avenue. Both properties include a service road on the eastern boundary running parallel to Warnbro Sound Avenue that will prevent direct vehicle access. The inclusion of the service road will also allow the eastern half of the residential development to appropriately address Warnbro Sound Avenue.

Element 3
Lot Layout
Lot layout and garage locations
Residential lot dimensions should suit efficient garaging. Lot widths should suit dwellings with garages located behind the dwelling frontage so that garages do not dominate the streetscape. Some approaches to reduce the impact of garages are to encourage the use of rear lanes where lots are narrow.

Requirement 31
- Lots along arterial roads should front those roads and be provided with service roads and rear laneways.

Officer Comment:
Both ICPs propose relatively narrow lot designs. It is considered that ICP20 could result in a streetscape being dominated by typical double garage design. The objectives of LN is to reduce the presence of garages on residential streetscapes, which can largely detract from an established neighbourhood. The City also seeks to limit wherever possible, the presence of garages onto Warnbro Sound Avenue. The design layout of ICP23 incorporates a rear laneway and assists by limiting garages to the rear, whilst allowing development to front all existing roads. Ultimately, the result of this configuration assists in freeing up more space to the front and creates a streetscape that has a more active interface that allows for a greater extent of surveillance and facilitates a more integrated design.
Considering the relevant objectives and requirements of LN in the rezoning request before Council, the City considers that ICP23 with the laneway configuration provides the most suitable design. It is considered that the proposed rezoning to ‘Residential R30’ satisfies the provisions of the policy and development should be supported, consistent with a laneway design.

e. **Financial**
Not Applicable

f. **Legal and Statutory**

**Town Planning Regulations (1967)**

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 a Scheme Amendment and notify the WAPC in writing of its decision.

**Town Planning Scheme No.2 (TPS2)**
The subject land is adjacent to land zoned Residential R20 to the west of Benbecula Loop and Residential R30 to the north along Rennes Lane.

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5. Current Zoning Map

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**Risk**

**Risk Implications of Implementing Officer Recommendation**

Nil

**Risk Implications of Not Implementing Officer Recommendation**

Low:

- There is a risk if the Council does not proceed with a Scheme Amendment that the Minister may still order the Council to prepare and submit the Amendment for approval, pursuant to the Planning and Development Act 2005, but this is unlikely to occur as the Council’s position is usually final.
**Comments**

The proposed Scheme Amendment will facilitate the provision of diverse dwelling types in an established residential area with primarily low density and will assist in addressing the anticipated change in household types within the area.

The City supports the proposed Scheme Amendment for rezoning to ‘Residential R30’ as it will address the abovementioned objective which is underpinned by state and local strategic planning considerations.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council *ADOPT* (initiate) Amendment No.149 to Town Planning Scheme No.2, to rezone Lot 503 Warnbro Sound Avenue, Port Kennedy from ‘Community Purposes’ to ‘Residential R30’.

**Committee Recommendation**

That Council *ADOPT* (initiate) Amendment No.149 to Town Planning Scheme No.2, to rezone Lot 503 Warnbro Sound Avenue, Port Kennedy from ‘Community Purposes’ to ‘Residential R30’.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
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<tr>
<td>Applicant:</td>
<td>Mr D Willis</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr R Willis, Mr D Willis, Mr P Blading and Mr C MacLachlan</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Riaan Stassen, Senior Planning Officer</td>
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<td>Mr Dave Waller, Coordinator Statutory Planning</td>
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<td>Mr Mike Ross, Manager Statutory Planning</td>
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<td></td>
<td>3. Floor Plan</td>
</tr>
<tr>
<td></td>
<td>4. Existing Building to be used as Cafe</td>
</tr>
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</table>
Purpose of Report

To consider an application seeking Planning Approval for a Café at Lot 898 (No.2015) Mandurah Road, Karnup.

Background

In October 2007, the City granted Planning Approval for a Landscape Supply Yard on the subject site.

Details

The applicant seeks Planning Approval for a Café, in addition to the existing Landscape Supply Yard operating on site. Details of the application are as follows:

- The Café will provide for dine-in and takeaway patrons;
- The hours of operation will be the same as the Landscape Supply Yard (7.00am to 5.00pm, 7 days per week);
- An existing building on site will be used for the Café;
- The café will sell food, non-alcoholic drinks and small gifts associated with landscaping supplies;
- The applicant anticipates the café will be able to hold approximately 80 patrons; and
- A cook, server and 1 wait staff is proposed to operate the café, with the possibility to hire more wait staff should the café become busier.

3. Floor Plan
4. Existing Building to be used as Cafe

**Implications to Consider**

a. **Consultation with the Community**

In accordance with the requirements of Town Planning Scheme No.2 (TPS2), the application was advertised to nearby owners and occupiers for a period of 22 days, concluding on 2 April 2014. At the close of the advertising period, no submissions were received.

b. **Consultation with Government Agencies**

As the proposed development requires direct access from Mandurah Road, which is classed as a ‘Primary Regional Road’ and is therefore under the control of Main Roads WA (MRWA), comment was sought from MRWA.

1. **Main Roads WA**

   **Submission:**
   
   MRWA supported the proposed development subject to the following conditions:
   
   1. An approved left turn pocket is installed on Mandurah Road, due to the speed zone in this area (100kph). MRWA considered it would be unsafe for vehicles to slow down in time should a vehicle in front wish to turn left into the café area;
   
   2. No earthworks shall encroach onto the Mandurah Road reserve;
   
   3. No stormwater drainage shall be discharged onto the Mandurah Road reserve;
   
   4. No vehicle shall be permitted to or from Mandurah Road reserve from the subject site, except at the designated/current crossover point; and
   
   5. The applicant shall make good any damage to the existing verge vegetation within the Mandurah Road reserve.
City’s Comment:
The City agrees that a left turn pocket should be installed given the high speed environment on this section of Mandurah Road, and the type of vehicles frequenting the Landscape Supply Yard.

No earthworks are proposed to encroach into the Mandurah Road road reserve.

The applicant will be required to ensure all stormwater associated with the development is contained on site.

No additional crossovers are proposed.

The applicant will be advised of MRWA’s advice with respect to any damage to verge vegetation as a result of the proposed development or works in the road reserve.

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 14: Economic development opportunities that make visiting, living, working and investing in the City of Rockingham an attractive proposition.

d. Policy

Planning Policy 3.1.1 – Rural Land Strategy (RLS)

The purpose of the RLS is to provide the Council with a planning framework for the assessment of applications to rezone, subdivide, manage and develop land within the Rural areas of the City.

The subject site is located within Planning Unit 4 (Precinct 4B) of the RLS. The objective of Planning Unit 4 is to encourage special rural/special residential development which recognises and enhances the landscape and to provide a natural viewshed to Mandurah Road.

Whilst the proposed development is not special rural/special residential development, the café will be an addition to the operation of the existing approved Landscape Supply Yard on the site. Given the café is proposed to operate from an existing building, the impact on the landscape is considered negligible and will not impact the viewshed to Mandurah Road.

The RLS encourages tourism related proposals provided the intended site has suitable characteristics. In 2007, the City granted Planning Approval for a Restaurant at Lot 894 Mandurah Road (one property north of the subject site). In considering applications for tourism related proposals, the Council is to consider if the proposed development has environmental impacts, suitable access, the likely impact on the surrounding amenity and public attitudes towards the proposal.

The site is considered suitable for a tourism related proposal, with the exception of the current access arrangements to the site, which has been discussed in the consultation section of this report. The proposed development will have no environmental impacts, no objections were received when advertising the proposal and the amenity of the locality will not be compromised given the café will operate from an existing building.

e. Financial

Nil

f. Legal and Statutory

City of Rockingham Town Planning Scheme No.2 (TPS2)

Zoning and Use Class Permissibility

The land is zoned ‘Rural’ under both TPS2 and the Metropolitan Region Scheme (MRS). The proposed Café is interpreted as a ‘Restaurant’ under TPS2, which is a use that is not permitted unless the Council exercises its discretion after following the advertising procedures of TPS2 (‘A’ use).
Carparking

TPS2 carparking requirements for the proposed development have been calculated as follows:

<table>
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<tr>
<th>Land Use</th>
<th>TPS2 Requirement</th>
<th>Bays Required</th>
<th>Bays Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurant</td>
<td>1 bay for every 4 persons the building is designed to accommodation</td>
<td>80 patrons = 20 bays</td>
<td>No carparking bays are provided. Designated carparking bays were not required or constructed as part of the application for the Landscape Supply Yard. A condition of approval requiring the construction of 20 carparking bays including 1 bay for the exclusive use of people with disability in a location to the satisfaction of the City is recommended.</td>
</tr>
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</table>

Clause 32 Resolution

The proposed development is a use that may not be consistent with the Rural zone and is therefore subject to a Clause 32 resolution under the MRS and requires Planning Approval from the Western Australian Planning Commission (WAPC) under the MRS. The application has been approved by the WAPC, subject to vehicle access to the Mandurah Road Reserve, being restricted to the existing crossover. The WAPC did not apply a condition requiring the installation of a left turn pocket on Mandurah Road.

The approval by the WAPC is in addition to a determination under TPS2. The City is required to apply the advice received from government agencies in accordance with the notice of delegation under the Metropolitan Region Scheme. Should Council grant Planning Approval, the approval from the Council and the WAPC will differ in that the WAPC approval does not require the installation of a left turn pocket. The WAPC advised that should the decision by Council differ to the WAPC approval, the applicant will be required to comply with both determinations.

Building Code of Australia (BCA)

The existing building the café is proposed to occupy was originally approved by the City's Building Services as a workshop. Substantial modifications to the building will need to be made as per the requirements of BCA, given the building must accommodate for public access and the preparation of food.

g. Risk

Risk Implications of Implementing Officer Recommendation

Low:
- There is the potential risk of the applicant lodging either a request for reconsideration to the City or an application for review to the State Administrative Tribunal if the applicant is aggrieved by conditions of Planning Approval.

Risk Implications of Not Implementing Officer Recommendation

Low:
- In accordance with the Instrument of Delegation (Del 2001/02) granted by the WAPC to Local Governments for land adjoining a Primary Regional Road, in this case Mandurah Road, if Council does not support the application it must be determined by the WAPC, where it has already granted Planning Approval under the MRS.

Comments

The proposed development is not considered to adversely impact the surrounding rural locality, and the Council has approved similar restaurant/tourism related developments in the vicinity of the subject site. The proposed development and the existing Landscape Supply Yard are both acceptable land uses in the circumstances.
The City considers that not all patrons of the Café may use the Landscape Supply Yard, and as a result of this, there would be an increase in vehicle movements to the site. The advice received from MRWA recommended the installation of a left turn pocket from Mandurah Road at the existing crossover point. The approval issued by the WAPC did not include a condition to this effect. The WAPC did not consider the Café would result in an escalation of traffic to the subject site, given patrons of the Café would be incidental to the existing Landscape Supply Yard.

The City considers that the installation of a left turn pocket is appropriate, given there is no guarantee that patrons of the Café will also be customers of the Landscape Supply Yard and therefore the proposed development could result in an increase in traffic to the site. The adjacent section of Mandurah Road is a high speed environment (100kph). In the interest of motorist safety, a condition of approval includes the installation of a left turn pocket on Mandurah Road.

Conclusion

The proposed development complies with the requirements of TPS2 with the exception of carparking and access, which has been discussed in this report and can be adequately addressed via conditions of Planning Approval. The installation of a left turn pocket to the site from Mandurah Road is considered warranted for the safety of all road users and patrons to the site.

The proposed development does not comply with the objectives of the RLS for Planning Unit 4 in that it does not provide special rural/special residential development which recognises and enhances the landscape and provides a natural viewshed to Mandurah Road. As previously discussed, however, a Landscape Supply Yard has already been approved on the site and the subject site is considered an acceptable location for tourism related proposals under the RLS.

It is recommended that Council conditionally support the application.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVE the application for a proposed Café (Restaurant) at Lot 898 (No.2015) Mandurah Road, Karnup subject to the following conditions:

1. The installation of a left turn pocket connecting Mandurah Road to the existing crossover point on Lot 898 (No.2015) Mandurah Road, Karnup, in accordance with specifications submitted to and approved by the City prior to the commencement of development.
2. No vehicle access is permitted to Mandurah Road, except at the existing crossover point.
3. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City.
4. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
5. A bin storage area must be designed with a size suitable to service the development and screened from view of Mandurah Road, to the satisfaction of the City, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.
6. A Waste Management Plan must be prepared and include the following details to the satisfaction of the City, prior to applying for a Building Permit:
   (i) the location 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.
7. A Sign Strategy for any proposed signage 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.
8. Any advertisements not approved by the City must be removed prior to occupation of the development.

9. A plan detailing the location of carparking must be provided and approved by the City prior to applying for a Building Permit. The carpark must:
   (i) provide a minimum of 20 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;
   (iii) include one space dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*; and
   (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter.

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

10. A 10 metre wide area of the lot frontage to Mandurah Road, except where vehicle access is obtained, must be landscaped and reticulated to the satisfaction of the City, prior to occupation of the development and must be maintained for the duration of the development.

### Committee Recommendation

That Council **APPROVE** the application for a proposed Café (Restaurant) at Lot 898 (No.2015) Mandurah Road, Karnup subject to the following conditions:

1. The installation of a left turn pocket connecting Mandurah Road to the existing crossover point on Lot 898 (No.2015) Mandurah Road, Karnup, in accordance with specifications submitted to and approved by the City prior to the commencement of development.

2. No vehicle access is permitted to Mandurah Road, except at the existing crossover point.

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

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

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

6. A Waste Management Plan must be prepared and include the following details to the satisfaction of the City, prior to applying for a Building Permit:
   (i) the location 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.

7. A Sign Strategy for any proposed signage 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.

8. Any advertisements not approved by the City must be removed prior to occupation of the development.

9. A plan detailing the location of carparking must be provided and approved by the City prior to applying for a Building Permit. The carpark must:
(i) provide a minimum of 20 parking spaces;

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

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

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

10. A 10 metre wide area of the lot frontage to Mandurah Road, except where vehicle access is obtained, must be landscaped and reticulated to the satisfaction of the City, prior to occupation of the development and must be maintained for the duration of the development.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
**Planning and Development Services**  
**Statutory Planning Services**

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<tr>
<td>Owner:</td>
<td>Roman Catholic Archbishop of Perth</td>
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<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Riaan Stassen, Senior Planning Officer</td>
</tr>
<tr>
<td></td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 August 2014</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>November 2012 (SP-061/12)</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 10 Eighty Road, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>22ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Rural</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Rural</td>
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<tr>
<td>Attachments:</td>
<td></td>
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<tr>
<td>Maps/Diagrams:</td>
<td></td>
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<tr>
<td>1.</td>
<td>Location Plan</td>
</tr>
<tr>
<td>2.</td>
<td>Aerial Photo</td>
</tr>
<tr>
<td>3.</td>
<td>Existing Development</td>
</tr>
<tr>
<td>4.</td>
<td>Administration Building Elevations</td>
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<tr>
<td>5.</td>
<td>Multi-Purpose Block Elevations</td>
</tr>
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<td>6.</td>
<td>Classroom Elevations</td>
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<td>7.</td>
<td>Classroom Elevations</td>
</tr>
<tr>
<td>8.</td>
<td>Site Plan</td>
</tr>
<tr>
<td>9.</td>
<td>Consultation Plan</td>
</tr>
<tr>
<td>10.</td>
<td>Revised Carparking Location</td>
</tr>
<tr>
<td>11.</td>
<td>Outridge Swamp Buffer Area</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial Photo
Purpose of Report

To consider an application for additions to a non-government primary school (for years 3-6) at Lot 10 Eighty Road, Baldivis (corner of Sixty Eight Road).

Background

In November 2012, Council approved Stage 1 of the Mother Teresa Catholic School on the subject site, which included a pre-primary, kindergarten and Years 1 and 2 rooms, administration and library, covered area, hard court, landscaping including four courtyards, a carpark with 38 car parking spaces, and 9 on-street spaces in the Eighty Road reserve. Stage 1 has since been constructed and the school is operational.

Details

The City has received an application seeking approval for additions to an educational establishment (Mother Teresa Catholic School - Stage 2) on the abovementioned land. The proposed development includes:-

- Ten classrooms for years 3 to 6;
- Two multi-purpose classrooms;
- Administration building and entry canopy;
- A central court area;
- Supporting utility rooms; and
- Landscaping and 26 carparking bays.

Access to the site will be via the existing crossovers onto Eighty Road.
4. Administration Building Elevations

5. Multi-Purpose Block Elevations

6. Classroom Elevations
7. Classroom Elevations

8. Site Plan

Stage 2 Development Area
Implications to Consider

a. Consultation with the Community

In accordance with the requirements of Town Planning Scheme No.2 (TPS2), the application was referred to adjacent and nearby landowners and occupiers for comment for a period of 18 days, concluding on the 14th July 2014 (see consultation plan below).

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 3.1.1 – Rural Land Strategy (RLS)

The purpose of the RLS is to provide the Council with a planning framework for the assessment of applications to rezone, subdivide, manage and develop land within the Rural areas of the City.

The subject site is located in Planning Unit 4A of the RLS, which serves as an interface between land designated for future urban purposes east of the ridgeline and the lake system parallel to Mandurah Road to the west of the ridgeline.
A minimum 1ha lot size is recommended to the west of the ridgeline to maintain a rural viewshed from Mandurah Road. Lots east of the ridgeline are to promote a transition of special residential lot densities between the urban land and the ridge. The approval and development of Stage 1 of the school established the acceptability of specific urban related development (e.g. community purposes) within the transition area immediately abutting the urban area. The proposed extension is consistent with the RLS.

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

The objective of PP3.3.14 is to facilitate the provision of secure, well designed and effective on site bicycle parking spaces and end-of-trip facilities, to encourage the use of bicycles as a means of transportation.

There is no requirement under PP3.3.14 to provide bicycle parking spaces and end-of-trip facilities for a school. Despite this, it is recommended that the applicant be advised to provide bicycle parking spaces to service the development.

e. Financial

Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

Zoning and Use Class Permissibility

The land is zoned ‘Rural’ under both TPS2 and the Metropolitan Region Scheme (MRS). The proposed development falls within the interpretation of an ‘Educational Establishment’ under TPS2, which is an ‘A’ use that is not permitted unless the Council exercises its discretion following advertising.

Setbacks

TPS2 requires a 30m development setback to the primary street, being Eighty Road given the proposed development obtains access from Eighty Road. The application includes a carpark within the 30m setback area. A carpark in the setback area is considered reasonable given Eighty Road abuts urban-zoned land to the east and the carpark setback is typical for urban development. A portion of the administration building is also located 21.2m from Eighty Road. This variation is considered acceptable given only a portion of the building is in the setback area, and generally lines up with Stage 1 buildings.

TPS2 also requires a 10m setback to all other side boundaries, which has been achieved.

Carparking

TPS2 is silent on the car parking requirements for educational establishments. In these circumstances, TPS2 requires that the minimum number of car parking spaces required for the proposed development shall be determined having regard to:

(i) the nature of the proposed development;
(ii) the number of employees likely to be employed on the site;
(iii) the anticipated demand for parking; and
(iv) the orderly and proper planning for the locality.

It is estimated that by 2015 the capacity of the school, including proposed extensions, will be 195 students, with the final estimated student number at complete of the school being 490 (primary and secondary). The school currently caters for 120 students with 39 existing carparking bays (up to year 2). The proposed development (Stage 2) will cater for students up to year 6, and it is therefore likely that a large proportion of students will be driven to school. It is acknowledged that once nearby subdivisions are fully developed there will be a walkable catchment for the school, however, in the interim, the majority of students will be driven to school.

Site inspections undertaken by the City during drop off and pick up times at the school have revealed that a number of parent's vehicles are parked in the Eighty Road reserve. This is not desirable given Eighty Road has been developed a to rural road standard, which does not provide for on-street parking. It has already created an unsafe traffic and pedestrian environment due to the informal parking arrangements.
The City raised these concerns with the applicant, who has agreed to raise the issue with the school to ensure parents no longer park on Eighty Road and construct 40 bays instead of 26, as was originally proposed. This will provide for a total of 79 carparking bays, catering for 195 students, which is considered acceptable.

10. Revised Carparking Location

Traffic
The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety, is required by TPS2 to be considered by Council.

The applicant submitted a Traffic Impact Assessment in support of the application, which demonstrated that the increase in vehicular traffic flows as a result of the development will have minimal impact on the surrounding road network and is within the capacity of the existing road network to accommodate.

Access and Egress

TPS2 requires the Council to consider whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.
No additional accessways to the site are proposed. Access to the site will be via the existing crossover onto Eighty Road, which was approved as part of the Stage 1 application for the development.

Cyclist and Pedestrian Access

TPS2 requires the Council to consider whether adequate provision has been made for access for pedestrians and cyclists, and the provision of bicycle parking and end-of-trip facilities.

An assessment of the provision of bicycle and end-of-trip facilities has been provided for in the Policy section of this report.

With respect to pedestrian access, the nearest public footpath to the school is over 800m to the north; the footpath network is being progressively extended through the subdivision of the Parkland Heights estate. A footpath connection along Eighty Road to the point at which Eighty Road is proposed to be diverted was constructed as a condition of Stage 1 of the school. The design of the future Eighty Road diversion can therefore accommodate connection to a footpath to the school.

Environment

TPS2 requires the Council to give consideration to the likely effect of the proposal on the natural environment and any means that are proposed to protect or mitigate impacts on the natural environment.

The portion of the site where development is proposed to occur is largely devoid of vegetation. The proposed development is also outside of the wetland buffer area for Outridge Swamp, which is a ‘conservation category’ wetland located on the northern portion of the site.
Amenity
TPS2 requires the Council to have consideration to the preservation of the amenity of the locality. The proposed development is the second stage of an existing school, with the design of the proposed buildings to match the existing development. The rural amenity of the locality is not considered to be compromised by the proposed development.

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

g. Risk

Risk Implications of Implementing Officer Recommendation
Low:
- There is the potential risk of the applicant lodging either a request for reconsideration to the City or an application for review to the State Administrative Tribunal if the applicant is aggrieved by conditions of Planning Approval.
Risk Implications of Not Implementing Officer Recommendation

Low:

- There is the potential risk of the applicant being aggrieved by a refusal of Planning Approval lodging an application for review to the State Administrative Tribunal.

Comments

The proposed development is compliant with TPS2 with the exception of a minor setback variation which was not considered to cause adverse impact to the rural amenity of the locality. The proposed development is wholly compliant with relevant Planning Policies.

The design of the school is consistent with the masterplan for the school and the design of buildings in Stage 1, and is not considered to adversely impact the rural amenity of the surrounding locality.

Given the lack of walkable catchment and age of students at the school, carparking and traffic issues have arisen from the development of the school. It is considered reasonable given the increase in student numbers associated with the proposed development, that the applicant address these carparking and traffic issues by bringing forward the construction of carparking bays proposed for future stages of the school.

It is recommended that Council conditionally approve the application for Stage 2 of the Mother Teresa Catholic School.

Voting Requirements

Simply Majority

Officer Recommendation

That Council **APPROVE** the application for a proposed Educational Establishment (Mother Teresa Catholic School Stage 2) at Lot 10 Eighty Road, Baldivis, subject to the following conditions:

1. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.

2. All stormwater generated by the development shall be designed to be contained on-site and certified by a hydraulic engineer, prior to the application for a Building Permit. The design shall be implemented and maintained for the duration of the development.

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 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) provide a minimum of 40 additional 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; and
   
   (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter.
Advice Notes:
(i) The City recommends a suitable amount of bicycle parking spaces to service the development be constructed prior to the occupation of the development.
(ii) With respect to Condition No.3, the applicant and owner should liaise with the City's Parks Services to confirm the requirements for landscaping plans.
(iii) All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces, planting of street trees, bicycle parking devices, street furniture and other streetscape works and works to the road carriageway must be to the specifications of the City; the applicant should liaise with the City's Engineering Services in this regard.

Committee Recommendation

That Council APPROVE the application for a proposed Educational Establishment (Mother Teresa Catholic School Stage 2) at Lot 10 Eighty Road, Baldivis, subject to the following conditions:

1. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.

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Committee Voting – 5/0
<table>
<thead>
<tr>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
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</table>

<table>
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<tr>
<th>Implications of the Changes to the Officer’s Recommendation</th>
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</thead>
<tbody>
<tr>
<td>Not Applicable</td>
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</table>
## Reference No & Subject:

| PDS-064/14 Joint Development Assessment Panel Application - Proposed Waste to Energy Facility (Materials Recycling and Gasification Plant) - Lot 1 Office Road, East Rockingham |

## File No:

DD020.2014.00000144

## Risk Register No:

363 and 365

## Applicant:

New Energy Corporation Pty Ltd

## Owner:

Western Australian Land Authority (Landcorp)

## Author:

Miss Donna Shaw, Senior Planning Officer

## Other Contributors:

- Ms Erika Barton, Project Officer
- Mr Bob Jeans, Director Planning and Development Services

## Date of Committee Meeting:

18 August 2014

## Previously before Council:

## Disclosure of Interest:

## Nature of Council’s Role in this Matter:

Executive

## Site:

Lot 1 (No.26) Office Road, East Rockingham

## Lot Area:

10ha

## LA Zoning:

Special Industry

## MRS Zoning:

Industrial

## Attachments:

- Responsible Authority Report

## Maps/Diagrams:

1. Location Plan
2. Aerial Photo
3. Gasification Process
4. Site Plan
5. Elevations
6. Administration Office/Education Centre
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for a proposed Waste to Energy (Materials Recycling and Gasification Plant) at Lot 1 (No.26) Office Road, Rockingham.
Background

A Public Environmental Review (PER) was prepared by the applicant to examine the environmental impacts associated with the proposed development, in accordance with the requirements of the Environmental Protection Act 1986 (EP Act). At the time of this report, the Environmental Protection Authority (EPA) had provided its recommendation to conditionally support the application to the Minister for Environment.

Details

The applicant seeks approval for construction and operation of a materials recovery facility and a gasification plant. The facility has been designed to receive and treat 153,000 tonnes of waste per annum. The proposed development will generate 16 megawatts of electricity, with 2.5 megawatts used to operate the facility and the remaining energy to feed back into the existing Western Power network. Vehicular access to the facility will be achieved via two crossovers from Office Road, with separate access to the administration and education centre via a third crossover from Office Road.

The facility contains the following key operating points:

1. **Materials Recovery Facility Operation (MRFO)**
   
   The MRFO will operate 10 hours per day, 6 days per week and includes:
   - Weighbridge and waste receivable area;
   - Recyclables despatch;
   - Materials recovery facility and
   - Blending and bailing operations.

   The types of waste accepted at the facility includes construction and demolition waste, commercial and industrial waste, municipal solid waste, green waste and non-recyclable residues from material recycling facilities, waste transfer stations/depots and biological waste treatment facilities. The applicant has advised that construction and demolition waste from an existing waste management business has been confirmed as a waste source. The applicant is also seeking to use local governments and local business as potential waste sources. All other waste types, including asbestos, radioactive waste and medical waste would not be accepted.

   The waste will be transported to the facility via garbage trucks, walking floor trucks (a truck with a hydraulic floor to unload goods) and B-double trucks (a truck towing two semi-trailers). The applicant has advised that based on an average load of 15 tonnes and operating 6 days a week, there would be approximately 50 waste trucks deliveries per day including the removal of residuals to off-site landfill facilities.

2. **Gasification Operation (GO)**
   
   The GO will operate 24 hours per day, 7 days per week and includes:
   - Chemical receipt;
   - Spare parts receipt;
   - Ash despatch;
   - Gasifier feeding;
   - Gasifications, power generation and air pollution control; and
   - Associated gasification support systems (i.e. water treatment and chemical preparation)

   The facility operates by the waste derived fuels being collected in the gasification chamber, before being heated to the required ignition temperature to produce syngas (a fuel gas consisting primarily of hydrogen, carbon monoxide and carbon dioxide). The syngas is then collected in an accumulation vessel before being passed to the syngas burners for firing.

   The energy utilisation heat exchanger/steam boiler is fired by the syngas burner and utilises the heat energy for steam generation, which is subsequently utilised downstream for electrical power generation. The cooled off gas is then collected by the air quality control system for cleansing. The following diagram illustrates the abovementioned process:
3. Administration Centre and Education Facility

The Administration Centre and Educational facility will house the administration and some management staff, including an education and safety operator. Educational tours for the public will commence at the educational facility and will be run by the educational and safety operator and site manager as required.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 15 SEPTEMBER 2014

PRESIDING MEMBER
5. Elevations
6. Administration Office/Education Centre
**Implications to Consider**

a. **Consultation with the Community**

In accordance with the requirements of Town Planning Scheme No.2 (TPS2), the application was advertised for a period of 35 days, concluding on the 27th June 2014, in the following manner:

- Landowners and occupiers within 500m of the site were notified in writing of the proposed development;
- A sign advertising the proposed development was erected on site;
- The proposal was advertised in the Public Notices section of the Weekend Courier and Sound Telegraph newspapers; and
- Details of the proposal were made available on the City's website and at the City's Offices.

At the close of the advertising period, twenty one public submissions had been received. The themes of the submissions are outlined below with a response provided for each.

<table>
<thead>
<tr>
<th>Submission (i)</th>
<th>Vehicles used to deliver waste to the facility will increase traffic on the existing road network.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant's Response:</td>
<td>The proposed development has been subjected to a formal “Traffic Impact Assessment” (TIA), which has been submitted to Council. Although it is acknowledged that any development will increase the traffic on the existing roads, the report concluded that “based upon the results of the Transport Impact Assessment, no issues have been identified with regard to traffic operations of the proposed development and no local road improvements are required as a result of the proposal.</td>
</tr>
<tr>
<td>City's Response:</td>
<td>The applicant provided a TIA with the application, which has been assessed and the City is satisfied that traffic generated by the proposed development can be accommodated within the capacity of the existing road network.</td>
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<tr>
<th>Submission (ii)</th>
<th>Air quality in the locality will be compromised due to pollutants from the proposed development.</th>
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<tbody>
<tr>
<td>Applicant's Response:</td>
<td>The project has been subjected to the highest level of assessment allowable under the Environmental Protection Act at a Public Environmental Review. The EPA’s environmental objective for this factor is to maintain air quality for the protection of the environment and human health and amenity. It has found that this objective can be met by the New Energy Proposal. In addition to the above New Energy has submitted documents to assure the Council that the objectives in relation to air quality as documented in the Planning Policy No. 7.1 East Rockingham Industrial Park: Environmental Planning Policy will be met.</td>
</tr>
<tr>
<td>City's Response:</td>
<td>Air quality, pollution and emissions are covered by the EPA's environmental assessment process.</td>
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<tr>
<th>Submission (iii)</th>
<th>The proposed development will cause odour impacts.</th>
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<tbody>
<tr>
<td>Applicant's Response:</td>
<td>The project has been subjected to the highest level of assessment allowable under the Environmental Protection Act at a Public Environmental Review.</td>
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</tbody>
</table>
Odour was assessed as meeting all EPA objective for this proposal.

In terms of odour control, the New Energy facility incorporates a ‘state-of-the-art’ odour control system. This control system was developed in conjunction with a Perth based odour control specialist – The Odour Unit. The key features of the odour control system are:

A building design for the waste storage and processing areas ensure that the building is isolated from the external environment and kept under negative pressure.

Air lock doors to serve all entries to the building to prevent fugitive emissions when trucks enter the building.

The interior of the building to be kept under negative pressure with all ventilation air directed to the gasifiers for destruction of odours or to a biofilter.

Air withdrawn from the space between the inner and out shell of the building to be directed to a biofilter to treat any odours.

These measures collectively ensure that there are no fugitive odours from the site and minimal odour emissions overall. Modelling of odour emissions was conducted by The Odour Unit and demonstrates that detectable odours are confined within the boundaries of the New Energy Site. The modelling demonstrates full compliance with the odour criteria specified in EPA Guidance Statement No. 47.

In addition to the above New Energy has submitted documents to assure the Council that the objectives in relation to odour as documented in the Planning Policy No. 7.1 East Rockingham Industrial Park: Environmental Planning Policy will be met.

City's Response:

Odour impacts are covered by the EPA's environmental assessment process.

Submission (iv)

An increase in noise and pollution will occur as a result of the proposed development and vehicle movements associated with the operation of the proposed development.

Applicant's Response:

The New Energy facility has been designed to achieve compliance with the Environmental Protection (Noise) Regulations 1997.

Acoustic consultant Herring Storer Acoustics has reviewed the design and completed acoustic modelling to demonstrate compliance with the Environmental Protection (Noise Regulations 1997). This work is presented in Section 9.4 of the PER and the Herring Storer report is appended with the PER.

In terms of transport noise, the New Energy site will be serviced by a significant number of truck movements but transport routes have been selected to avoid minor roads and residential areas.

In addition to the above New Energy has submitted documents to assure the Council that the objectives in relation to noise as documented in the Planning Policy No. 7.1 East Rockingham Industrial Park: Environmental Planning Policy will be met.

City's Response:

All noise sources associated with the development must comply with the Environmental Protection (Noise) Regulations 1997.

The type of vehicles used to transport waste to the site (garbage trucks, walking floor trucks and B-double trucks) are similar to existing trucks servicing the KIA. The applicant has advised that trucks servicing the site will use existing heavy haulage routes.
### Submission (v)
**Metals and materials that should not be incinerated will be incinerated at the facility.**

**Applicant's Response:**
The first important to make to this submitter is that the technology incorporated by New Energy is not an incinerator. This is a very important distinction when considering emissions from metals and other materials in waste streams.

The New Energy gasification process is strongly differentiated from incineration because New Energy's gentle, two-stage energy extraction minimises the risk profile for release of air emissions such as PAHs, dioxins and heavy metals. By removing the organics from the inerts prior to combustion, the organic species are completely destroyed in a high-efficiency gas burner.

The gas burner ensures complete oxidation by superior turbulence, no solids interference and a minimum residence time at temperature. Equally as important, New Energy’s use of low temperature gasification and a large, fixed bed reactor ensures that solids are not lifted from the bed of the reactor by gas velocities or agitation, instead remaining in contact with the bed at all times. As a result of this design, no fly ash is produced. Due to the absence of fly ash, there is no catalytic surface or carbon feedstock for formation of pollutants such as dioxins, and hence these are not formed in the flue gas. There is also no fly ash to act as a carrier for heavy metals into flue gas.

The second important point to note is the New Energy project has a Materials Recovery Facility (MRF) as the entry point to the plant. This ensures that metals and other items that should not be sent to the gasifier are safely removed and recycled. We strongly agree with the submitter that some material should be removed from the waste and the project design ensures this will be done.

**City's Response:**
As previously mentioned, the applicant has advised that construction and demolition waste from an existing waste management business has been confirmed as a waste source. The applicant has provided details on the type of materials to be used in the waste stream. The applicant has stated that asbestos, radioactive waste and medical waste would not be accepted at the facility.

### Submission (vi)
**The location of the proposed development is not suitable given it is located at the entry to Rockingham.**

**Applicant's Response:**
The project site was identified after a proposal to the Department of State Development and Landcorp. The Rockingham Industrial Estate is specifically designed to cater for an industry such as this. The strategic location of the site ensures separation from residential areas and closer proximity to industry. New Energy also would argue that although Office Road is on the boundary of the City of Rockingham, it is hard to say it is the “entry to Rockingham” as suggested in this submission.

In addition to the above New Energy has submitted documents to assure the Council that the objectives in relation to Social Environment as documented in the Planning Policy No. 7.1 East Rockingham Industrial Park: Environmental Planning Policy will be met.

**City's Response:**
It is acknowledged that the site is located near one of the major vehicle access points to the City of Rockingham (Patterson Road). The land has already been zoned for industrial purposes and therefore it is expected that industrial development would occur on this site. The proposed development is consistent with existing industrial land uses that occur in this area.
### Submission (vii)
The facility is not safe and is too close to a fertiliser plant.

<table>
<thead>
<tr>
<th>Applicant's Response:</th>
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<tbody>
<tr>
<td>The facility proposed by New Energy is not designated a Major Hazard facility and does not involve the handling or storage of hazardous materials. As such it does not significantly alter the risk or hazard profile of the Kwinana/Rockingham industrial area.</td>
</tr>
<tr>
<td>With any industry of this nature there is a risk of fire. In order to mitigate this risk of fire and any potential hazards the following measures have been incorporated in the design:</td>
</tr>
<tr>
<td>A strict control regime over the nature wastes to be accepted at the facility backed by detailed inspection procedures at multiple points in the waste acceptance and sorting system.</td>
</tr>
<tr>
<td>Only a small amount of waste will be stored on site at any one time prior to processing.</td>
</tr>
<tr>
<td>Dedicated fire alarm and automatic fire control systems including on-site fire water storage tanks.</td>
</tr>
<tr>
<td>Fire water containment systems to prevent off-site migration of contaminants in the unlikely event of a fire.</td>
</tr>
<tr>
<td>All major plant and equipment will be located inside large buildings.</td>
</tr>
<tr>
<td>Separation of major sections of the facility to isolate fires.</td>
</tr>
<tr>
<td>A sophisticated emergency plan for the site which will integrate with local emergency systems and WAHMEMS.</td>
</tr>
<tr>
<td>Ongoing participation in the emergency preparedness programs through membership of the Kwinana Industry Council.</td>
</tr>
<tr>
<td>New Energy is committed to a full risk assessment with FESA in the detailed design stage of the project to ensure all risks associated with fire are engineered out of the design.</td>
</tr>
<tr>
<td>Based on the above and the separation from Summit Fertilisers, New Energy does not consider there is any safety concerns regarding the location of the project.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The subject site and surrounding land is zoned for industrial purposes and industrial developments will be in close proximity to one another. The proposed development is not considered to be a hazardous industry by the City. The applicant has proposed various risk management strategies to control risk.</td>
</tr>
</tbody>
</table>

### Submission (viii)
The proposed development is too close to other major industry, retail and businesses.

<table>
<thead>
<tr>
<th>Applicant's Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The land use described in the New Energy proposal is entirely appropriate for both the location and zoning of the site at Lot 1 Office Rd. We acknowledge that a buffer zone to residents needs to be maintained, which in this case is 500 meters. This requirement is met by the chosen project location.</td>
</tr>
<tr>
<td>We would also submit that this project does not utilise an incinerator, which would have a stack of approximately 120 meters. The stack of 30 meters will not stand out amongst other land users in the area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>An Industry - General (Licenced) is a land use that can be considered for approval on land zoned Special Industry. Through the PER process, the applicant has demonstrated to the EPA that impacts which may adversely impact surrounding businesses such as odour and air quality can be controlled to an acceptable standard.</td>
</tr>
<tr>
<td>Submission (ix)</td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>City's Response:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission (x)</th>
<th>The proposed development will not produce renewable energy and is not a 'clean energy alternative'. The proposed development is not a low carbon way to produce energy.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant's Response:</td>
<td>Up to 70% of the power produced from the development will be renewable depending on the final amount of biomass content of the waste received. It will be eligible for renewable energy certificates. Renewable Energy is defined under the Clean Energy Act and energy recovery of biomass certainly does constitute renewable energy. New Energy’s projects and technology have also received the support of the Clean Energy Finance Corporation based on its ability to produce base load renewable energy. Gasification also qualifies to be accredited for GreenPower in the Eastern States of Australia. GreenPower is a voluntary government accredited program that enables your energy provider to purchase renewable energy on your behalf.</td>
</tr>
<tr>
<td>City's Response:</td>
<td>It is a joint initiative of the ACT, NSW, SA, QLD, and VIC governments. GreenPower guarantees that the renewable electricity you buy from energy suppliers meets stringent environmental standards.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission (xi)</th>
<th>The proposed development is too close to existing residential areas.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant's Response:</td>
<td>The site is located within the Rockingham Industrial Zone which is the appropriate zoning for this kind of development. The required buffer for this type of project is 500m and the closest resident is approximately double that away from the site.</td>
</tr>
<tr>
<td>City's Response:</td>
<td>The proposed development has been designed to achieve compliance with the Environmental Protection (Noise) Regulations 1997, the applicant has demonstrated that odour can be contained on site and air quality can be meet EPA objectives in this respect. Given the applicant has demonstrated that impacts associated with the proposed development can be maintained to an acceptable standard, the location of the proposed development is considered acceptable.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission (xii)</th>
<th>The proposed development will result in a loss of property values.</th>
</tr>
</thead>
<tbody>
<tr>
<td>City's Response:</td>
<td>Property values are not a relevant planning consideration.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission (xiii)</th>
<th>The proposed development will produce more greenhouse gases than burial.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant's Response:</td>
<td>New Energy has demonstrated in the PER that recovering energy from waste provides a significant net benefit for greenhouse gases over disposal to landfill.</td>
</tr>
</tbody>
</table>
This has been confirmed by the UK peer reviewed WRATE assessment tool. In fact the development will result in an annual savings of 10,321 tonnes CO$_2$-e compared to existing waste management practice. Landfill releases methane which is 21 more times damaging than CO$_2$ to the atmosphere. The project also offsets power generation from fossil fuels such as coal or gas. The advantages of this technology over landfilling are numerous.

**City's Response:**
The proposed development has been assessed on its individual merits, not in comparison to other forms of waste disposal. The proposed development will be required to comply with the EP Act 1986 with respect to managing air pollution.

**Submission (xiv)**
The proposed development will result in a loss of incentive to recycle.

**Applicant's Response:**
New Energy's development provides a MRF prior to gasification. Only post recycled or residual waste will be gasified. This will actually lead to an increase in recycling capacity for Perth’s waste that was otherwise going to landfill. This solution is very different to a traditional mass burn incineration solution which does not adhere to the waste hierarchy. New Energy is committed to the waste hierarchy which places recycling above energy recovery.

**City's Response:**
Incentives to recycle are not a relevant planning consideration.

**Submission (xv)**
The proposed development creates fewer jobs than other waste treatment alternatives.

**City's Response:**
Whilst it is acknowledged that other methods of waste disposal may require more staff to operate, the proposed development does create employment opportunities. Regardless, the number of staff required to operate a business is not considered a relevant planning consideration.

**Submission (xvi)**
The proposed development does not account for the cumulative effects of air pollutants from existing industries and intermittent emissions.

**Applicant's Response:**
The emission modelling has included existing background emissions from existing industries and has demonstrated that it poses no issue. This issue has been thoroughly assessed by the EPA.

**City's Response:**
The proposed development will be required to comply with the Environmental Protection Act 1986 with respect to managing air pollution. The applicant has demonstrated that the EPA's objectives with respect to air quality will be met.

**Submission (xvii)**
The City pre-empted the announcement by the EPA of conditional approval by advertising the building application prematurely and raised issues during the PER to the EPA.

**City's Response:**
The applicant is permitted to submit an application for Planning Approval prior to receiving approval for the proposed development from the Minister for Environment. The City is required to provide a Responsible Authority Report to the presiding member of the Development Assessment Panel within 80 days of receipt of the application (or with the consent of the applicant, an extended period) under the Planning and Development (Development Assessment Panels) Regulations 2011.
The City sought advice from a suitably qualified environmental consultant, which identified a number of opportunities for improvement and clarification on monitoring and reporting with the PER documentation. The EPA's report to the Minister following the PER process was reviewed by the City's consultant, whereby the City considered its concerns had been satisfactorily addressed and an appeal was not warranted.

**Submission (xviii)**
The EPA is insufficiently resourced to assess the application.

**City's Response:**
This is not a relevant consideration to the City when assessing the application.

**Submission (xix)**
Landfill will still be required for sorted waste and the residues, which will be expensive.

**Applicant's Response:**
Recovered recyclable material from waste will go to existing markets for metals, aggregates and plastic. There will be only a small amount of ash residual (5%-7%) that will go to landfill which is currently fairly inexpensive at $110/T. New Energy also intends to use ash for construction & road materials once it has demonstrated that it is safe to be used in this fashion. The project reduces the waste going to landfill by over 90% so its unsure how the query is an objection to the development.

**City's Response:**
Any costs associated with disposing of sorted waste and residue will be borne by the applicant. This is not a relevant planning consideration.

b. **Consultation with Government Agencies**

The following government departments and service agencies were consulted:
- Department of Parks and Wildlife;
- Department of Water;
- Department of Environment Regulation; and
- APA Group.

The following advice was received from service agencies:

1. **Environmental Protection Authority**

**Submission:**

(i) The Environmental Protection Authority (EPA) advised the proposal was being assessed under Part IV of the *Environmental Protection Act 1986* (EP Act) through a Public Environmental Review (PER). In accordance with Section 41(3) of the EP Act, the SWJDAP is constrained from making any decision that could cause or allow the proposal to be implemented until the Minister for Environment has provided written authorisation under section 45 (7) of the EP Act.

**City's Comment:**

Noted. At the time of this report, the EPA had provided its recommendation to conditionally support the application to the Minister for Environment. An appeals period to the recommendation was available until 30 June 2014. The Minister for Environment was yet to make a final decision on the recommendation.
2. Department of Water

Submission:
(ii) Department of Water raised no concern with the proposal on the basis the development is being formally assessed by the EPA. It advised that it anticipates the concerns regarding wastewater, protection of surface water and groundwater quality and environmental monitoring feedback will be addressed through the PER process.

City's Comment:
Noted.

3. Department of Parks & Wildlife

Submission:
(iii) Department of Parks & Wildlife raised no concern with the proposal on the basis the development is being formally assessed by the EPA.

City's Comment:
Noted.

4. APA Group

Submission:
(iv) APA Group raised no concern with the proposal and advised that the development will affect Western Mining Gas Lateral (PL5), as it is situated within the industrial setback distance as specified in Planning Bulletin 87 - High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region. The APA Group required the following:

- Prior to commencement of site works for subdivision or development on any land in close proximity to the high pressure natural gas pipeline, the developer will need to undertake an AS 2885 qualitative risk assessment and prepare a Pipeline Protection Plan (PPP) to the requirements of the high pressure natural gas pipeline operator, APA Group.

- The plan referred to above shall detail measures to ensure public safety and protection of the high pressure natural gas pipeline in accordance with the Petroleum Pipelines Act 1969-70, the Australian Standard AS 2885-2007, SAA HB105 and the Western Australian Planning Commission’s planning process guidelines - ‘Planning Bulletin 87.

- Ultimately, minimum setbacks for development from the boundary of the high pressure natural gas pipeline shall be determined only after undertaking an approved Qualitative Risk Assessment (As of the standards of the day) to AS 2885.1, 2007 requirements.

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

c. Strategic Community Plan

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

Aspiration 12: Carbon footprint reduction and waste minimisation programs centred upon public awareness and the use of new technologies.

d. Policy

Planning Policy 3.3.8 – East Rockingham Development Guidelines (PP3.3.8)

The purpose of PP3.3.8 is to guide the orderly development of serviced industrial land within the East Rockingham Industrial Park (IP14 Area).

The objectives of PP3.3.8 are:

"(a) To achieve an attractive and unified development which acknowledges the goal of conserving and enhancing the natural environment by emphasising the retention of natural vegetation and the introduction of complementary quality landscaping and well designed buildings;

(b) To achieve a degree of consistency and compatibility in the built form and landscaping, whilst allowing for individuality and a well presented corporate or market image; and

(c) To avoid unsightly and poorly planned development and enhance and protect the investment of all owners within the East Rockingham Industrial Park and the investment of others in the region."

Natural vegetation on the site will be lost as a result of the proposed development, which was anticipated when the land was zoned for industrial purposes. To conserve as much vegetation on site as possible, a condition requiring grasstrees identified for removal to be relocated and the protection of vegetation not identified for removal is recommended should the application be approved.

The building design and landscaping plan are considered to meet the high standard of built form already apparent in the East Rockingham Industrial Park (ERIP). The proposed development is well planned and is not considered to adversely impact the existing investment of owners within the ERIP.

Planning Policy 3.3.14 - Bicycle Parking & End-of-Trip Facilities (PP3.3.14)

The purpose of PP3.3.14 is to ensure there is adequate provision made in developments for secure on site bicycle parking and end-of-trip facilities, to encourage the use of bicycles as a mode of transportation.

Bicycle Space Provision

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Industrial</td>
<td>1 space per 1,000m² for</td>
</tr>
<tr>
<td>Uses</td>
<td>premises greater than 300m²</td>
</tr>
<tr>
<td></td>
<td>Net Leasable Area.</td>
</tr>
<tr>
<td></td>
<td>17,280m² NLA = 17 spaces</td>
</tr>
<tr>
<td>Office</td>
<td>1 space 200m² NLA.</td>
</tr>
<tr>
<td></td>
<td>405m² = 2 spaces</td>
</tr>
<tr>
<td>Total</td>
<td>19 spaces</td>
</tr>
</tbody>
</table>

No provision of bicycle spaces has been made. A condition of planning approval requiring the provision of 19 long-term bicycle parking spaces is recommended.

Provision of End-of-Trip Facilities

<table>
<thead>
<tr>
<th>Number of long-term parking spaces provided</th>
<th>Number of showers required (Policy Requirement)</th>
<th>Number of showers required</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>4 (two male, two female)</td>
<td>4</td>
</tr>
</tbody>
</table>

No provision of showers has been made. A condition of planning approval requiring the provision of 4 showers (two male, two female) is recommended.
State Planning Policy 3.4 - Natural Hazards and Disasters (SP3.4)
The purpose of SP3.4 is to include planning for natural disasters in the preparation of statutory and non-statutory planning documents such as Town Planning Schemes and strategies, and to use planning as a mechanism to mitigate the impacts of natural disasters on the community, economy and environment.

The only hazard outlined in SP3.4 relevant to the proposed development is bushfires. SP3.4 recommends the use of the Planning for Bushfire Protection Guidelines 2010 to determine those areas that are most at risk of bushfire and where development is not recommended.

The subject site is considered at risk of bushfire, given it is surrounded on all but the northern lot boundary by bushland. In this respect, it is recommended that the applicant prepare and implement a Fire Management Plan in accordance with the Planning for Bushfire Protection Guidelines 2010 to ensure the development takes into account fire protection requirements to reduce the fire risk to life and property.

Statement of Planning Policy No. 4.1 – State Industrial Buffer Policy (SPP4.1)
The purpose of SPP4.1 is to provide a consistent State wide approach for the protection and long term security of industrial zones, transport terminals and other utilities and special uses. It also aims to provide for the safety and amenity of surrounding land uses, whilst having regard to the rights of landowner who may be affected by residential emissions and risk.

The objectives of SPP4.1 are as follows:-

"(a) To provide a consistent Statewide approach for the definition and securing of buffer areas around industry, infrastructure and some special uses;
(b) To protect industry, infrastructure and special uses from the encroachment of incompatible land uses;
(c) To provide for the safety and amenity of land uses surrounding industry, infrastructure and special uses;
(d) To recognise the interests of existing landowners within buffer areas who may be affected by residual emissions and risks, as well as the interests, needs and economic benefits of existing industry and infrastructure which may be affected by encroaching incompatible land uses."

The proposed development is within an existing defined industrial area and does not encroach into any specifically defined buffer areas, with the exception of the Parmelia Gas Pipeline (PGP) buffer area which traverses the front of the site. The owner/operator of the PGP has raised no concerns with this encroachment. The proposed development is not considered to compromise any infrastructure or special uses.

The proposed land use is considered compatible with existing industrial land uses in the area as the subject site is within an area that has been designated for heavy industrial land uses.

The safety and amenity of surrounding land uses is not considered to be compromised. Through the PER process, the assessment of emissions and air quality impacts were found to comply with the National Environment Protection Measure Standards, World Health Organisation Standards and criteria from relevant guidelines for standard operation and emergency shut-down scenarios.

By virtue of the PER, the proposed development is not considered incompatible to existing industry in respect to environmental and social impacts.

The proposed development is considered compliant with SPP4.1.

Planning Policy 7.1 – East Rockingham Industrial Park – Environmental Planning Policy (PP7.1)
The objective of PP7.1 is to establish guiding principles and policies for the environmental acceptability of industrial development on industrial zoned land within the City of Rockingham, predominantly within the IP14 area. PP7.1 utilises the following categories for assessment against minimum requirements for development proposals:

- Air Quality;
• Risks and Hazards;
• Noise;
• Water Quality; and
• Social Environment

PP7.1 does not support the development of heavy industries unless it can be demonstrated that there is compliance with the Environmental Protection Act 1986 (EP Act). Through the PER process, the applicant has been able to demonstrate that acceptable environmental standards can be met. The proposed development has been recommended for conditional approval by the EPA and the City is satisfied that continual monitoring of the facility, as required by the EPA, will ensure ongoing compliance with relevant standards and regulations.

Planning Bulletin 87 - High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region (PB87)

The purpose of PB87 is to ensure planning mechanisms are implemented to confirm people and property are at an acceptable level of risk where town planning schemes, amendments, structure plans, developments and subdivisions are proposed within the vicinity of pipeline corridor/easements and that the future potential of the pipeline corridor/easements are not constrained.

As previously mentioned, the PGP is situated within an easement on the northern edge of the subject site. The proposed development is located within the 60m recommended setback distance for industrial uses from the pipeline.

To mitigate risks associated with the reduced setback proposed, it is recommended that a condition be included requiring the applicant to prepare and implement a pipeline risk management plan in consultation with the pipeline operator.

e. Financial

Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

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

Permissibility

The proposed development is classed as ‘Industry: General (Licenced)’ under TPS2. The Industry: General (Licenced) use is an ‘A’ use within the Special Industry zone, which means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 6.3 of TPS2.

Clause 4.10.1 – Objectives

The subject site is zoned ‘Special Industry’. The objectives of the Industrial zones are:

“(a) to provide for a range of industrial land uses by establishing guiding principles and policies that are environmentally and socially acceptable;

(b) to encourage and facilitate the establishment of attractive and efficient industrial areas ensuring that acceptable levels of safety and high standards of amenity are provided through the application of appropriate landuse, design and landscaping controls; and

(c) to ensure that industrial areas are developed in a manner which has due regard to potential industries and their infrastructure needs, and that adjacent urban areas are not subjected to pollution and hazards.”

The City has existing planning policies relating to the environmental and social acceptability of proposed developments which the proposed development has been assessed against within the Policy section of this report.
The design of the proposed development results in efficient use of the industrial land and the landscaping results in a high standard of visual amenity. The applicant has committed to implementing the findings of a risk assessment with regards to the proposed design, with the site being fenced at all times (including during construction) and security lighting being provided. Entry to the site will also be restricted to employees only.

The proposed development is a land use not previously developed in the area. The subject site is located centrally within the KIA, which is identified for heavy industrial land uses. This is considered to be the most suitable location within the City of Rockingham for such a development. The Environmental Protection Authority (EPA) has assessed the environmental impacts of the development through the Public Environmental Review (PER) process. By virtue of the EPA issuing its approval, it can be considered that the development would not result in adverse offsite environmental impacts.

The proposed development is considered to be consistent with the objectives of the Industrial zones.

Clause 4.10.2 – Form of Development

The Council is required to have regard to the following when considering an application for planning approval on industrial zoned land:

"(a) promotion of a high standard of building development, landscaping and working environment;
(b) protection of the amenity of adjacent residential and open space areas;
(c) management of drainage systems and land uses to promote groundwater conservation; and
(d) to ensure safe movement of vehicular and pedestrian traffic in the area."

The proposed development is compliant with the PP3.3.8 in regards to the building design, landscaping and working environment.

The proposed development is an industrial land use. The context of the surrounding locality is for a mix of light and heavy industrial land uses, with surrounding vacant land also zoned for industrial purposes. The proposed development is therefore considered compatible with the existing context of the locality and would not adversely impact on the amenity of the locality.

The applicant, through Shawmac Consulting Civic & Traffic Engineers, Risk Managers conducted a TIA to assess the impact the proposed development will have on the local road network in the context of the exiting capacity of the proposed route. The TIA also included an assessment of the proposed carparking and access configuration to service the proposed development.

The TIA found that impacts on the operational performance of the Patterson Road/Office Road and Mandurah Road/Office Road intersections associated with the proposed development are minimal and that the proposed development will only have a minor impact on the existing queuing and delay at these intersections.

The TIA concluded that there were no issues identified with regard to traffic operations of the proposed development. The City has assessed the TIA and confirms the findings of the TIA.

Provision has been made for a carparking bay for the exclusive use of people with disability, however, a continuous accessible path of travel has not been provided from the carparking bay to the administration/education facility. It is recommended that a condition of planning approval be included to provide a continuous accessible path of travel in accordance with AS1428.1 - General Requirements for Access - New Building Work.

Clause 4.10.4 – General Development Provisions

Clause 4.10.4 provides development guidelines on all industrial zoned land within the City. They are outlined below and considered in relation to the proposed development.
<table>
<thead>
<tr>
<th>General Development Requirement as per TPS2</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facade</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The facades of all buildings visible from the primary road or open space area shall be of masonry construction or any other material approved by the Council in respect of the ground floor level, provided that if concrete panels are used, such panels must have an exposed aggregate or textured finish. The second floor level, or its equivalent may be constructed of any other material in accordance with the Building Code of Australia and to the satisfaction of Council.</td>
<td>The façade of the building will be washed aggregate finished concrete to a height of 3m. The remainder of the walls and roof cladding will be ‘dune’ coloured colorbond steel sheeting.</td>
<td>Yes</td>
</tr>
<tr>
<td>Fencing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No fence visible from a road or open space reserve shall be constructed of materials/colours which in the opinion of Council are unsightly or detract from the amenity of the locality, or be used for signage where the approval of the Council has not been granted. Any industrial (eg. chain wire) fencing forward of the street building setback line shall be landscaped to the satisfaction of the Council.</td>
<td>Side and rear boundaries will have a 1.8m high black PVC coated galvanised wire chain mesh fenced topped with 3 rows of barbed wire to 2.4m high. The front fence facing Office Road will have a 2.1m high black powder-coated galvanised garrison style fencing with matching hinged sliding gates. The proposed fencing materials are considered acceptable.</td>
<td>Yes</td>
</tr>
<tr>
<td>Use of Building Setback Area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No use of the area between the street alignment and the prescribed building setback line shall be permitted other than for landscaping, or for pedestrian and vehicular circulation and parking, except that not more than 20% of the setback area may be used for trade display purposes, to be approved at the discretion of the Council.</td>
<td>The front setback area (25m) has only been used for landscaping, parking and vehicular access and circulation.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Clause 4.10.3 – Parking

TPS2 requires the provision for the on-site parking of vehicles for all development on industrial zoned land in accordance with the provisions of Clause 4.15 and Table No.2. The proposed development is a land use that is not specified in Table No.2. In accordance with Clause 4.15.1.4, where land is proposed to be development for a purpose which is not specified in Table No.2, the Council is to determine the number of carparking bays required in regards to the following:
“(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”

Further discussion on parking provision is provided in the comments section of this report.

Clause 4.10.10 – Special Industry Zone

Clause 4.10.10 provides setback and landscaping requirements for developments within the Special Industry Zone.

The following is an assessment of the proposed development against these requirements:

<table>
<thead>
<tr>
<th>Required Element</th>
<th>Provided</th>
<th>Compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A minimum front setback of twenty five (25) metres shall apply for major structures and a minimum front setback of fifteen (15) metres shall apply to offices, gatehouses and amenity buildings.</td>
<td>A 31m setback has been provided to a drainage pond, with the main building achieving a 68m front setback. A 19m setback has been provided to the weighbridge office from the front boundary.</td>
<td>Yes</td>
</tr>
<tr>
<td>Landscaping</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landscaping shall be provided on all street frontages for a distance of not less than 10 metres from each property boundary.</td>
<td>A 10m landscaping strip has been provided to Office Road. Various landscaping treatments all also be installed throughout the remainder of the site.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Risk**

**Risk Implications of Implementing Officer Recommendation**

Low:

- There is the potential risk of the applicant lodging either a request for reconsideration of a condition or an appeal to the State Administrative Tribunal if aggrieved by a condition of Planning Approval.

**Risk Implications of Not Implementing Officer Recommendation**

Medium:

- There is the potential risk of the applicant being aggrieved by a refusal of Planning Approval lodging an appeal to the State Administrative Tribunal.

**Comments**

**Car Parking**

The majority of the net leasable area of the development is occupied by gasification equipment associated with the operation of the facility and the design is such that it could not be leased for another purpose. For this reason, and given TPS2 provides no carparking ratio for the proposed use, the calculation of the carparking requirement for the proposed development has been based on the operation of the facility.
At the completion of the development, the applicant has stated that 60 full time staff will operate the facility on a shift basis (maximum of 25 staff at any one time), with access to the facility being restricted to staff only. 36 carparking bays have been proposed to service staff and visitors. Given there are adequate bays to accommodate staff and provision has been made for visitors and buses associated with the educational facility, the carparking provided is considered acceptable.

It was also noted that the verge area directly adjacent the subject site is used for informal carparking and a truck stop. To ensure vehicle sight lines are not compromised by informal carparking occurring, it is recommended that appropriate bollard treatments in the verge area be incorporated into the development.

**Land Use Compatibility**

Given the surrounding land is also zoned for industrial purposes, the proposed development is considered compatible with existing and future industrial land uses. The proposed development is considered consistent with the quality built form and landscaping of existing developments within the ERIP.

**Social Issues**

The proposed development will create employment. There is no evidence to suggest the development will adversely impact the economic viability of existing surrounding businesses.

It is noted that there is considerable community concern with respect to the proposed development, with a specific emphasis on air quality and odour as a result of the gasification process. Air quality and odour have the potential to significantly determinately impact the quality of life of nearby residents and surrounding business operators. To address this concern, the EPA have recommended the ongoing management and monitoring of the proposed development, to ensure air quality and odour remain at an acceptable level in accordance with relevant standards.

It is also noted that based on submissions, the proposed development is not considered a desirable land use for the City of Rockingham given its heavy industrial nature. Whilst the City acknowledges the submissioners views in this respect, the subject site has been zoned for Special Industry and the proposed development is an industry that, should all relevant planning and environmental requirements be address, can be considered in the zone.

**Signage**

The applicant has not provided details on any proposed signage. A condition requiring the applicant to prepare a Sign Strategy to the satisfaction of the City is recommended in this respect, to enable the City to assess any proposed signage.

**Conclusion**

The proposed development is generally compliant with the requirements of TPS2 and State and Local Policy.

Granting planning approval consents to the proposed land use and location of buildings. Should an approval be granted, the applicant is still subject to further approvals (Building Permits and Department of Environment Regulation licences) that must be obtained prior to development commencing.

It is recommended that the application be conditionally approved.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ADOPT** the Responsible Authority Report for the proposed Waste to Energy (Materials, Recycling and Gasification Plant) at Lot 1 (No.26) Office Road, Rockingham contained as Attachment 1 as the report required to be submitted to the presiding member of the South West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panel) Regulations 2011, which recommends:
"That the Metro SWJDAP resolves to:

Approve DAP Application reference DAP/14/00530 and accompanying plans ERH/000/PPL/001 Revision E, ERH/000/PPL/002 Revision F, ERH/000/PPL/003, ERH/000/PPL/004 Revision B, ERH/000/PPL/004 Revision D, ERH/000/PPL/005 Revision A in accordance with Clause 6.7.1(a) of the City of Rockingham Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

2. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.

3. All stormwater generated by the development shall be designed to be contained of on-site and certified by a hydraulic engineer, prior to the application for a Building Permit. The design shall be implemented and maintained for the duration of the development.

4. 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;

   (v) Verge areas; and

   (vi) Bollard treatments in the verge area directly adjacent the subject site to prevent informal carparking;

   The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.

5. 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.

6. The carpark must:-

   (i) provide a minimum of 36 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;

   (iii) include one (1) car parking space 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.

7. Four (4) visitor car parking spaces must 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 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.

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

9. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham, 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 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.

10. A bin storage area(s) must be designed with a size suitable to service the development and screened from view of the street, to the satisfaction of the City of Rockingham, 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.

11. 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.

12. Prior to the commencement of development, the landowner/applicant shall prepare and implement as part of the development a pipeline risk management/protection plan to the satisfaction of the APA Group and approved by the City of Rockingham. The plan must detail measures to ensure public safety and protection of the high pressure natural gas pipeline in accordance with Planning Bulletin 87 High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region, Petroleum Pipelines Act 1969-70, Australian Standard 2885-2007 and SAA HB105 - Guide to Pipeline Risk Assessment.

13. A fire management plan prepared in accordance with the WAPC's Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3) is to be approved by the City of Rockingham prior to applying for a Building Permit. The approved fire management plan is to be implemented for the duration of the development.


The bicycle parking spaces must be constructed prior to occupation of the development.

15. Two (2) male and Two (2) female secure hot-water showers and change rooms must be designed in accordance with Planning Policy 3.3.14, Bicycle Parking and End-of-Trip Facilities, prior to applying for a Building Permit.

The showers and change rooms and lockers must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.

Advice Notes

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City.

3. All works in the road reserve, including construction of a crossover, planting of street trees, and other streetscape works and works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham’s Engineering Services in this regard.

4. The development shall be compliant with the Department of Environment Regulation (DER) and Environmental Protection Authority (EPA) licence conditions at all times.

5. 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.

6. The applicant is advised of the requirement to pay for or reimburse the APA Group for any expense involved in any physical protection works to the high pressure gas pipeline, including all pipeline coating repairs, required to mitigate any likelihood of damage to the high pressure gas pipeline, to a standard deemed necessary to ensure public safety due to any changes in use of the surrounding land.

7. With respect to Condition 4, the applicant and owner should liaise with the City of Rockingham’s Parks Services to confirm requirements for landscaping plans.

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

**Committee Recommendation**

That Council ADOPT the Responsible Authority Report for the proposed Waste to Energy (Materials, Recycling and Gasification Plant) at Lot 1 (No.26) Office Road, Rockingham contained as Attachment 1 as the report required to be submitted to the presiding member of the South West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panel) Regulations 2011, which recommends:

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   (iv) Those areas to be reticulated or irrigated;
   (v) Verge areas; and
(vi) Bollard treatments in the verge area directly adjacent the subject site to prevent informal carparking;

The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.

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7. With respect to Condition 4, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.

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

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
**Planning and Development Services**  
**Directorate, Planning Services**

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>PDS-065/14 Revised Joint Development Assessment Panel Application - Singleton Neighbourhood Centre and Fast Food Outlets - Lot 806 Mandurah Road, Karnup</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>DD020.2013.00000272.001</td>
</tr>
<tr>
<td><strong>Risk Register No:</strong></td>
<td>363 and 365</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>DPS (WA) Pty Ltd</td>
</tr>
<tr>
<td><strong>Owner:</strong></td>
<td>Gold Right Pty Ltd</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Ms Erika Barton, Projects Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr Bob Jeans, Director Planning &amp; Development Services</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>18 August 2014</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td>June 2014 (PDS-050/14)</td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Nature of Council's Role in this Matter:</strong></td>
<td>Executive</td>
</tr>
</tbody>
</table>

**Site:** Lot 806 Mandurah Road, Karnup  
**Lot Area:** 83.94ha  
**LA Zoning:** Development  
**MRS Zoning:** Urban  
**Attachments:** Responsible Authority Report  
**Maps/Diagrams:**  
1. Location Plan  
2. Aerial Photo  
3. Original and Modified Local Structure Plan  
4. Detailed Area Plan  
5. Site Plan Stage 1  
6. Ground Floor Plan - Stage 1  
7. North and East Elevations - Neighbourhood Centre  
8. South and West Elevations - Neighbourhood Centre  
9. North and East Elevations - Medical Centre  
10. South and West Elevations - Medical Centre  
11. Pad Sites Floor Plan  
12. West Elevations - Fast Food Pad Sites  
13. East Elevations - Fast Food Pad Sites  
14. Additional Parking Locations
1. Location Plan
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for the proposed Stage 1 of the Singleton Neighbourhood Centre, comprising a supermarket, six retail shops, a medical centre, and three fast food outlets on Lot 806 Mandurah Road, Karnup.

Background

The subject site is covered by the West Karnup Local Structure Plan (LSP), which was approved by Council in May 2013. It zones the portion of subject site covered by this application as Commercial. The LSP required the preparation and approval of a Detailed Area Plan (DAP) for the Commercial zoned land. The applicant worked with the City to produce a DAP for the Neighbourhood Activity Centre.
3. Original and Modified Local Structure Plan
4. Detailed Area Plan
The City engaged an Urban Design Consultant as part of the DAP process to ensure that the design outcomes were appropriate for the location, consistent with the principles of State Planning Policy 4.2, and which demonstrated good planning outcomes. It was recognised through this process that the commercial land to the north of Road 1 would be unlikely to work given the inability to provide on street parking along Road 1. Consequentially Road 1 would not provide a functioning ‘main street’. A number of design options were considered to address this issue, with the ‘main street’ being relocated to Road 25.

The DAP was approved by the City on 7 April 2014. The LSP was also amended to reflect the relocated Commercial zoned land. Attachment 1 illustrates the approved DAP, whilst Figure 3 illustrates the original and modified LSPs.

**JDAP Meeting – 4 July 2014 – Initial Consideration**

This application was considered by the Metro South-West JDAP at its meeting of 4 July 2014 where it was resolved to defer the application to allow the City of Rockingham to consider additional information provided by the applicant, which requires further assessment prior to the application being determined.

### Details

The applicant seeks approval for Stage 1 of the Singleton Neighbourhood Centre, comprising:

- Supermarket (3,000m² NLA)
- Six speciality shops (total 765m² NLA) sleeved onto the supermarket
- Medical Centre (800m² GFA)
- Three fast food outlets (678m² NLA)
- Car parking for 284 cars.

### Changes Following Initial JDAP Meeting

Following the initial JDAP meeting, the applicant has provided additional information. The additional information relates to a number of proposed conditions on the RAR that was considered at the initial JDAP meeting. The City officers met with the applicant following the JDAP meeting to address the outstanding issues, as discussed below.

#### Condition 2

This Approval does not authorise or approve the use of any of the Fast Food Outlet tenancies. A separate planning approval must be obtained for the occupation of any Fast Food Outlet tenancy, prior to the occupation of the tenancy.

**Applicant’s Request**

Requested the condition be deleted, being of the opinion sufficient information was provided with the application to be approved.

**City’s Response**

The application did not contain any floor plans of the proposed fast food outlets and thus an assessment of the proposed development could not be undertaken.

**Resolution**

The applicant agreed to provide floor plans for the fast food outlets.

The City has agreed to include the amended plans in the application for assessment.

**Action**

The fast food outlets are to be included in the application and the condition deleted.

#### Condition 3

Road 2 must be widened to provide a minimum trafficable width of 6m in accordance with the Public Road Design (P2.2) of the Western Australian Planning Commission's *Planning for Bush Fire Protection Guidelines*. The works must not encroach onto the Reserve for Conservation.
Applicant’s Request
Requested the condition be deleted, because it is outside of the application area and has already been constructed to 7.4m width.

City’s Response
The connection of Road 2 (Verdigris Road) to Mandurah Road only has a 4m width.

Resolution
The applicant is amending the design for the southern end of Verdigris Road, to provide a 4m road width with a mountable kerb and an addition 2m wide trafficable area.

Main Roads required the left in access from Mandurah Road to only be 4m wide to ensure drivers did not attempt to exit the site in this location.

The application plans are to be updated to reflect this change to the road design.

Action
The applicant is yet to amend the plans to reflect the required widened road reserve. Thus this condition is retained.

Condition 5
The land owner is responsible for the full cost of any works required to retrofit the local street network and site to facilitate the manoeuvring required for a 19m articulated vehicle to access the loading dock of the supermarket once the left in access from Mandurah Road is closed. Prior to any works commencing on the retrofitting works, the design for the retrofitting works shall be approved by the City of Rockingham, and all works completed to the satisfaction of the City prior to the left in access road being closed.

Applicant’s Request
Requested the condition be deleted and converted to an advice note.

City’s Response
Main Roads has advised that it is likely that the left in access from Mandurah Road will be removed once Mandurah Road is widened to six lanes. Given this would restrict heavy vehicle access to the site from the north only, the City raised concern with the applicant that the heavy vehicles may not be able to access the loading docks. The applicant provided swept path diagrams that confirmed the City’s concerns. Thus modifications to the local road network would be required to facilitate the heavy vehicle access to the site.

It is not appropriate that the requirement to modify to the local road network be only an advice note, as it is requiring the applicant to do works in the future.

Resolution
This issue is unresolved.

Action
This condition is to remain. There are no changes to the comments provided in the Planning Assessment section of this report.

Condition 9
The carpark must:

(i) provide a minimum of 316 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 including details on threshold treatments on the internal access way from Road 1 and Road 25, prior to applying for a Building Permit;
(iii) include nine 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;
(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; and
(vii) provide for one tree per eight car bays.

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

**Applicant's Request**
Requested the condition be modified as the applicant disagreed with the City’s parking calculations.

**City's Response**
The City advised that the parking calculations included the allocation within the drive through areas of the fast food outlets. Only four additional spaces, in the locations provided by the applicant, are to be provided on site.

**Resolution**
The total figure of 316 includes bays stacked within the drive throughs and there will not be a requirement to provide additional bays not already shown on the plans. Inclusive of the street bays required under Condition 10 this equates to an additional 4 bays being required on site as per the Taylor Robinson sketch included in the RAR.

**Action**
The condition is to remain.

**Condition 10**
Seventeen on-street car parking spaces must be provided for short term parking along Road 2 and Road 25 in the location shown on Drawing sk03. The parking must be designed in accordance with the Australian Standard AS 2890.5—1993, *Parking facilities, Part 5: On-street parking*, approved by the City of Rockingham prior to applying for a Building Permit, and constructed prior to occupancy of the development. Trees must be provided at a minimum rate of one per 14m where there is parking provided.

**Applicant's Request**
Requested the condition be deleted, as the applicant disagreed with the City’s parking calculations and the road reserve was not considered part of the site.

**City's Response**
The condition contained an error, with the parallel parking required to be 15 spaces not 17. The City explained the parking calculations and that they are required as part of the parking for the development.

**Resolution**
The applicant agreed to provide the 15 on-street parking spaces.

**Action**
Amend the condition to require 15 spaces not 17.

**Condition 11**
A 2.5m wide dual use path must be provided along the frontage of the site with Roads 1, 2, and 25. The path is to be designed in accordance with the City of Rockingham’s specifications, and constructed prior to occupancy of the development.

**Applicant's Request**
Requested the condition be deleted as the verge area lay outside of the development site.
City’s Response
The City advised that whilst the verge does not form part of the lot on which the development is to occur, it is directly adjacent to it and it is reasonable to impose conditions requiring works on the adjacent verge.
The City agreed that specifying a 2.5m width path was not necessary and that a treatment other than concrete was preferred for a main street setting.

Resolution
Amended plans would be provided showing the paving in the main street area.
The balance of the road frontages (southern side of the centre and adjacent to the fast food outlet) would be paved in accordance with the approved subdivision.

Action
Condition to be deleted. Addressed as part of Condition 8 and subdivision works. Amended engineering drawings for the Stage 1A subdivision are yet to be received by the City.

Condition 20
Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of signage, dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Road 1, Road 25 and the internal access way, at all times.

Applicant’s Request
Requested the condition be deleted or modified. The applicant contends that the condition is already addressed in the provisions of the approved Singleton Village Neighbourhood Activity Centre Detailed Area Plan (DAP). The proposed condition is considered to be too rigid and offers privacy to potential tenancies. It is recommended that the condition be removed or be modified offering more flexibility, consistent with the approved DAP.

City’s Response
The City advised that the condition is a standard condition imposed on all main street and similar commercial developments. The City acknowledged that it had concerns that the proposed medical centre use would potentially have issues with privacy, however, given the applicant was involved in the preparation of the DAP knowing the proposed use for this building, it was considered that the design of the development could be appropriately managed to avoid the need for screening of windows contrary to the DAP requirements.

Resolution
All parties agreed that screening is to comply with approved DAP; thus ensuring no less than 66% of the street frontage is unscreened

Action
The condition is to be reworded to reflect the provisions of the DAP.

Condition 21
Public or customer access for the Medical Centre building must be provided from Road 1 or Road 25.

Applicant’s Request
Requested deletion of the condition. The medical centre tenancies are likely to have their main form of access from the carpark side as it is unreasonable for ill patients visiting the doctor to have to walk around the building to enter. Furthermore, ambulance access will also need to be provided, which will also be from the car park side. Notwithstanding, the applicant acknowledges the need to maintain interaction with the streetscape and will aim to achieve this through various façade treatments to maintain passive surveillance, and not necessarily ‘frontages’ to the streets. The DAP provisions also provide the City with a level of security that these frontages will not be developed as a blank wall. On this basis, this condition should be deleted as it is considered to unnecessarily constrain the future tenants.
<table>
<thead>
<tr>
<th><strong>City’s Response</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The plan submitted with the application showed doors to all frontages, thus, it was not considered to be inconsistent with the application as submitted. Furthermore, the condition is consistent with the provisions of the approved DAP.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Resolution</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Such matters will be subject to detailed design, namely the type of tenancy occupying the space and associated fit-out of that tenancy.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Action</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>No change to the condition.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Condition 22</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham’s satisfaction prior to applying for a Building Permit.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Applicant’s Request</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant requested this condition be amended to delete references to antennae and satellite dishes.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>City’s Response</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The City advised that this is a standard condition for all commercial development, which is consistently imposed on such developments throughout the City.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Resolution</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The applicant advised that this condition does not compromise the development.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Action</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>No change to the condition proposed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Condition 23</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed access from Mandurah Road into the southern area of the development is restricted to left-in only. All road works required to implement this left-in turn shall be constructed by the applicant at its expense. This includes signing, road markings, relocation of services, street lighting and Main Roads costs involved in the checking of the design and construction drawings, including site inspections.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Applicant’s Request</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Request for this condition to be deleted as this condition is not applicable to the subject Planning Approval as the southern access arrangement to Mandurah Road has already been approved via the encompassing WAPC 146429 and 147620 Subdivision approvals for the broader Estate.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>City’s Response</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>This was advice received from Main Roads WA (MRWA). WAPC Subdivision Approval 146429 did not cover the area of the southern access. It should be noted that the southern access was not approved by the WAPC Subdivision Approval 147620, whereby the following advice note was included on the subdivision approval: “The landowner/applicant is advised that this approval is not an approval for connection of the proposed left in, left out access road with Mandurah Road or any works within Mandurah Road for this purpose. Prior to the commencement of subdivision works, the landowner/applicant should seek the necessary approval of the Main Roads Western Australia (the Commissioner of Main Roads Western Australia pursuant to the Main Roads Act 1930) to provide a road connection to Mandurah Road and for any modification required to Mandurah Road generally consistent with the working drawings for the extended slip lane to provide left-in, left out access. In the event approval is not granted by Main Roads Western Australia, the pursuant to Condition 15 the access road south of the proposed commercial lot is to be designed to have the appropriate turnaround area to enable fully functional and safe vehicular movement around the commercial lot and connecting back to Singleton Beach Drive.”</td>
</tr>
</tbody>
</table>
At the time the RAR was prepared, no approval for the road works had been issued by MRWA.

**Resolution**
The City was to review the condition on the basis of the subdivision clearances.

**Action**
Given the Main Roads WA Advice Note on the subdivision approval, the imposition of this as a condition is considered to be appropriate and is to remain.

### Condition 24
Prior to the occupation of the development, the owner must lodge a Section 70A Notification on Lot 806, pursuant to the *Transfer of Land Act 1893* (as amended), advising of a factor or hazard affecting the enjoyment of the land. This notification shall read as follows:

"The proposed access from Mandurah Road into the southern area of the development will be left-in only and this will be subject to review by Main Roads if and when the Mandurah Road or Singleton Beach Road intersection is upgraded to 6 lanes. Please contact Main Roads for further information regarding timing of any upgrade."

**Applicant’s Request**
Request for this condition to be deleted as the condition is not applicable to the subject Planning Approval as the southern access arrangement has already been approved via the encompassing WAPC 146429 and 147620 Subdivision approvals for the broader Estate. Project team requests that this be included as an advice note only.

**City’s Response**
This was advice received from Main Roads WA (MRWA).

WAPC Subdivision Approval 146429 did not cover the area of the southern access.

The southern access was not approved by the WAPC Subdivision Approval 147620, as outlined in the advice note to the approved (detailed above in relation to condition 24).

**Resolution**
Item unresolved.

**Action**
This condition is considered to be relevant as it is a factor affecting the enjoyment of the land. Thus the condition is to be amended to delete the words as shown:

"The proposed access from Mandurah Road into the southern area of the development will be left-in only and this will be subject to review by Main Roads if and when the Mandurah Road or Singleton Beach Road intersection is upgraded to 6 lanes. Please contact Main Roads for further information regarding timing of any upgrade."

### Condition 26
No footpath is approved south of the proposed bus stop on Mandurah Road.

**Applicant’s Request**
Request for this condition to be deleted as it is inconsistent with previous advice from the City of Rockingham’s engineering department requesting a footpath be provided in this location. Given that the footpath in question is outside the subject Planning Approval boundary, we seek to resolve this matter under the encompassing WAPC 146429 and 147620 Subdivision approvals for the broader Estate.

**City’s Response**
The City does not support a footpath south of the bus stop on Mandurah Road.

**Resolution**
Condition may remain without compromising the development.

**Action**
Either the plans are amended to delete the footpath or the condition remains.
5. Site Plan Stage 1
6. Ground Floor Plan – Stage 1
7. North and East Elevations - Neighbourhood Centre
8. South and West Elevations – Neighbourhood Centre
9. North and Elevations – Medical Centre
10. South and West Elevations – Medical Centre
11. Pad Sites Floor Plan
12. West Elevations – Fast Food Pad Sites
13. East Elevations – Fast Food Pad Sites
**Implications to Consider**

a. **Consultation with the Community**

The proposed land uses are defined as “D” uses under TPS2 which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval. With a development which involves a “D” use the Council may give notice of the application to nearby owners and occupiers, if in the opinion of Council, they are likely to be affected by the development. The proposed development is consistent with the approved Structure Plan and is not likely to adversely affect nearby owners and occupiers. As such, it was not deemed to require notification.

b. **Consultation with Government Agencies**

1. **Main Roads WA**

**Submission:**
Throughout the Structure Plan process, Main Roads did not support the left in/left out road access from the site onto Mandurah Road. Despite this, the Western Australian Planning Commission (WAPC) resolved to approve the LSP with a left in/left out access.

When this application was initially referred to Main Roads, it reiterated its opposition to the left in/left out intersection. Following discussion with the applicant, Main Roads provided conditional support for the application, subject to the following conditions and advice being included on any approval:

1. The proposed access from Mandurah Road into the southern area of the development will be left-in only and this will be subject to review by Main Roads if and when the Mandurah Road or Singleton Beach Road intersection is upgraded to 6 lanes.
2. The applicant shall be required to impose a Section 70A Notification, on all Lots south of Singleton Beach Road, pursuant to the Transfer of Land Act 1893 (as amended) advising of a factor or hazard affecting the enjoyment of the land. This notification shall read as follows.

"The proposed access from Mandurah Road into the southern area of the development will be left-in only and this will be subject to review by Main Roads if and when the Mandurah Road or Singleton Beach Road intersection is upgraded to 6 lanes. Please contact Main Roads for further information regarding timing of any upgrade."
3. All road works required to implement this left-in turn shall be constructed by the applicant at their expense. This includes signing, road markings, relocation of services, street lighting and Main Roads costs involved in the checking of the design and construction drawings, including site inspections.
4. The applicant shall be required to develop a Traffic Management Plan whilst working within the Mandurah Road reservation. This plan shall be submitted to Main Roads Traffic Services Branch for approval prior to construction commencing.
5. The applicant shall be required to complete an application for working with the Mandurah Road reservation, this application can be found by following the below link:

6. A solid barrier shall be constructed on the boundary of Lot 806, fronting the Mandurah Road reservation, to prevent unprotected pedestrian movements across Mandurah Road. This barrier shall be constructed to City of Rockingham specifications for fencing.
7. No earthworks shall encroach onto the Mandurah Road reservation.
8. No stormwater drainage shall be discharged onto the Mandurah Road reservation.
9. Any damage done to the existing verge and its vegetation within the Mandurah Road reservation shall be made good at the expense of the applicant.
1. Main Roads WA (Cont…)

**Advice to the Applicant:**

1. The project for the widening of Mandurah Road is not in Main Roads 4-year forward estimated construction program and any project not listed is considered long term. Please be aware that timing information is subject to change and Main Roads assumes no liability whatsoever for the information provided.”

**City’s Comment:**

The intent of these conditions and advice notes shall be included on any recommendation for approval as appropriate.

**Recommendation 1:**

*These Conditions and Advice Notes shall be included on any approval*

2. Department of Water

**Submission:**

(i) The DoW advised that the management of the 100 year flood event as described in the application was inconsistent with the Urban Water Management Plan for the site that was approved as part of the Local Structure Plan.

**City’s Comment:**

It is recommended that a condition be imposed on any approval requiring stormwater to be managed in accordance with the UWMP approved as part of the LSP.

**Recommendation 2:**

*It is recommended that a condition be imposed on any approval requiring stormwater to be managed in accordance with the UWMP approved as part of the LSP.*

**Submission:**

(ii) The DoW has advised that the site is within the Stakehill Groundwater Area, and any abstraction other than for domestic or stock purposes is prohibited unless licensed. The Department also notes that the Stakehill Groundwater Area has reached its allocation limit and the applicant should be advised that there is no guarantee that a request for allocation will be provided.

**City’s Comment:**

Noted; included as an Advice Note.

**Recommendation 3:**

*An Advice Note shall be included on any approval advising of such.*

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 (SPP4.2)

The purpose of SPP4.2 *inter alia* is to specify broad planning requirements for the planning and development of new activity centres in Perth and Peel.

Singleton is classified as a Neighbourhood Centre pursuant to SPP 4.2. The proposed development is consistent with this classification and identified functions.
Planning Policy 3.1.2 – Local Commercial Strategy (PP3.1.2)
Under PP3.1.2, the subject site is known as Singleton East. It has a recommended PLUC5 NLA of 5,300m². The proposed development is compliant in this regard.

Planning Policy 3.3.9 – Fast Food Outlets (PP3.3.9)
Location
The subject site is located within an approved Neighbourhood Centre and thus is consistent with the locational provisions of PP 3.3.9.

Development Requirements
The Fast Food Outlets are located away from any residential development and have been designed to minimise impact on such.

Parking and Access
Sufficient parking has been provided on site for the Fast Food Outlets, as outlined above in the TPS assessment.

Planning Policy 3.3.14 – Bicycle Parking and End-of-Trip Facilities (PP3.3.14)
PP3.3.14 aims to facilitate the appropriate provision of secure, well designed and effective on site bicycle parking and end-of-trip facilities to encourage the use of bicycles as a means of transport and access to and within the City.

Bicycle Parking

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Short Term</td>
</tr>
<tr>
<td></td>
<td>Rate</td>
</tr>
<tr>
<td>Commercial – neighbourhood Centre (3,765m² NLA)</td>
<td>1/300m² NLA (min 6 spaces)</td>
</tr>
<tr>
<td>Medical Centre (8 practitioners)</td>
<td>1/4 practitioners</td>
</tr>
<tr>
<td>Total</td>
<td>15</td>
</tr>
</tbody>
</table>

A small provision for bicycling parking has been made, however, sufficient area exists on site for the accommodation of the 24 required bicycle spaces. Should the application be approved, it is recommended that a condition be imposed requiring the construction of 15 short term and nine long term spaces.

End-of-Trip Facilities
With the provision of nine long term parking spaces, two showers (one male, one female) are required to be provided in accordance with PP3.3.14. The shower is required to be provided in a change room in accordance with the policy. Should the application be approved, it is recommended that a condition be imposed requiring the provision of end-of-trip facilities.

e. Financial
Nil

f. Legal and Statutory
Town Planning Scheme No.2 (TPS2)
The proposal was assessed against the requirements of TPS2 and is compliant. Details of the relevant Clauses of TPS2 and an explanation of how the development is compliant are as follows:
Permissibility

Table 1 of TPS2 identifies that Shops are a ‘P’ use, Medical Centres are a ‘D’ use, and Fast Food Outlets are ‘D’ use in the Commercial Zone. Planning Approval for the development is required pursuant to Clause 6.1.1 of TPS2.

Clause 4.2 – Development Zone

The subject site is zoned ‘Development’ under TPS2. A prerequisite to development in the zone is an operational Structure Plan. The West Karnup LSP was adopted by Council in May 2013. Clause 4.2.9.2 of TPS2 identifies that where a LSP imposes a zone on the land, that zone is to operate as if it were incorporated as such in the Scheme.

Under the West Karnup LSP, the site where the proposed development is located in zoned Commercial. In this regard, the Commercial zone provisions of TPS2 apply.

Clause 4.6.1 – Objective

The development is considered to be consistent with the objective of the Commercial zone, being:

“To provide for the development of District, Neighbourhood and Local shopping facilities to cater for the present and future residents of the City consistent with the Council’s Local Commercial Strategy and supported by any other Plan or Policy that the Council from time to time may adopt as a guide for the future development within the Zone.”

Clause 4.6.2 – Form of Development

Consistent with Clause 4.6.2, the proposed development is considered to be of an appropriate scale for the site and that its built form, elevations and landscaping of the development positively contributes to the streetscape, appearance and amenity of the locality.

Whilst the development only provides Stage 1 of the ultimate development, the design adequately addresses the requirements of Clause 4.6.2.

Clause 4.6.3 - Parking

Pursuant to Clause 4.6.3, car parking is to be provided in accordance with Clause 4.15 and Table 2 of TPS2.

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rate</td>
<td>Number</td>
</tr>
<tr>
<td><strong>Main Building</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Stage 1</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Shops</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supermarket (3,000m²)</td>
<td>6 bays/100m² NLA</td>
<td>180</td>
</tr>
<tr>
<td>Specialty Store 1 (145m²)</td>
<td>6 bays/100m² NLA</td>
<td>9</td>
</tr>
<tr>
<td>Specialty Store 2 (145m²)</td>
<td>6 bays/100m² NLA</td>
<td>9</td>
</tr>
<tr>
<td>Specialty Store 3 (75m²)</td>
<td>6 bays/100m² NLA</td>
<td>5</td>
</tr>
<tr>
<td>Specialty Store 4 (75m²)</td>
<td>6 bays/100m² NLA</td>
<td>5</td>
</tr>
<tr>
<td>Specialty Store 5 (100m²)</td>
<td>6 bays/100m² NLA</td>
<td>6</td>
</tr>
<tr>
<td>Specialty Store 6 (225m²)</td>
<td>6 bays/100m² NLA</td>
<td>14</td>
</tr>
<tr>
<td><strong>Sub Total</strong></td>
<td></td>
<td><strong>228</strong></td>
</tr>
<tr>
<td>Use</td>
<td>Minimum Required</td>
<td>Provided</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>------------------</td>
<td>----------</td>
</tr>
<tr>
<td></td>
<td>Rate</td>
<td>Number</td>
</tr>
<tr>
<td>Medical Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 practitioners</td>
<td>5 bays/practitioner</td>
<td>40</td>
</tr>
<tr>
<td><strong>Sub Total</strong></td>
<td></td>
<td><strong>40</strong></td>
</tr>
<tr>
<td><strong>Sub Total Main Building &amp; Medical Centre</strong></td>
<td></td>
<td><strong>268</strong></td>
</tr>
<tr>
<td>Fast Food Outlets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pad Site 1 (258.75m² NLA)</td>
<td>1 bay/11m² NLA (incl. outdoor eating areas)</td>
<td>24</td>
</tr>
<tr>
<td>Pad Site 2 (219.75m² NLA)</td>
<td>1 bay/11m² NLA (incl. outdoor eating areas)</td>
<td>20</td>
</tr>
<tr>
<td>Pad Site 3 (199.5m² NLA)</td>
<td>1 bay/11m² NLA (incl. outdoor eating areas)</td>
<td>19</td>
</tr>
<tr>
<td><strong>Sub Total Fast Food Outlets</strong></td>
<td></td>
<td><strong>63</strong></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td><strong>331</strong></td>
</tr>
</tbody>
</table>

Notes:
- * includes 7 drive thru spaces
- ^ includes 12 drive thru spaces
- # includes 9 drive thru spaces

Stage 1 of the development requires the provision of 331 parking spaces to comply with TPS2. On the site a total of 312 parking spaces have been provided. This results in a shortfall of 19 parking spaces.

Stage 2 of the development will require an additional 32 parking spaces, however, no additional area is available to provide any additional parking. Thus the development will overall result in a shortfall of 51 parking spaces.

Further discussion on parking requirements and provision is provided in the Planning Assessment section of this report.

**Clause 5.3 – Control of Advertisements**

Clause 5.3.1 of TPS2 requires planning approval to be obtained for the erection of advertisements. In considering an application for an advertisement, the Council is required to consider the objectives of TPS2. There is no signage currently proposed as part of this development application.

Subsequent approval from the City would be required for any signage on the building.

### g. Risk

**Risk Implications of Implementing Officer Recommendation**

Low:
- There is the potential risk of the applicant lodging either a request for reconsideration of a condition or an appeal to the State Administrative Tribunal if aggrieved by a condition of Planning Approval.
Risk Implications of Not Implementing Officer Recommendation

Medium:

- There is the potential risk of the applicant being aggrieved by a refusal of Planning Approval lodging an appeal to the State Administrative Tribunal.

Comments

Design

The application was referred to the City’s Urban Design Consultant for review and comment. The Consultant’s advice is included at Attachment 11 of the RAR: it concludes that the development is generally compliant with the Detailed Area Plan (DAP) and provides for an acceptable urban design outcome as a first stage to the centre. There are, however, two areas which do not comply with the approved DAP:

- The number of shade trees in the car park area needs to be increased to 1 tree per eight car bays.
- Trees within the adjacent road reserves need to be included at a minimum spacing of 14m.

There are also some areas where the proposal partly complies with the approved DAP, and with minor adjustments, or with the provision of more information, could deliver a more acceptable outcome. These improvements include:

- The provision of on-street car bays to Road 25 Main Street at Stage 1 of the development.
- Further detail on the ‘threshold’ treatments at the two main vehicle entry points (Singleton Beach Road and Road 25 Main Street).
- More effective screening (and security) for the loading dock through the inclusion of a wall/fencing and gates.

These matters can all be addressed by way of conditions on any Planning Approval.

Car Parking

Under TPS2, the proposed development requires the provision of a minimum 331 parking spaces. The proposed development has provided for a total of 312 parking spaces. To address the shortfall, and comply with the DAP, the applicant has suggested that additional parking spaces could be provided on site and the surrounding street network as shown in Figure 12.

A number of these proposed additional parking spaces are considered to be inappropriately located and inconsistent with the DAP. The proposed spaces are discussed in the table below.

<table>
<thead>
<tr>
<th>Location</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>These eight parallel spaces on Road 2 are considered appropriately located and can be included.</td>
</tr>
<tr>
<td>2</td>
<td>The drive thru parking spaces have already been included in the parking calculations in accordance with PP3.3.9.</td>
</tr>
<tr>
<td>3</td>
<td>Being located within the loading docks, the spaces are not considered suitable for inclusion in the parking calculations given the conflict with heavy vehicles.</td>
</tr>
<tr>
<td>4</td>
<td>These five parallel spaces on Road 2 are considered appropriately located and can be included.</td>
</tr>
<tr>
<td>5</td>
<td>These additional three spaces are considered appropriately located and can be included.</td>
</tr>
<tr>
<td>6</td>
<td>These additional six spaces are contrary to the DAP for the site and are therefore not supported as they will remove the special landscape zone.</td>
</tr>
<tr>
<td>7</td>
<td>These three spaces will remove the landscaping from the corner. This is not considered appropriate as the landscaping provides for some screening of the dominating car park.</td>
</tr>
</tbody>
</table>
8. This additional space is considered appropriately located and can be included.

9. The two additional spaces would result in the removal of two trees, which would unbalance the landscaping of the internal access street. This is not considered to be an appropriate outcome.

10. The proposed 12 parallel parking spaces on Road 25 are considered appropriate and are consistent with the DAP.
Given the above, an additional 29 spaces can potentially be included in the parking provision for the development.

To comply with the TPS2 requirements the following parking is required:

- 284 spaces shown on DA plans;
- 28 drive thru spaces;
- 4 additional on-site spaces; and
- 15 parallel parking spaces, with the maximum possible provided on the main street.

In this regard, the development provides for a total of 331 parking spaces, which complies with TPS2 parking requirements.

Parking for People with Disability

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

<table>
<thead>
<tr>
<th>Building Class</th>
<th>Requirement</th>
<th>Rate</th>
<th>Calculations</th>
<th>Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Centre - Class 5</td>
<td>1 space/100 carparking spaces</td>
<td>40</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Shops - Class 6</td>
<td>1 space/50 carparking spaces</td>
<td>228</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>Fast Food Restaurants - Class 6</td>
<td>1 space/50 carparking spaces</td>
<td>63</td>
<td></td>
<td>3*</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>9</strong></td>
</tr>
</tbody>
</table>

Notes:
* 1 per restaurant

The development provides for a total of nine spaces that are designed in accordance with AS2890.6 (parking for people with a disability).

Pedestrian Access

Consistent with the approved West Karnup LSP, a 2.5m wide dual use path is to be provided along the entire frontage of the site with Roads 1, 2, and 25. The footpath is required to be provided under the subdivision approval creating the site, with details of the plan to be provided as part of the landscaping plans required as a condition of this approval.

Service Vehicle Access

Main Roads has advised that the left in access from Mandurah Road may be removed once Mandurah Road is widened to six lanes. Given the fixed constraint of the Reserve for Conservation to the south of the site, consideration was given to the ability for heavy vehicles to access the supermarket loading dock. In this regard the applicant has provided drawings (RAR Attachments 12-15) illustrating the swept paths for a 19m articulated vehicle (semi-trailer) that would need to access the loading dock.

The drawings indicate that some works would be required to the local road network and on site to facilitate the manoeuvring into the loading dock should the southern left in be removed. In this regard, it is recommended that a condition be imposed on any approval requiring that the land owner be responsible for the full cost of any works required to retrofit the local street network and site, to the City's satisfaction, to facilitate the heavy vehicle manoeuvring required for loading dock access at the time the left in access from Mandurah Road is closed.
Bushfire

The subject site has been designated as a ‘Bushfire Prone Area’ under the West Karnup LSP. A Fire Management Plan (FMP) has been prepared by Bushfire Safety Consulting Pty Ltd to accompany the application for Planning Approval. It is recommended that a condition be imposed on any approval requiring compliance with the FMP.

It should be noted that the FMP requires a public road with a 6m trafficable surface on the southern side of the development. This is achieved with the exception of that portion of the road directly adjacent to Mandurah Road. In this regard a condition should be imposed requiring the public road to be constructed in accordance with the A2.2 Public Road provisions of the Western Australian Planning Commission’s Planning for Bush Fire Protection Guidelines.

Conclusion

The actions arising from discussions post deferral of consideration of the application at the JDAP meeting of 4 July 2014 are incorporated into this assessment as follows:

- **Condition 2**: Exclusion of Fast Food Outlets – The fast food outlets are to be included in the application and the condition deleted.
- **Condition 3**: 6m minimum road width – The applicant is yet to amend the plans to reflect the required widened road reserve. Thus this condition is retained.
- **Condition 5**: Retrofitting of local road network – This condition is to remain.
- **Condition 9**: On-site parking provision – This condition is to remain.
- **Condition 10**: On-street parking provision – This condition is to be amended to require 15 spaces not 17.
- **Condition 11**: Dual Use Path – This condition is to be deleted as it is addressed as part of Condition 8 and subdivision works. Amended engineering drawings for the Stage 1A subdivision are yet to be received.
- **Condition 20**: Activation of street frontage – This condition is to be reworded to reflect the provisions of the DAP.
- **Condition 21**: Customer Access - No change to condition 21.
- **Condition 22**: Location of service equipment – No change to condition 22.
- **Condition 23**: Left in Access – Given the Main Roads WA advice note on the subdivision approval for the commercial site, the imposition of this as a condition is considered to be appropriate and is to remain.
- **Condition 24**: Section 70A notification – This condition is to be reworded to delete the words “will be left-in only and”.
- **Condition 26**: No footpath south of bus stop – Amended plans have not been received and as such the condition shall remain.

The proposed neighbourhood centre and fast food outlets development is generally compliant with TPS2 and Policy requirements.

The proposed development generally complies with the intent and provisions of the Singleton Village Neighbourhood Centre Detailed Area Plan and is considered to be suitable for its site and the locality.

It is recommended that the application for the neighbourhood centre and fast food outlets be conditionally approved.

**Voting Requirements**

Simple Majority
Officer Recommendation

That Council ADOPT the Responsible Authority Report for the proposed Singleton Neighbourhood Centre, comprising a supermarket, six retail shops, a medical centre, and three fast food outlets on Lot 806 Mandurah Road, Karnup contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

“That the Metro SWJDAP resolve to:

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18. Entries and window frontages facing Road 1, Road 25 and the internal access way of ground floor tenancies must provide an active frontage that incorporates shopfronts with a minimum of 66% of the ground floor street frontage as transparent glazing that allows visual connectivity between the inside and outside of the building, at all times.

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**Advice Notes**

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Committee Voting – 5/0

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Planning and Development Services
Directorate, Planning Services

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<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-066/14 Proposed Amendment to Planning Policy 3.2.1 - Development Policy Plan: City Centre Sector - Including New Supplementary Policy ‘Prominent Corner and Landmark Sites’</th>
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<td>LUP/1422-02</td>
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<tr>
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<tr>
<td>Owner:</td>
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<tr>
<td>Author:</td>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mrs Sharon Peacock, Special Projects Research Officer</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 August 2014</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>June 2014 (PDS-049/14)</td>
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<tr>
<td>Disclosure of Interest:</td>
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**Purpose of Report**

To seek the Council’s approval to adopt a new Supplementary Policy ‘Prominent and Corner Landmark Sites’ in Planning Policy 3.2.1 – City Centre Sector, following the closure of the advertising period.

**Background**

In June 2014, the Council resolved to endorse the publishing of a notice for public comment to amend Planning Policy No.3.2.1 - Development Policy Plan - City Centre Sector (PP 3.2.1) to introduce a new Supplementary Policy No. 6.3 entitled ‘Prominent Corner and Landmark Sites’ to address the design and height of buildings and structures at specified Prominent Corner and Landmark Sites (as defined by the new Policy), within the Core Precinct of the City Centre Sector (Sector 1).
1. Sector Plan

The need for a Supplementary Policy is as a result of a review of a number of development proposals for corner sites in the Rockingham City Centre (particularly within the Core Precinct) where, in many cases, the proponents and their architects have been requested to revise designs to provide more emphasis, articulation and activation in the design of corner buildings with a two storey minimum.

Appropriately designed corner and landmark sites provide navigational reference points in urban activity centres and contribute to orderly street block formation, street activation, place-making and an enduring townscape identity.

It is now commonplace for urban design guidelines to refer to special architectural emphasis and massing of built form at gateway and prominent corner locations. From a townscape perspective, this approach should be extended to ensure that all corner buildings are designed to positively contribute to the urban design and amenity of adjoining public space. This is particularly applicable to the Core Precinct of the Rockingham City Centre.

In well-regarded "Main Street" activity centres, buildings or parts of buildings on Corner, Prominent Corner and Landmark Sites will often be higher than those along adjoining street frontages. Extra height may be in the form of a raised parapet, tower element, signage and/or an additional storey.

By comparison with development outcomes in similar, mixed use activity centres around Perth, the proposals referred to in the draft Supplementary Policy are neither onerous, nor unrealistic. As with all aspects of PP 3.2.1, there is scope for interpretation and flexibility to accommodate innovative design solutions that will generally meet the intent and objectives of the Policy.

Currently, the Core Precinct is the only Precinct in PP3.2.1 where more specific guidelines are warranted.

Built form in such locations is generally distinctive and maintains a high level of articulation and street front activation. Front setbacks are generally relaxed to allow the massing of buildings at the corner to anchor intersecting street elevations.
2. Precinct Boundary Plan

Details

In accordance with the requirements of Town Planning Scheme No.2, the proposed Supplementary Policy was advertised from 26 June to 28 July 2014, and included the publishing of public notices in the Sound Telegraph and Weekend Courier newspapers.

The proposal was also placed on the City’s website and appeared on the Public Notice board located at the main Administration counter.

A letter, outlining the proposal, was referred to the following major stakeholders:

- Department of the Attorney General
- Department of Housing
- Colonial First State Property Management
- Makesum Investments Pty Ltd
- Rockingham Division of General Practitioners
- Rockingham City Shopping Centre, Centre Manager

There were no responses received during the advertising period.

Implications to Consider

a. Consultation with the Community
   Advertising was undertaken pursuant to clause 8.9.4 of Town Planning Scheme No.2.

b. Consultation with Government Agencies
   The Department of the Attorney General was provided with an opportunity to comment in relation to the Police Station and Courthouse. The Department of Housing was also invited to comment.
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 6:** Civic buildings, public places and transport infrastructure of contemporary design, constructed and maintained using best practice principles.

d. **Policy**

Supplementary Policy No.6.3 is consistent with the approved Centre Plan framework prepared in accordance with the ‘State Planning Policy 4.2 - Activity Centres for Perth and Peel’ (August 2010).

e. **Financial**

Nil

f. **Legal and Statutory**

The amendment to PP 3.2.1 to incorporate Supplementary Policy No.6.3 ‘Prominent Corner and Landmark Sites’ was advertised in accordance with Clause 8.9 (Planning Policies) of Town Planning Scheme No.2.

Under the provision of section 8.9 of Town Planning Scheme No.2, the Council may prepare, modify or revoke a Planning Policy.

g. **Risk**

**Risk Implications of Implementing Officer Recommendation**

Nil

**Risk Implications of Not Implementing Officer Recommendation**

Medium:
- Under-development by market; poor quality built form; potential for a lack of commercial interest in Strategic Metropolitan Centre development.

<table>
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<th>Comments</th>
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<tr>
<td>Given that there were no submissions received during the advertising period, it is recommended that the Council adopt the new Supplementary Policy ‘Prominent and Corner Landmark Sites’ in Planning Policy 3.2.1 – City Centre Sector.</td>
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<th>Voting Requirements</th>
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<th>Officer Recommendation</th>
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<td>That Council:</td>
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| 1. **APPROVE** the amendment to Clause 5.1.4 (l) of Planning Policy 3.2.1 to read (changes highlighted in red and underlined):

(l) Consistent with Section 4.3 and with the exception of any requirements for Corner Sites, nominated Prominent Corner and Landmark Sites, buildings are to present a minimum 2 storey or equivalent parapet height to the street or relevant public space, subject to the maintenance of a 10.5 metre height limit along street frontages, with any additional height to be setback a minimum of 3 metres. The scale and massing of buildings are to be designed to minimise any overshadowing of adjoining properties and public spaces to the satisfaction of the City.

For Corner Sites, nominated Prominent Corner Sites and Landmark Sites, building massing, building heights and variations to front setbacks will apply as referred to in Supplementary Policy 6.3 and as specified in Figure 5.2.1. Where no minimum building height is specified for nominated Prominent Corner Sites, a minimum 3 storey building height will apply. |

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 SEPTEMBER 2014
2. **APPROVE** the amendment to Figure 4.2 ‘Rockingham City Centre – Density/Height’ to add an asterisk and note to the legend to read:

   “Higher minimum heights will apply to the nominated Prominent Corner and Landmark Sites, as referred to in Figure 5.2.1 and elsewhere in this Policy.”

3. **ADOPT** new Supplementary Policy No.6.3 entitled ‘Prominent Corner and Landmark Sites Policy’ in Section 6 – ‘Supplementary Policies’ of Planning Policy 3.2.1, immediately after Supplementary Policy No.6.2 – ‘Security’.

### Committee Recommendation

**That Council:**

1. **APPROVE** the amendment to Clause 5.1.4 (I) of Planning Policy 3.2.1 to read (changes highlighted in red and underlined):

   (I) Consistent with Section 4.3 and with the exception of any requirements for Corner Sites, nominated Prominent Corner and Landmark Sites, buildings are to present a minimum 2 storey or equivalent parapet height to the street or relevant public space, subject to the maintenance of a 10.5 metre height limit along street frontages, with any additional height to be setback a minimum of 3 metres. The scale and massing of buildings are to be designed to minimise any overshadowing of adjoining properties and public spaces to the satisfaction of the City.

   For Corner Sites, nominated Prominent Corner Sites and Landmark Sites, building massing, building heights and variations to front setbacks will apply as referred to in Supplementary Policy 6.3 and as specified in Figure 5.2.1. Where no minimum building height is specified for nominated Prominent Corner Sites, a minimum 3 storey building height will apply.

2. **APPROVE** the amendment to Figure 4.2 ‘Rockingham City Centre – Density/Height’ to add an asterisk and note to the legend to read:

   “Higher minimum heights will apply to the nominated Prominent Corner and Landmark Sites, as referred to in Figure 5.2.1 and elsewhere in this Policy.”

3. **ADOPT** new Supplementary Policy No.6.3 entitled ‘Prominent Corner and Landmark Sites Policy’ in Section 6 – ‘Supplementary Policies’ of Planning Policy 3.2.1, immediately after Supplementary Policy No.6.2 – ‘Security’, as follows:

   “SUPPLEMENTARY POLICY

6.3 Prominent Corner and Landmark Sites Policy

6.3.1 Application

This Policy applies to all building sites with both trafficable corners (vehicular and pedestrian) and either Type 1 or Type 2 Frontages, as generally indicated on the City Centre Indicative Development Plan and the Frontages Plan (refer to Figures 4.1 and 4.4), and wherever referred to in the text and/or related plans and illustrations in the City Centre Development Policy Plan (Planning Policy 3.2.1).

In this context, the Policy is concerned with the design of buildings and related place-making at: Gateway Locations; Landmark Sites; Prominent Corner Sites; and Corner Sites.

6.3.2 Objective

The objective of the Corner and Landmark Sites Policy is to facilitate the development of visually distinctive buildings, structures and sculptural elements in locations that will provide navigational reference points and contribute to orderly street block formation, street activation, place-making and an enduring townscape identity.

6.3.3 Gateway Locations

Gateway Locations will generally be located where there is a change in townscape character and intensity at a spatial junction and may be framed by relevant buildings and/or landscape elements. Gateways signal arrival and Gateway Locations may incorporate Landmark and Prominent Corner buildings, trees, memorials, parks, fountains, water features, clock towers or sculptural artworks.
6.3.4 Landmark Sites

Landmark Sites will generally be located where existing or future buildings and building elements may be highly visible from a distance or within a framed vista. Historically such sites in town centres have attracted corporate headquarters, banks, hotels, town halls, courthouses, churches and theatres and associated clock and bell towers.

In the Rockingham City Centre, the range of uses suitable for Landmark Sites are similar to those of Prominent Corner Sites but are most likely to be those that are feasible within the cost parameters of more iconic architecture and/or distinctive civic design.

Typically, buildings on Landmark Sites will be taller than those within their local townscape context, with height increasing towards the street corner or terminating vista where tower elements, articulated or patterned elements of the facade and signage can be displayed.
6.3.5 Prominent Corner Sites

Prominent Corner Sites will generally be located where at least one frontage is highly visible from the public domain. In "Main Street" centres, such sites often attract major businesses but they have also been favoured for theatres, libraries, galleries and museums - often accompanied by fine grain street retail tenancies such as cafes and convenience stores.

In the Rockingham City Centre, uses suitable for Prominent Corner Sites include a wide range of mixed uses (including residential) that benefit from and contribute to a high level of visual exposure and street activation.

Typically, buildings on Prominent Corner Sites will be taller than those along normal street frontages, with height increasing towards the street corner where tower elements, elevated roof structures and signage can be integrated.

Varied massing and articulation of built form at Prominent Corner Sites in Northbridge, Brisbane Southbank and Port Melbourne
6.3.6  Corner Sites

Corner Sites with both trafficable corners (vehicular and pedestrian) and either Type 1 or Type 2 Frontages (including sites at local street and laneway intersections), play an important role in anchoring intersecting building frontages and framing movement and activity corridors throughout the City Centre.

Buildings or parts of buildings on Corner Sites will often be higher than those along adjoining street frontages. Extra height may be in the form of a raised parapet, tower element or additional storey height - as referred to elsewhere in this Policy. Built form should maintain a high level of articulation and street front activation.

6.3.7  Planning and Design Principles

In general, built form and related public spaces on Corner Sites and nominated Gateway Locations, Prominent Corner and Landmark sites should be designed to achieve distinctive design elements and high quality architecture that befits the strategic context of the location.

Common principles to be followed in planning sites and designing buildings, structures and public spaces for such locations include:

- Locate Prominent Corner and Landmark Sites to reinforce the townscape structure, aid place-making and add legibility to the access and movement network;
- Incorporate a balanced mix of such public and private sites to facilitate a mix of distinctive civic, commercial, mixed use and residential buildings in prominent locations;
- Frame and terminate vistas with suitably scaled buildings, towers and landscape elements;
- Ensure that the massing, articulation, detailing and finishes of buildings contribute to a lively but well balanced streetscape at intersecting street frontages. Position Corner buildings close to the intersection to frame and anchor the corner. At the junction of street elevations, the City will exercise its discretion in considering proposals to relax front setbacks for corner elements based on building design merits;
- Add additional height to Corner buildings through the integration of vertical elements such as additional storeys, raised parapets, spires, roof sections and similar structures. The City will exercise its discretion in considering proposals to relax maximum height limits and front setbacks based on site context and building design;

*Corner building treatments in Joondalup, East Perth and Northbridge*
- Activate the ground floor level of buildings with predominantly glazed building entry lobbies and/or high visitation commercial and retail tenancies; and
- Integrate public art and signage into the design of buildings and related public spaces at Gateway Locations, Prominent Corner and Landmark Sites.”
Amended Figure 4.2 – Rockingham Centre – Density/Height

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Purpose of Report

To consider Planning Policy 3.3.15 - Bulk Earthworks (formally referred to as ‘Prevention of Sand and Dust Drift’) for adoption following public advertising.

Further, to consider an amendment to the Delegated Authority Register 2014 - 2015 to delegate authority to the Chief Executive Officer to grant Planning Approval for Bulk Earthworks.

Background

At its ordinary Meeting held in February 2014, the Council resolved to adopt Planning Policy 3.3.15 - Prevention of Sand and Dust Drift for the purpose of advertising. A copy of the advertised Planning Policy is attached.

A Planning Procedure and Engineering Procedure were also prepared to guide the preparation and assessment of Bulk Earthworks applications.

The catalyst to prepare this framework was primarily the extensive dust management issues that were experienced at the Golden Bay Estate in the summer of 2012/13.
Details

The advertising of the draft Planning Policy identified a number of matters that required attention to ensure that it reflected conventional industry practices (prior to conducting the Bulk Earthworks), whilst addressing the concerns surrounding dust and sand drift from Bulk Earthworks.

The matters raised during public advertising, and the City's subsequent response, is contained within the ‘Consultation with the Community’ section below.

It became evident through the advertising period that the most appropriate title for the Planning Policy is ‘Bulk Earthworks’ as the matter of dust and sand drift is only one issue or by-product of the practice of Bulk Earthworks. Notwithstanding, particular attention has been given to the issue of dust management and the actions that a proponent needs to undertake to address the matter.

Implications to Consider

a. Consultation with the Community

In accordance with Clause 8.9.4 of Town Planning Scheme No.2, the draft Planning Policy was advertised for comment over a four week period, closing on the 24th April 2014, by the following means:

(i) A Public Notice was placed in the Weekend Courier on the 21st and 28th March 2014;

(ii) Public information was placed on the City’s Website giving formal notice of the proposed Planning Policy;

(iii) Copies of the proposed Planning Policy were made available for inspection at the City’s Administration Offices; and

(iv) Letters were forwarded to active land developers in the City, the Property Council of Australia, the Housing Industry Association, Urban Development Institute of Australia and relevant State Government agencies.

At the conclusion of the advertising period, nine submissions were received.

The key points raised in the submissions, along with the City’s comment and recommendation, is provided below:

Information to be Submitted with Development Application

Submission:

Some of the information that the draft Planning Policy seeks to be submitted with the Development Application should be imposed as conditions of the Planning Approval. In this regard, this information is the responsibility of the Civil Engineering Contractor who is appointed following the issue of Planning Approval.

The following matters are identified as being the responsibility of the Contractor:

- Environmental Management Plan,
- Dust Management Plans,
- Traffic Management Plans,
- Stockpile Management Plans,
- Fill Source Details,
- Noise and Odour Monitoring, and
- Details of Permanent or Temporary Water Holding Area.

City's Comment:

In order to better understand the process leading up to Bulk Earthworks being carried out on-site, the City sought advice from a Civil Engineering Consultant. It was confirmed that it is common practice that the Planning Approval is secured by the proponent prior to the Contractor being engaged.
Planning and Engineering Services Committee Minutes
Monday 18 August 2014

It is then the responsibility of the Contractor to resolve the finer detail of the Bulk Earthworks operation for which they will be ultimately responsible.

The City also met with representatives from the Urban Development Institute of Australia (UDIA), following receipt of its submission on the draft Policy, to discuss this matter and a number of other related issues.

In the light of the advice received, and upon considering the information that is critical for the City to make a determination on the Development Application, it is recommended that the Planning Policy format be amended to clarify the information requirements.

In this regard, the amended Planning Policy contains Section 4.1 - Applications for Planning Approval, which sets out the information that should be included with the Development Application. In all cases, the information will assist in assessing the likely impact of the proposed Bulk Earthworks on the existing natural environment. The key headings under this Section include:

- Environmental Assessment report;
- Site Classification Assessment;
- Water Management;
- Pre-works Geotechnical report;
- Preliminary Site Investigation and Fill Source details;
- Earthworks Drawings; and
- Staging.

The Planning Policy recognises that in situations where a Local Structure Plan has been endorsed, much of the information required to accompany the Development Application will already have been prepared.

The modified Planning Policy also contains Section 4.2 - Planning Approvals which identifies those matters that will likely be imposed as a condition of Planning Approval for satisfaction prior to works commencing. These requirements are associated with demonstrating the suitable management of activities both on-site (dust, noise, vibration etc) and off-site (traffic).

This Section also contains details on what the Dust Management Plan will be assessed against.

**Recommendation:**

*That the Planning Policy be restructured to identify the information required to accompany a Bulk Earthworks Development Application and those matters that will likely be imposed as conditions of Planning Approval.*

**Seriously Entertained**

**Submission:**

The term 'seriously entertained for urban development' should be clarified.

**City's Comment:**

The advertised Planning Policy states that the City will only consider Development Applications for Bulk Earthworks in circumstances where a Structure Plan has been endorsed, and subdivisional approval has not been issued, or where 'land is zoned for or seriously entertained for urban development'.

It should be noted that in situations where subdivision approval has been issued, Bulk Earthworks Development Applications are not required as the subdivision approval and provision of the Local Government Act is used as the ‘head of power’.

The City agrees that the ‘seriously entertained’ term is vague and it is recommended that the Planning Policy be amended to state that a Bulk Earthworks Development Application will be considered if a Structure Plan has been endorsed, and no subdivision approval has been issued or where:

- A Local Structure Plan has not been endorsed but the land is zoned ‘Urban Deferred’ or ‘Urban’ under the Metropolitan Region Scheme.
Recommendation:

That the circumstances where a Bulk Earthworks Development Application will be considered by the City be amended in the Planning Policy to replace the second point that referenced ‘seriously entertained for urban development’ with:

- A Local Structure Plan has not been endorsed but the land is zoned ‘Urban Deferred’ or ‘Urban’ under the Metropolitan Region Scheme.

Licenses

Submission:

The requirement to provide copies of Licenses with the Development Application can add time to the process given the often protracted timeframes in gaining these Licenses.

Further to the above, the Water Corporation often allows the use of Scheme Water for dust suppression and a ‘water extraction licence’ need not be a Development Application accompaniment.

City’s Comment:

The advertised Planning Policy requires that a ‘copy of any required licences (ie. water, extraction, if applicable)’ accompany any Bulk Earthworks Development Application.

The City has established that the only Licence required to support Bulk Earthworks relates to water extraction, be it groundwater or scheme water, to assist in dust suppression. The need to provide the Licences ‘up-front’ is not necessary as it will not influence the manner in which the City assesses the Development Application.

As such, it is recommended that the Planning Policy be amended to identify that ‘copies of any required water extraction Licences’ will likely be imposed as a condition of Planning Approval.

Recommendation:

That the Planning Policy be amended to remove the requirements that ‘copies any relevant Licences (ie. water, extraction, if applicable)’ accompany a Bulk Earthworks Development Application and that ‘Copies of any required water extraction Licences’ be included as a likely condition of Planning Approval to be satisfied prior to the commencement of works.

Definition of Bulk Earthworks

Submission:

The definition of ‘Bulk Earthworks’ needs clarification as it does not seem to account for ‘soil conditioning’ (ie. ‘soil blending’ and ‘pre-loading’).

City’s Comment:

Soil conditioning relates to the practice of undertaking works to change the environmental profile of the land by altering its physical characteristics. For example, ‘soil blending’ may include the introduction of material (ie. limestone or clay) to improve the phosphorous retention capabilities of the soil.

Soil conditioning can have environmental and off-site impacts commensurate with Bulk Earthworks and would normally constitute ‘development’ for which Planning Approval is required. As such, it is recommended that the Planning Policy be modified to define ‘Bulk Earthworks’, as follows:

*Bulk Earthworks* means any works which alter the levels of a site through cutting and filling of material or importing fill material to the site, including soil remediation and pre-loading works.

1 Correction of typographical error.
Recommendation:
That a definition of ‘Bulk Earthworks be included in the Planning Policy as follows:

Bulk Earthworks means any works which alter the levels of a site through cutting and filling of material or importing fill material to the site, including soil remediation and pre-loading works.

Final Levels

Submission:
The Planning Approval for Bulk Earthworks should not be used to establish final levels which is the role of the subdivision process.

City’s Comment:
The tenor of the submission is supported as Bulk Earthworks, in the context of the proposed Planning Policy, provides an ability to change the levels on a site prior to final levels being established through the subdivision and engineering approval processes.

The proposed Planning Policy contains statements that in situations where finished levels have been identified through an endorsed Local Structure Plan or within a Local Water Management Strategy, such should be used as a reference ‘bearing in mind that final levels will be established through the subsequent subdivision and engineering stages’.

Recommendation:
That the Planning Policy be amended to contain statements that reinforce the fact that final levels will not be established through the Bulk Earthworks Development Application but via the subsequent subdivision and engineering processes.

Flexibility of Policy Requirements

Submission:
The Planning Policy should respond to specific site conditions. For example, the Planning Policy should be amended to apply less rigor to small scale projects and those remote from residential landuses.

City’s Comment:
The circumstances where Planning Policy concessions could be granted is difficult to define. It is not possible to definitively state where the Planning Policy requirements may not be applicable. It is also the case that, regardless of the scale of the Bulk Earthworks, there is a need to assess the impact on the natural environment and to ensure that the works are suitably managed.

Further, there should not be less rigor applied if only a small number of residents can be affected by the activities. The protection of amenity should be assessed and managed regardless of how many parties could be impacted.

As is the case with all planning assessments, discretion can be applied depending on the circumstances, however, it is not recommended that the Planning Policy be amended to seek to define such.

Recommendation:
That the Planning Policy not be amended to provide approval concessions for small scale or remote projects.

Local Water Management Strategy

Submission:
A Local Water Management Strategy (LWMS) has no relevance to Bulk Earthworks and the requirement should be deleted. Also, the need to submit a LWMS should be removed in favour of referencing the ‘relevant water management strategy or plan’.
City's Comment:
In circumstances where a LWMS has been approved, it is relevant in the sense that it will identify the existing wetlands/waterways, and their buffers, and provide other relevant information such as indicative finished levels.

As detailed above, the amended Planning Policy states that where a LWMS has been approved, it should be used as a reference for matters such as finished levels or impacts on water courses.

In the absence of an approved LWMS, the amended Planning Policy requires that the presence of wetlands etc be identified and a Drainage Management Strategy/Plan (or similar) be lodged to demonstrate no adverse impacts on water courses or overland water flows.

There is also no need to reference the relevant water management strategy or plan given the ‘small window’ within which Bulk Earthworks Development Applications can be lodged under the Planning Policy (ie. after land being zoned for urban development and prior to a subdivision approval being issued). As such, the only relevant water management plan is a LWMS which the Planning Policy references.

It is therefore recommended that the reference to a LWMS be retained and it be stated that such should be used a resource, where applicable.

**Recommendation:**

*That the Planning Policy retain reference to a Local Water Management Strategy and its purpose be specified.*

### Vegetation Clearing

**Submission:**

A vegetation and fauna survey/relocation plan should not be required in the event that a Clearing Permit has been issued.

**City’s Comment:**

The City agrees with this submission and recommends that the ‘Environmental Assessment Report’ include ‘the location and details of significant vegetation’ (or a valid Clearing Permit in the event that one has been granted by the Department of Environmental Regulation).

**Recommendation 3:**

*That the Planning Policy be amended to specify that ‘the location and details of significant vegetation’ need not form part of the ‘Environmental Assessment Report’ in circumstances where a valid Clearing Permit has been issued.*

### Traffic Management

**Submission:**

The requirement for a ‘Traffic Impact Statement’ should be removed in favour of a ‘Traffic Management Plan’ (dealing with haulage routes).

**City’s Comment:**

In essence, a ‘Traffic Impact Statement’ in this context will assess the effect that the haulage vehicles will have on the existing traffic conditions. Whereas a ‘Traffic Management Plan’ demonstrates the manner in which the operation of the haulage traffic will be managed to ensure that the efficiency of the road network is maintained.

The City’s Engineer Services advise that a ‘Traffic Management Plan’ should be required as a minimum, and should the proposed haulage route affect an existing residential cell or sensitive land uses, then the a ‘Traffic Impact Statement’ should be prepared to determine the extent of the impact. Appropriate management measures would then be included in the ‘Traffic Management Plan’.
As such, it is recommended that the Planning Policy be amended to identify that a ‘Traffic Management Plan’ will likely be imposed as a condition of Planning Approval and that a ‘Traffic Impact Statement’ may be required should the proposed haulage routes impact on roads that service sensitive land uses.

**Recommendation:**

*That the Planning Policy be amended to remove the need for a ‘Traffic Impact Statement’ to be submitted with a Bulk Earthworks Development Application and that the need to prepare a ‘Traffic Management Plan’ be identified as a likely condition of Planning Approval to be satisfied prior to the commencement of works.*

### Dust Management Guidelines

**Submission:**

The *Dust Management Guidelines* (or ‘A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated site remediation and other related activities’), issued by the Department of Environment Regulation, have been duplicated and are not required under the Planning Policy.

**City’s Comment:**

The ‘Dust Management Guidelines’ provide a Statewide position on the management of dust etc and has relevance to the Planning Policy.

As an initial step, the ‘Guidelines’ classify a site to better understand its characteristics to enable the dust management response to be structured accordingly.

The amended Planning Policy requests that the site be classified, in accordance with the ‘Guidelines’, as part of the Development Application submission. Further, the amended Planning Policy states that ‘Dust Management Plans’, being a likely condition of Planning Approval, be prepared in accordance with the ‘Guidelines’.

It is recommended that the Planning Policy be amended to reference the ‘Guidelines’ in the manner described above.

**Recommendation:**

*That the reference to the ‘Dust Management Guidelines’ be retained in the Planning Policy to require ‘site classification’ as part of a Bulk Earthworks Development Application and that Dust Management Plans be prepared in accordance with the ‘Guidelines’.*

### Stockpile Management

**Submission:**

The Planning Policy should not inhibit the practice of excess fill readily being taken from other development sites.

**City’s Comment:**

The Planning Policy does not prevent the practice of stockpiling material should such be requested.

Stockpiling can have environmental and off-site impacts consistent with Bulk Earthworks and would normally constitute ‘development’ for which Planning Approval is required. As such, it is recommended that the Planning Policy state that a Planning Approval to ‘Stockpile Fill Material’ may be granted and a definition of ‘Stockpile’ has been included, as follows:

*Stockpile means the temporary aggregation of sand or soil material above the natural ground level or above the approved finished levels in circumstances where finished levels have been established.*

The information requirements for a Stockpile Development Application will be generally consistent with a Bulk Earthworks Development Application, however, it will be specific to the area where the stockpile is proposed.
It is therefore recommended that the amended Planning Policy reference and define ‘Stockpile’ and detail the procedures associated with such.

**Recommendation:**

*That a definition of ‘Stockpile’ be included in the Policy, as follows:*

*Stockpile means the temporary aggregation of sand or soil material above the natural ground level or above the approved finished levels in circumstances where finished levels have been established.*

*Further, that the Development Application requirements for the proposed ‘Stockpile of Fill Material’ be expressed.*

As mentioned above, the City received a submission from the UDIA that raised concerns with aspects of the advertised Planning Policy and sought to engage with the City to reach resolution. The City accepted the offer and worked closely with the UDIA in reviewing the Planning Policy.

As part of this process, the City referred a draft revision of the Planning Policy to the UDIA for its input and received feedback that it was generally supportive. In its feedback, the UDIA raised a number of other minor issues which have been addressed.

b. **Consultation with Government Agencies**

As part of the consultation process, the City sought comment from the Department of Water, Department of Environment Regulation and Department of Planning. A submission was received from the Department of Water dealing with the issues raised under the heading of 'Local Water Management Strategy' above.

c. **Strategic**

**Community Plan**

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

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

d. **Policy**

The draft Planning Policy was advertised in accordance with Clause 8.9 of Town Planning Scheme No.2.

e. **Financial**

Nil

f. **Legal and Statutory**

In accordance with Clause 8.9 of Town Planning Scheme No.2, the Council may prepare, modify or revoke a Planning Policy.

**Delegation**

In accordance with sections 5.42 to 5.46 of the *Local Government Act 1995*, some of the Council’s powers and duties may be delegated the Chief Executive Officer who may subsequently delegate powers and duties to other employees.

The Council’s *Delegated Authority Register 2014 - 2015* contains Delegation 8.4 - Planning and Development Act 2005 - Town Planning Scheme (Grant of Planning Approval). Point (k) of this section delegates to the Chief Executive Officer the following function:

- The granting of Planning Approval with or without conditions under TPS2 for Bulk Earthworks (Development) on land zoned ‘Development’ under TPS2 with an approved Structure Plan.

Given that the amended Planning Policy enables the City to consider a Bulk Earthworks Development Application over land with or without an approved Local Structure Plan, providing the land is zoned ‘Urban Deferred’ or ‘Urban’ under the Metropolitan Region Scheme, it is recommended that the Notice of Delegation be amended to reflect such.
g. Risk

Risk Implications of Implementing Officer Recommendation

Low:
- The adopted Planning Policy will assist the Council in its exercise of discretion for Bulk Earthworks Development Applications and clearly articulate the information that should accompany a Development Application and the likely conditions of Planning Approval.

Risk Implications of Not Implementing Officer Recommendation

Medium:
- If the Council does not adopt the proposed Planning Policy, there is a risk that City will not consistently determine the suitability of Bulk Earthworks Development Application and sufficiently mitigate the off-site impacts.

Comments

The consultation process identified a number of matters that the advertised Planning Policy did not effectively address, particularly with respect to the standard practices that are instituted prior to the on-site work occurring.

The amended Planning Policy has been restructured to better reflect standard practices whilst maintaining the key objectives of understanding the environmental impacts of the Bulk Earthworks prior to determining a Development Application and ensuring that measures are put in place to mitigate the potential off-site impacts, including dust and sand drift.

The City’s collaboration with the UDIA has been a successful exercise and assisted in understanding the imperatives of each party.

The amended Planning Policy will provide a sound basis for the City to assess Bulk Earthworks Development Applications and ensure that the impacts of the activities are controlled.

Although the advertised Planning Policy has been restructured, the intent remains materially the same and there is no need to invite further comment.

It is therefore recommended that the Council adopt Planning Policy 3.3.15 - Bulk Earthworks.

When the Planning Policy is adopted, the City will review the accompanying Planning Procedure and Engineering Procedure to ensure consistency.

Voting Requirements

Simple Majority (Recommendation 1).

An Absolute Majority is required for Recommendation 2 which is to amend the Delegation under the Local Government Act 1995.

Officer Recommendation

1. That Council ADOPT Planning Policy 3.3.15 - Bulk Earthworks.

2. ADOPT an amendment to Delegated Authority Register 2014 - 2015, Delegation 8.3 (1) - Planning and Development Act 2005 - Town Planning Scheme, by replacing point (k) with the following:

   (k) The granting of Planning Approval with or without conditions under TPS2 for Bulk Earthworks (Development) on land zoned ‘Urban’ or ‘Urban Deferred’ under the Metropolitan Region Scheme.

Committee Recommendation

1. That Council ADOPT Planning Policy 3.3.15 - Bulk Earthworks, as follows:
PLANNING POLICY 3.3.15
BULK EARTHWORKS

1. Introduction
As part of the process for preparing a site for development, it is common that Bulk Earthworks are undertaken.

Given the strong winds experienced within the City, and through ineffective site management, there have been circumstances where Bulk Earthworks have generated airborne dust and windblown sand that has adversely impacted the amenity of nearby residents.

To ensure suitable outcomes, it is necessary that the City articulate the information required to support a Bulk Earthworks application for Planning Approval (‘Development Application’) and detail the information to be submitted prior to the commencement of works, including a Dust Management Plan.

2. Policy Application

This Policy sets out the City’s position in dealing with Development Applications to ensure that Bulk Earthworks are managed to achieve various outcomes, particularly the mitigation of off-site sand and dust movement.

Bulk Earthworks constitutes ‘Development’ under the Planning and Development Act 2005 (‘the Act’) which requires Planning Approval pursuant to clause 6.1.1 of Town Planning Scheme No.2. Bulk Earthworks, following a Subdivision Approval being granted, is exempt from the requirement to obtain Planning Approval under Section 157 of the Act. In these instances, Engineering Approval is a pre-requisite to works being carried out where similar sand and dust management processes will be employed.

The City will consider Development Applications for Bulk Earthworks where the following applies:-
- an approved Local Structure Plan has been adopted by the City and endorsed by the Western Australian Planning Commission and where no Subdivision Approval has been granted; or
- a Local Structure Plan has not been adopted but the land is zoned ‘Urban Deferred’ or ‘Urban’ under the Metropolitan Region Scheme.

3. Policy Objective

The objectives of the Policy seek to:-
- set out the statutory requirements under which the City considers Development Application for Bulk Earthworks to ensure that off-site sand and dust movement, and the nuisance it causes, is minimised;
- ensure appropriate measures are taken by those undertaking Bulk Earthworks to protect the health and amenity of adjacent residents;
- ensure that Development Applications for Bulk Earthworks are dealt with in a consistent manner;
- provide guidance on the process for determining what dust and sand drift mitigation measures are considered appropriate; and
- facilitate early development without prejudicing the environmental and heritage value of the land.

4. Policy Statement

4.1 Applications for Planning Approval

Development Applications for Bulk Earthworks shall be made on the form prescribed by the Council, signed by the landowner(s) and include the following information:-

(i) An Environmental Assessment Report incorporating:-
(a) the location of works;
(b) a Feature Survey;
(c) the location and details of significant vegetation (or a valid ‘Clearing Permit’ in the event that one has been granted by the Department of Environment Regulation);
(d) a Fauna Survey and relocation plan (if applicable);
(e) the location of all wetland and waterways (including associated floodways) along with their buffers (including buffers from adjoining land); and
(f) a Desktop Heritage Review, both European and Aboriginal.

(ii) A completed ‘Site Classification Assessment Chart’, as per the Department of Environment Regulation’s ‘A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated site remediation and other related activities’ (‘DER Guidelines’);

(iii) The approved Local Water Management Strategy (if prepared with an adopted Local Structure Plan) or a Drainage Management Strategy/Plan (or similar) to demonstrate no adverse impacts on water courses or overland water flows;

(iv) A Pre-works Geotechnical Report certifying that the land is physically capable of development or advising of the required remedial works. Where necessary, a preliminary Acid Sulphate Soil Investigation is to be included;

(v) A Preliminary Site Investigation (if the site is known or suspected on being contaminated) and Fill Source Details;

(vi) Earthworks Drawings (depicting existing and finished levels), including volumes of import/export material, any buffer areas, permanent or temporary water holding areas and fencing; and

Note: In situations where a Local Structure Plan has been approved, the levels within the ‘Indicative Finished Levels Plan’ and/or the LWMS should be used as a reference bearing in mind that final levels will be established through the subsequent subdivision and engineering stages. In the absence on an approved Structure Plan, the applicant should justify the proposed levels.

(vii) An indicative Staging Plan.

The information required to accompany a Development Application will be influenced by the presence of an approved Local Structure Plan. Where an approved Local Structure Plan exists, the Technical Appendices lodged with the proposed Local Structure Plan can be used to satisfy some of the information requirements detailed above.

The City will consider applications to ‘Stockpile Fill Material’ as an interim measure, however, the Development Application is to contain the information detailed above over the area upon which the Stockpile is proposed to be located.

4.2 Planning Approvals

The City has prepared a standard list of conditions to be imposed on Planning Approvals for Bulk Earthworks. The following requirements, and possibly others, are likely to be imposed as conditions of Planning Approval to be satisfied prior to the commencement of works:-

(i) A Dust Management Plan (refer to section 4.2.1 below);

(ii) A Traffic Management Plan, incorporating a truck schedule and access to the site plan. A Traffic Impact Statement may be required should the proposed routes impact on roads that service sensitive land uses;

(iii) A Stockpile Management Plan detailing location, height, duration etc (in situations where a Stockpile is proposed to be established as part of broader bulk earthworks activities);

(iv) A Noise and Vibration Management Plan demonstrating compliance with the Environmental Protection (Noise) Regulations 1997 and AS 2436-2010 - Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites; and

(v) Copies of any required water extraction Licences.

A Planning Approval to ‘Stockpile Fill Material’ will be granted for a specific period following which a fresh Development Application must be made (if the Stockpile is proposed to remain).

In issuing Planning Approval, the applicant will be made aware that the Bulk Earthworks levels should not be construed as final levels which will be established through the subsequent subdivision and engineering stages.
4.2.1 Dust Management Plans

Dust Management Plans are to be prepared in accordance with the DER Guidelines and will be assessed against the following:-

(i) site classification (in accordance with the DER Guidelines);
(ii) type of wetting agents and proposed interval of use;
(iii) what/if nearby roads will be swept clean of dust/sand and on what interval;
(iv) the size of the area being worked at any one time;
(v) type and location of any wind barrier fencing;
(vi) what environmental monitoring will be undertaken, how many monitors and their location, what factors will be measured and the acceptable levels;
(vii) further to point (vi) above, the mitigation response in the event that the ‘acceptable levels’ are exceeded; and
(viii) proposed stabilising techniques and frequency they will be undertaken.

5. Authority

This Planning Policy has been adopted by the Council under clause 8.9 of Town Planning Scheme No.2 and whilst it is not part of the Scheme and does not bind the Council in respect of any application for planning approval, the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

6. Interpretations

For the purposes of this Planning Policy, the following terms are defined:-

Council means the Council of the City of Rockingham.

Bulk Earthworks means any works which alter the levels of a site through cutting and filling of material or importing fill material to the site, including soil remediation and pre-loading works.

Stockpile means the temporary aggregation of sand or soil material above the natural ground level or above the approved finished levels in circumstances where finished levels have been established.

7. Delegation

Applications for Planning Approval that comply in all respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to the Delegated Authority Register.

8. Adoption

This Planning Policy was adopted by the Council at its ordinary Meeting held on the ____________.

2. ADOPT an amendment to Delegated Authority Register 2014 - 2015, Delegation 8.3 (1) - Planning and Development Act 2005 - Town Planning Scheme, by replacing point (k) with the following:

(k) The granting of Planning Approval with or without conditions under TPS2 for Bulk Earthworks (Development) on land zoned ‘Urban’ or ‘Urban Deferred’ under the Metropolitan Region Scheme.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
**Purpose of Report**

To consider a request from Main Roads WA seeking formal endorsement from the City of Rockingham regarding Main Roads WA’s Control of Access over sections of the Kwinana Freeway and its associated ramps and paths within the City.

**Background**

The construction of the Kwinana Freeway extension within the City of Rockingham, from 380 metres north of Safety Bay Road to the City of Rockingham / Shire of Murray boundary, was completed in September 2009. In order to formalise Main Roads WA’s responsibility for the freeway extension, the Commissioner of Main Roads requires Council’s endorsement of the proclamation drawings prior to making a recommendation to the Hon Minister of Transport to proclaim the road as ‘Control of Access’.
Details

Council has received correspondence from Main Roads WA dated 25 June 2014 with respect to the proclamation of Control of Access for the Kwinana Freeway and its associated ramps and paths. The letter included drawings 200802-0492 to 200802-0496 inclusive, (attached) which depict the areas of the freeway alignment that are to be proclaimed as Control of Access and proposed access points.

The purpose of this proposal as stated by Main Roads is to “minimise or eliminate access from developments on abutting properties and ensure that the traffic carrying capacity of the freeway is maintained.”

The definition from the Main Roads Act 1930 is - “Control of Access” in relation to any road means that a section or part of that road is intended for use by prescribed traffic without avoidable hindrance, whether from traffic from an intersecting road or otherwise, and that such section or part of the road has been declared by proclamation to be subject to Control of Access and may be entered or departed from at specified places only.

Implications to Consider

a. Consultation with the Community
   Nil

b. Consultation with Government Agencies
   Main Roads WA is the responsible authority for care and control of the Kwinana Freeway.

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-use contribute to a sustainable city that provides for a genuinely desirable lifestyle.

d. Policy
   Nil

e. Financial
   Nil

f. Legal and Statutory
   The Main Roads Act 1930 section 28A (1) (a) provides for the Commissioner to recommend to the Governor that certain roads be proclaimed Control of Access.

   Main Roads, as a process of their internal procedures, requests endorsement of the Control of Access proposal by the Local Government, within whose jurisdiction the section of Freeway falls.

g. Risk
   **Risk Implications of Implementing Officer Recommendation**
   Nil

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

Comments

The Control of Access requirement for the Kwinana Freeway is an important measure to ensure that Main Roads WA is able to maintain efficiency within the road network. While it may be desirable to create new interchanges or access points to the Freeway Principle Shared Path, under the Control of Access provisions, these proposed connections are no longer an automatic right and instead must be negotiated, using suitable design principles, with Main Roads WA.
Voting Requirements

Simple Majority

Officer Recommendation

That Council **ENDORSE** the proclamation of Control of Access, Kwinana Freeway and associated ramps and paths from 380 metres north of Safety Bay Road to the City of Rockingham/Shire of Murray boundary, as depicted on Main Roads WA Drawings 200802-0492, 200802-0493, 200802-0494, 200802-0495 and 200802-0496.

Committee Recommendation

That Council **ENDORSE** the proclamation of Control of Access, Kwinana Freeway and associated ramps and paths from 380 metres north of Safety Bay Road to the City of Rockingham/Shire of Murray boundary, as depicted on Main Roads WA Drawings 200802-0492, 200802-0493, 200802-0494, 200802-0495 and 200802-0496.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable
### Purpose of Report

For Council to adopt new fees for the Millar Road Landfill facility following the repeal of the Carbon Tax.

### Background

When setting the fees at the Millar Road Landfill facility the City takes into account the cost of providing the service including any external charges such as the Carbon Tax and the Landfill Levy. After the adoption of the fees for 2014/2015 as part of the City’s Annual Budget in June 2014, the Clean Energy Legislation (Carbon Tax Repeal) Act 2014 was passed by Parliament and received Royal Assent on 17 July 2014.

### Details

When setting the fees at the Millar Road Landfill facility, a calculation of the average Carbon Tax liability for a tonne of waste resulted in a notional amount of $2.00 for construction and demolition waste, $8.50 for municipal solid waste and $8.70 for commercial and industrial waste, being included in the charges. This amount is transferred to a reserve fund set up to cover the future liability of the Carbon Tax.
As the Carbon Tax liability has been removed effective from 1 July 2014 it is proposed to introduce new fees to pass on the savings.

It is also intended to refund customers who have disposed waste at the Millar Road Landfill facility an amount equivalent to the Carbon Tax paid between 1 July 2014 and 31 August 2014.

### Implications to Consider

#### a. Consultation with the Community
Prior to introducing any new fee or charge after the annual budget adoption it is a requirement to give local public notice.

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

#### d. Policy
Nil

#### e. Financial
The net financial impact will be negligible as the proposed fees will be a reduction of revenue however this will be offset by a corresponding reduction in the budgeted transfer to reserve for the future Carbon Tax liability.

#### f. Legal and Statutory

Sections 6.16 to 6.19 of the Local Government Act 1995 relate to the imposition of fees and charges.

A local government may impose (by absolute majority) and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

(a) the cost to the local government of providing the service or goods;

(b) the importance of the service or goods to the community; and

(c) the price at which the service or goods could be provided by an alternative provider.

A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.

If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —

(a) determine an amount that is inconsistent with the amount determined under the other written law; or

(b) charge a fee or charge in addition to the amount determined by or under the other written law.

A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —
g. Risk

Risk Implications of Implementing Officer Recommendation

Nil

Risk Implications of Not Implementing Officer Recommendation

Medium:
- Potential reputation and financial risk if Carbon Tax savings are not passed on to consumers.

Comments

Following the passing of the Clean Energy Legislation (Carbon Tax Repeal) Act 2014 the Australian Competition and Consumer Commission (ACCC) has been monitoring prices to ensure that the savings are passed on to consumers.

In addition to its existing powers, the ACCC has new powers to:
- monitor prices in key sectors (price monitoring)
- take action against entities in key sectors that attempt to exploit other businesses and consumers by failing to pass through all of their cost savings from the carbon tax repeal (carbon tax price reduction obligation)
- take action against entities that make false or misleading claims about the effect of the carbon tax repeal or carbon tax scheme on the price for the supply of goods or services (false or misleading representations).

The City has provided information to the ACCC in relation to its pricing structure relating to the Millar Road Landfill facility and the effect of the Carbon Tax.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council:
1. **ADOPT** the fees for the Millar Road Landfill facility.
2. **GIVE** local public notice of its intention to introduce the fees effective from 1 September 2014.
3. **AUTHORISE** a reimbursement equivalent to the Carbon Tax charged to customers for waste disposed at the Millar Road Landfill facility between 1 July 2014 and 31 August 2014.

Committee Recommendation

That Council:
1. **ADOPT** the following fees for the Millar Road Landfill facility.
## SANITATION - OTHER
### MILLAR ROAD TRANSFER STATION AND LANDFILL FACILITY

**Government Waste Management Landfill Levy**

All Charges include the Government Waste Management Landfill Levy.

**Long Term Contracts**

The applicable gate fee can be fixed (excluding Landfill Levy) with annual increases in line with Perth CPI, for customers who:

- enter into a 3 year contract; and
- Deliver a total annual tonnage over 20,000.

**Discount on Standard Gate Fees**

The following discounts will apply to customers disposing of large quantities of waste. Annual disposals of General Waste are based on previous years tonnage:

<table>
<thead>
<tr>
<th>Annual Disposal Range</th>
<th>Current Fee or Charge 1/7/2014</th>
<th>Proposed Fee or Charge 1/9/2014</th>
<th>GST Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>&gt;10,001 and &lt;20,000 Tonne Per Annum</td>
<td>Taxable (7.20)</td>
<td>(6.55)</td>
<td>(0.65)</td>
</tr>
<tr>
<td>&gt;20,001 and &lt;30,000 Tonne Per Annum</td>
<td>Taxable (10.80)</td>
<td>(9.82)</td>
<td>(0.98)</td>
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<tr>
<td>&gt;30,001 and &lt;50,000 Tonne Per Annum</td>
<td>Taxable (12.70)</td>
<td>(11.55)</td>
<td>(1.15)</td>
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<tr>
<td>&gt;50,001 and &lt;75,000 Tonne Per Annum</td>
<td>Taxable (14.40)</td>
<td>(13.09)</td>
<td>(1.31)</td>
</tr>
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<td>&gt;75,001 and &lt;100,000 Tonne Per Annum</td>
<td>Taxable (16.30)</td>
<td>(14.82)</td>
<td>(1.48)</td>
</tr>
<tr>
<td>Reference (Act, Regulation, Local Law, Policy)</td>
<td>Authority to Impose Fee or Charge</td>
<td>Item Number</td>
<td>Description</td>
</tr>
<tr>
<td>----------------------------------------------</td>
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<tr>
<td>&gt;100,001 Tonne Per Annum</td>
<td></td>
<td></td>
<td>&gt;100,001 Tonne Per Annum</td>
</tr>
<tr>
<td>Single requests for disposal of Low Contaminated Soil, Low Level Hazardous Waste and Special Fill</td>
<td></td>
<td></td>
<td>3% Discount on Standard Gate Fee</td>
</tr>
<tr>
<td>&gt;2,001 and &lt;5,000 Tonne Per Annum</td>
<td></td>
<td></td>
<td>&gt;2,001 and &lt;5,000 Tonne Per Annum</td>
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<tr>
<td>&gt;5,001 Tonne Per Annum</td>
<td></td>
<td></td>
<td>&gt;5,001 Tonne Per Annum</td>
</tr>
</tbody>
</table>

**Truck Tyres & Bulk Loads of Tyres are Not Accepted**

Truck Tyres & Bulk Loads of Tyres are Not Accepted.

**Tip Pass Entry**

Ratepayers and Residents of the City of Rockingham are entitled to Free Entry with a Current Tip Pass to dispose of up to 1m³ of Domestic Waste from a Car, Utility, Van or Trailer.

**Payment Terms:**

Payment of all charges is required in full by Cash, Business Cheque or Credit Card at time of entry.

Credit Accounts may be approved by prior arrangement subject to seven days notice to allow for process of credit facility applications and an Account Application Processing Fee will apply.

- Credit Accounts Application Processing Fee

**Other Information:**

Mulch is available to Ratepayers Free of Charge. This mulch is loaded by Ratepayer and not always available.
<table>
<thead>
<tr>
<th>Reference (Act, Regulation, Local Law, Policy)</th>
<th>Authority to Impose Fee or Charge</th>
<th>Item Number</th>
<th>Description</th>
<th>GST Status</th>
<th>Current Fee or Charge 1/7/2014</th>
<th>Proposed Fee or Charge 1/9/2014</th>
<th>GST Amount 1/9/2014</th>
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<tr>
<td>C1 10.3.1</td>
<td></td>
<td></td>
<td><strong>Weighbridge Entry-Heavy Vehicles (Per Tonne)</strong></td>
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<td>Minimum Charge is 1 Tonne of the particular Waste Category.</td>
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<td><strong>Type of Waste:</strong></td>
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<td></td>
<td></td>
<td></td>
<td>• General Waste (1 July - 31 December)</td>
<td>Taxable</td>
<td>120.00</td>
<td>100.55</td>
<td>10.05</td>
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<td></td>
<td>• General Waste (1 January - 30 June)</td>
<td>Taxable</td>
<td>149.70</td>
<td>127.55</td>
<td>12.75</td>
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<td></td>
<td></td>
<td>• Commercial Industrial (1 July - 31 December)</td>
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<td>10.05</td>
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<td></td>
<td>• Commercial Industrial (1 January - 30 June)</td>
<td>Taxable</td>
<td>149.90</td>
<td>127.55</td>
<td>12.75</td>
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<td></td>
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<td></td>
<td>• Clean Bricks/Concrete (1 July - 31 December)</td>
<td>Taxable</td>
<td>90.50</td>
<td>80.27</td>
<td>8.03</td>
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<td>• Clean Bricks/Concrete (1 January - 30 June)</td>
<td>Taxable</td>
<td>120.20</td>
<td>107.27</td>
<td>10.73</td>
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<td></td>
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<td></td>
<td>• Builders Rubble-Mixed (1 July - 31 December)</td>
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<td>• Builders Rubble-Mixed (1 January - 30 June)</td>
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<td>• Large Concrete (1 July - 31 December)</td>
<td>Taxable</td>
<td>112.90</td>
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<td>• Large Concrete (1 January - 30 June)</td>
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<td>• Green Waste</td>
<td>Taxable</td>
<td>77.50</td>
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<td>• Green Waste Contaminated (Inc Large Stumps)</td>
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<td>257.30</td>
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2 Omission of figure on Agenda corrected.

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 SEPTEMBER 2014

PRESIDING MEMBER
<table>
<thead>
<tr>
<th>Reference (Act, Regulation, Local Law, Policy)</th>
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<th>Proposed Fee or Charge 1/9/2014</th>
<th>GST Amount</th>
<th>Total Fee or Charge (Inclusive of GST if Taxable 1/9/2014)</th>
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<td>Alternate Waste Treatment Residues [which satisfy section 5.10A of the National Greenhouse and Energy Reporting (Measurement) Determination 2008] (1 July - 31 December)</td>
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<td>115.30</td>
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<td>117.91</td>
<td>11.79</td>
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<td>Taxable</td>
<td>172.10</td>
<td>147.91</td>
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<td>Standard Burial Charged per Vehicle Entry of Low Level Hazardous Waste</td>
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<td>82.09</td>
<td>8.21</td>
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<td></td>
<td>Security Burial Charged per Vehicle Entry of Low Level Hazardous Waste</td>
<td>Taxable</td>
<td>154.00</td>
<td>140.00</td>
<td>14.00</td>
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<tr>
<td></td>
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<td>Security Burial Plus Certificate of Disposal Charged per Vehicle Entry of Low Level Hazardous Waste</td>
<td>Taxable</td>
<td>250.70</td>
<td>227.91</td>
<td>22.79</td>
<td>250.70</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Plant Hire required for disposal or reloading of waste</td>
<td>Taxable</td>
<td>154.00</td>
<td>140.00</td>
<td>14.00</td>
<td>154.00</td>
</tr>
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</table>

Additional Charges as applicable:-

- Standard Burial Charged per Vehicle Entry of Low Level Hazardous Waste
- Security Burial Charged per Vehicle Entry of Low Level Hazardous Waste
- Plant Hire required for disposal or reloading of waste

Entry When Weighbridge Not in Use-Heavy Vehicles (Per Vehicle Wheel)
<table>
<thead>
<tr>
<th>Reference</th>
<th>Authority to Impose Fee or Charge</th>
<th>Item Number</th>
<th>Description</th>
<th>GST Status</th>
<th>Current Fee or Charge 1/7/2014 $</th>
<th>Proposed Fee or Charge 1/9/2014 $</th>
<th>GST Amount</th>
<th>Total Fee or Charge (Inclusive of GST if Taxable 1/9/2014) $</th>
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<tr>
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<td></td>
<td></td>
<td><strong>Type of Waste:</strong></td>
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<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• General Waste (1 July - 31 December)</td>
<td>Taxable</td>
<td>93.70</td>
<td>76.73</td>
<td>7.67</td>
<td>84.40</td>
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<td></td>
<td></td>
<td></td>
<td>• General Waste (1 January - 30 June)</td>
<td>Taxable</td>
<td>123.40</td>
<td>103.73</td>
<td>10.37</td>
<td>114.10</td>
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<td></td>
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<td></td>
<td>• Compacted Waste (1 July - 31 December)</td>
<td>Taxable</td>
<td>138.20</td>
<td>116.91</td>
<td>11.69</td>
<td>128.60</td>
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<td></td>
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<td>• Compacted Waste (1 January - 30 June)</td>
<td>Taxable</td>
<td>167.90</td>
<td>143.91</td>
<td>14.39</td>
<td>158.30</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>• Alternate Waste Treatment Residues [which satisfy section 5.10A of the National Greenhouse and Energy Reporting (Measurement) Determination 2008] (1 July - 31 December)</td>
<td>Taxable</td>
<td>91.10</td>
<td>77.91</td>
<td>7.79</td>
<td>85.70</td>
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<td></td>
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<td>• Alternate Waste Treatment Residues [which satisfy section 5.10A of the National Greenhouse and Energy Reporting (Measurement) Determination 2008] (1 January - 30 June)</td>
<td>Taxable</td>
<td>119.80</td>
<td>104.91</td>
<td>10.49</td>
<td>115.40</td>
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<td>• Low Contaminated Soil Class 3 (1 July - 31 December)</td>
<td>Taxable</td>
<td>232.80</td>
<td>203.09</td>
<td>20.31</td>
<td>223.40</td>
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<td></td>
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<td>• Low Contaminated Soil Class 3 (1 January - 30 June)</td>
<td>Taxable</td>
<td>262.50</td>
<td>230.09</td>
<td>23.01</td>
<td>253.10</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>• Low Level Hazardous Waste (Plus Additional Charges as applicable as shown below) (1 July - 31 December)</td>
<td>Taxable</td>
<td>308.10</td>
<td>271.55</td>
<td>27.15</td>
<td>298.70</td>
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<td></td>
<td></td>
<td>• Low Level Hazardous Waste (Plus Additional Charges as applicable as shown below) (1 January - 30 June)</td>
<td>Taxable</td>
<td>337.80</td>
<td>298.55</td>
<td>29.85</td>
<td>328.40</td>
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<td><strong>Additional Charges as applicable:</strong></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Standard Burial Charges per Vehicle Entry of Low Level Hazardous Waste</td>
<td>Taxable</td>
<td>90.30</td>
<td>82.09</td>
<td>8.21</td>
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<td></td>
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<td>• Security Burial Charged per Vehicle Entry of Low Level Hazardous Waste</td>
<td>Taxable</td>
<td>154.00</td>
<td>140.00</td>
<td>14.00</td>
<td>154.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Security Burial Plus Certificate of Disposal Charged per Vehicle Entry of Low Level Hazardous Waste</td>
<td>Taxable</td>
<td>250.70</td>
<td>227.91</td>
<td>22.79</td>
<td>250.70</td>
</tr>
</tbody>
</table>

**Additional Charges as applicable:**

**Transfer Station Entry-Cars & Trailers (Heavy Vehicles Must Use Weighbridge Entry)**
## Planning and Engineering Services Committee Minutes
### Monday 18 August 2014

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 SEPTEMBER 2014

```
<table>
<thead>
<tr>
<th>Reference (Act, Regulation, Local Law, Policy)</th>
<th>Authority to Impose Fee or Charge</th>
<th>Item Number</th>
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<th>Current Fee or Charge 1/7/2014</th>
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<th>Total Fee or Charge (Inclusive of GST if Taxable 1/9/2014)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loads in excess of 1 Tonne will be charged by weight as General Waste.</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Non Recyclable Tip Passes are rated at 0.3 Tonne in Weight.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>A maximum of 4 Tip Passes can be used on any singular Household Load.</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Type of Vehicle:</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Cars (1 July - 31 December)</td>
<td>Taxable</td>
<td>23.20</td>
<td>19.09</td>
<td>1.91</td>
<td>21.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Cars (1 January - 30 June)</td>
<td>Taxable</td>
<td>28.90</td>
<td>24.09</td>
<td>2.41</td>
<td>26.50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Trailer or Utility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Up to 1m³ (1 July - 31 December)</td>
<td>Taxable</td>
<td>44.80</td>
<td>36.82</td>
<td>3.68</td>
<td>40.50</td>
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<tr>
<td>Up to 1m³ (1 January - 30 June)</td>
<td>Taxable</td>
<td>55.90</td>
<td>46.36</td>
<td>4.64</td>
<td>51.00</td>
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<tr>
<td>1m³ to 1.5m³ (1 July - 31 December)</td>
<td>Taxable</td>
<td>60.40</td>
<td>49.55</td>
<td>4.95</td>
<td>54.50</td>
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<td>1m³ to 1.5m³ (1 January - 30 June)</td>
<td>Taxable</td>
<td>75.40</td>
<td>62.73</td>
<td>6.27</td>
<td>69.00</td>
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<td></td>
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<tr>
<td>1.5m³ to 2m³ (1 July - 31 December)</td>
<td>Taxable</td>
<td>76.20</td>
<td>62.27</td>
<td>6.23</td>
<td>68.50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.5m³ to 2m³ (1 January - 30 June)</td>
<td>Taxable</td>
<td>95.00</td>
<td>79.09</td>
<td>7.91</td>
<td>87.00</td>
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<td></td>
<td></td>
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<tr>
<td>More than 2m³ (1 July - 31 December)</td>
<td>Taxable</td>
<td>97.50</td>
<td>80.00</td>
<td>8.00</td>
<td>88.00</td>
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<td></td>
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<tr>
<td>More than 2m³ (1 January - 30 June)</td>
<td>Taxable</td>
<td>121.70</td>
<td>101.36</td>
<td>10.14</td>
<td>111.50</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In excess of this charge, will be required to weigh.

A maximum 4 Car Tyres accepted per load at the above charge or an additional Tip Pass.

• Car Bodies (each) | OSS | No Charge | No Charge | No Charge |

Car Bodies may be disposed of Free of Charge where all tyres are removed and no rubbish is left on or in car bodies.

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 SEPTEMBER 2014

PRESIDING MEMBER
### Reference (Act, Regulation, Local Law, Policy)

<table>
<thead>
<tr>
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<th>Proposed Fee or Charge 1/9/2014</th>
<th>GST Amount</th>
<th>Total Fee or Charge (Inclusive of GST if Taxable 1/9/2014)</th>
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</thead>
<tbody>
<tr>
<td>C1 10.3.4</td>
<td></td>
<td>• Mattresses</td>
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<td></td>
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<tr>
<td></td>
<td></td>
<td>One mattress per Tip Pass Ticket (Ratepayers)</td>
<td>Taxable</td>
<td>23.20</td>
<td>19.09</td>
<td>1.91</td>
<td>21.00</td>
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<tr>
<td></td>
<td></td>
<td>Additional Mattresses each (1 July - 31 December)</td>
<td>Taxable</td>
<td>28.90</td>
<td>24.09</td>
<td>2.41</td>
<td>26.50</td>
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<tr>
<td></td>
<td></td>
<td>Additional Mattresses each (1 January - 30 June)</td>
<td>Taxable</td>
<td>24.40</td>
<td>22.27</td>
<td>2.23</td>
<td>24.50</td>
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<tr>
<td></td>
<td></td>
<td>Clean Green Waste (6x4) Load</td>
<td>Taxable</td>
<td>36.50</td>
<td>33.18</td>
<td>3.32</td>
<td>36.50</td>
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<tr>
<td></td>
<td></td>
<td>1m³ to 1.5m³</td>
<td>Taxable</td>
<td>48.80</td>
<td>44.55</td>
<td>4.45</td>
<td>49.00</td>
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<tr>
<td></td>
<td></td>
<td>1.5m³ to 2m³</td>
<td>Taxable</td>
<td>62.20</td>
<td>56.36</td>
<td>5.64</td>
<td>62.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Over 2m³</td>
<td>Taxable</td>
<td>62.20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Green Waste must be free from Contamination (No weeds, grass or soil).</td>
<td>OSS</td>
<td>No Charge</td>
<td>No Charge</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Recyclables</td>
<td>OSS</td>
<td>0.20</td>
<td>0.20</td>
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<td>0.20</td>
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<tr>
<td></td>
<td></td>
<td>Recyclables acceptance subject to Salvage Value.</td>
<td>OSS</td>
<td>6.80</td>
<td>6.18</td>
<td>0.62</td>
<td>6.80</td>
</tr>
</tbody>
</table>

Water Supply & Storage:

- Groundwater Supply - Per Kilolitre (Minimum Charge $22 Per Month)
  - OSS | 0.20 | 0.20 | 0.20
- Waste Storage - Per Tonne Per Month or By Negotiation (Minimum Charge $22 Per Month)
  - Taxable | 6.80 | 6.18 | 0.62 | 6.80
2. **GIVE** local public notice of its intention to introduce the fees effective from 1 September 2014.

3. **AUTHORISE** a reimbursement equivalent to the Carbon Tax charged to customers for waste disposed at the Millar Road Landfill facility between 1 July 2014 and 31 August 2014.

   Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
13. Reports of Councillors

Nil

14. Addendum Agenda

Nil

15. Motions of which Previous Notice has been given

Engineering and Parks Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-030/14 Notice of Motion – Advocacy for Additional Parking at Warnbro Train Station</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>TFT/5</td>
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<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Cr Matthew Whitfield</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Scott Lambie, Manager Engineering Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Ms Elaine Chan, Engineering Technical Officer - Transport</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 August 2014</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Advocacy</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
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</tr>
<tr>
<td>Site:</td>
<td>Warnbro Train Station, corner of Ennis Avenue and Safety Bay Road, Warnbro.</td>
</tr>
<tr>
<td>Lot Area:</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td></td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
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</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Aerial photograph of Warnbro Train Station on the corner of Ennis Avenue and Safety Bay Road in Warnbro</td>
</tr>
<tr>
<td></td>
<td>2. Mapping of Environmental Constraints surrounding the Warnbro Train Station site</td>
</tr>
</tbody>
</table>
To provide officer comment and advice on Cr Whitfield’s Notice of Motion.

Councillor Whitfield submitted the following motion for consideration at the August meeting.

“That Council direct the Chief Executive Officer to write to the Public Transport Authority of WA requesting that more parking bays be allocated or created at the Warnbro Train Station”.

Warnbro Train Station is located on the corner of Ennis Avenue and Safety Bay Road in Warnbro. This station was opened in December 2007 as a railway and bus interchange. The railway is served by the Mandurah line, with services running to both Mandurah and Perth. Bus service provision at the station include Routes 557, 558, 559, 560, 561, 562, 563, 564, 567 and 568, serving between Rockingham and Mandurah. Park ‘n’ Ride is also available at the station.

The car park area was expanded in 2010 to provide an extra 90 parking bays, using an area originally set aside for drainage. In 2012, the bus interchange was remodelled to improve the capacity for bus services to access the station, resulting in a net loss of parking at the site. To minimise the impact, the southern portion of the car park was extended further outside of the station lot, into the rail reserve and overflow parking was also constructed west of Ennis Avenue at the Rockingham Train Station.

Consultation with the Community
No consultation has currently been conducted with regards to this proposal.

Consultation with Government Agencies
The Public Transport Authority is the key stakeholder that would consider a request for more parking bays allocated or created at the Warnbro Train Station.
c. **Strategic**

**Community Plan**

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

**Aspiration 1**: An involved and engage community enjoying a lifestyle that caters for all residents, including those with specific or special needs.

**Aspiration 6**: Civic buildings, public places and transport infrastructure of contemporary design, constructed and maintained using best practice principles.

**Aspiration 8**: Transport systems that facilitate better use of public transport and promote non-car alternatives.

d. **Policy**

Nil

e. **Financial**

No cost for the City. Any train station parking expansion works would be expected to be funded by the Public Transport Authority.

f. **Legal and Statutory**

Public Transport Authority Act 2003 Part 4 Section 12 and 13 give the Authority the functions “to provide and operate safe and reliable public passenger transport services, and all the powers it needs to perform its functions”.

g. **Risk**

**Risk Implications of Implementing Officer Recommendation**

Nil

**Risk Implications of Not Implementing Officer Recommendation**

Nil

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**Comments**

- Conservation Category Wetland
- Threatened Ecological Community
- Bush Forever

2. Mapping showing environmental constraints surrounding the Warnbro Train Station site
Park ‘n’ Ride at the Warnbro Station is known to have insufficient provision of car parking due to the land constraint surrounding the site. The surrounding lands have either been developed as residential uses or are conservation reserves. Due to the threatened nature of the vegetation types found in the surrounding land, any clearing into the reserve would require Federal approval. It is likely therefore that the only realistic option for additional car parking at Warnbro Train Station is to build a decked parking structure. This option would be very costly and would cause considerable disruption to the existing parking areas during construction.

The PTA has previously advised the City of Rockingham that it is their expectation that any person who is not able to get a car parking bay at Warnbro Station would go to other stations such as Rockingham or Kwinana Station where more car parking is available. It is noted that the Rockingham Station car park expansion has supplied an additional 1,025 car parking bays available to the public.

This PTA option may not be seen as ideal for local residents who only want to take short trips to surrounding suburbs due to the extra distance they would need to drive.

It is expected that the demand of Park ‘n’ Ride will increase over the coming years with the fast growth of residential developments in the southern suburbs such as Baldivis, Karnup, Golden Bay and Singleton. Therefore further investigation should be undertaken into increasing the provision of car parking at the Warnbro Station.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council DIRECT the Chief Executive Officer to write to the Public Transport Authority of WA requesting that more parking bays be created at the Warnbro Train Station.

**Notice of Motion from Cr Whitfield**

That Council DIRECT the Chief Executive Officer to write to the Public Transport Authority of WA requesting that more parking bays be allocated or created at the Warnbro Train Station.

**Committee Recommendation**

That Council DIRECT the Chief Executive Officer to write to the Public Transport Authority of WA requesting that more parking bays be created at the Warnbro Train Station.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-031/14 Notice of Motion – Advocacy for a Footpath on Surf Drive, Secret Harbour</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>SUR1</td>
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<tr>
<td>Risk Register No:</td>
<td>390 and 456</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Cr Matthew Whitfield</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Scott Lambie, Manager Engineering Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr James Henson, Manager Parks Development</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 August 2014</td>
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<td>Previously before Council:</td>
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<td>Disclosure of Interest:</td>
<td>Advocacy</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
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<td>Site:</td>
<td>Surf Drive, Secret Harbour</td>
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<tr>
<td>Lot Area:</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td></td>
</tr>
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<td>MRS Zoning:</td>
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<td>Attachments:</td>
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</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Locality Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial photograph of Surf Drive showing location of future footpaths</td>
</tr>
</tbody>
</table>
1. Locality Plan

2. Location of future footpaths

**Purpose of Report**

To provide officer comment and advice on Cr Whitfield’s Notice of Motion.

**Background**

Councillor Whitfield submitted the following motion for consideration at the August 2014 Council meeting.

“That Council **DIRECT** the Chief Executive Officer to write to the Developers responsible and to request that they complete the footpath along Surf Drive between D’Arcole Turn and Warnbro Sound Avenue.”.
Details

Surf Drive is a local distributor road that links Warnbro Sound Avenue with Mandurah Road over a length of 1.1km. It has a posted speed limit of 50km/h and is predominately residential to the north and south, with an Early Childhood Annex located centrally along its southern alignment.

The land adjacent to Surf Drive has been subject to urbanised residential development as part of the Anstey Park cost sharing mechanism facilitated by the City of Rockingham for the past 12 years.

The land adjacent to Surf Drive will be subject to conditions applied by the Western Australian Planning Commission through the subdivision process, which requires the upgrading of Surf Drive from the existing rural standard to urban standard. Included in this process would be the kerbing and draining of the carriageway as well as the provision of paths on both sides along the length of the upgraded section of road.

Currently, the City has not received applications to subdivide the undeveloped lots on the southern side adjacent to Surf Drive. A subdivision approval has been issued for the western most lot to the north, however no Engineering drawings have been received and therefore no subdivision works can commence. A 70m wide section of land, located between the already developed land to the east and the western area under subdivision approval, exists with no applications or approvals pending.

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 Aspirations contained in the Community Plan 2011:
   
   Aspiration 6: Civic buildings, public places and transport infrastructure of contemporary design, constructed and maintained using best practice principles.

   Aspiration 8: Transport systems that facilitate better use of public transport and promote non-car alternatives.

d. Policy
   Nil

e. Financial
   Estimated cost to construct the southern portion of missing path is $45,000. The estimated cost to construct the northern section of missing path is $27,000.

   There is no current funding provision within the 2014/2015 adopted budget to construct these paths, and is not listed in the “Dual Use Path” program in the Business Plan.

f. Legal and Statutory
   Nil

g. Risk
   Risk Implications of Implementing Officer Recommendation
   Medium
   • Failure to deliver Public Infrastructure which meets the Community’s Aspirations.

   Risk Implications of Not Implementing Officer Recommendation
   High
   • Financial implications to the City
Comments

In relation to the Anstey Park development, the City has no head of power which requires a land owner to construct road infrastructure outside of their land holding without the receipt of a formal development application, at which point works can be conditioned within the approval. Only when works have substantially commenced and clearances for the lots requested can the conditions be enforced.

As there is no obligation for the developer to install the path without an overarching subdivision approval it would be improbable to expect the developer to comply with the request. It therefore remains the responsibility of the City to ensure that the verge area is suitable for pedestrian traffic until such time as the adjacent land is developed. Maintenance work will be undertaken within the undeveloped verge area of Surf Drive to ensure a more usable environment is provided.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **NOT SUPPORT** writing to the Developers responsible for completing the footpath along Surf Drive between D’Arcole Turn and Warnbro Sound Avenue.

Notice of Motion from Cr Whitfield

That Council **DIRECT** the Chief Executive Officer to write to the Developers responsible and to request that they complete the footpath along Surf Drive between D’Arcole Turn and Warnbro Sound Avenue.

Committee Recommendation

That Council **DIRECT** the Chief Executive Officer to write to the Developers responsible and to request that they complete the footpath along Surf Drive between D’Arcole Turn and Warnbro Sound Avenue.

Committee Voting – 4/1

(Cr Richard Smith voted against)

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

The Committee believed the request for the City to write to the Developers was justified.

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Planning and Engineering Services Committee Minutes
Monday 18 August 2014

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 SEPTEMBER 2014

PRESIDING MEMBER

Engineering and Parks Services
Engineering Services

Reference No & Subject: EP-032/14 Notice of Motion – Dual Use Footpath - Baldivis Town Centre to Warnbro Train Station

File No: 
Risk Register No: 
Proponent/s: Cr Matthew Whitfield
Author: Mr Scott Lambie, Manager Engineering Services
Other Contributors: 
Date of Committee Meeting: 18 August 2014
Previously before Council: 
Disclosure of Interest: 
Nature of Council’s Role in this Matter: Executive

Site: Safety Bay Road, Baldivis
Lot Area: 
LA Zoning: 
MRS Zoning: 
Attachments: Gantt chart for Dual Use Path design process
Maps/Diagrams: Aerial photograph of Safety Bay Road showing location of future footpath

1. Possible alignment of future dual use path
Purpose of Report
To provide officer comment and advice on Cr Whitfield’s Notice of Motion.

Background
Councillor Whitfield submitted the following motion for consideration at the August 2014 Council meeting.

“That Council DIRECT the Chief Executive Officer to prepare full drawings, plans and costings for a dual use path linking Baldivis Town Centre to the Warnbro Train Station and for a report to be presented to Council by November 21st 2014 at the latest.”

Details
Since the opening of the Warnbro Train Station in late 2007, Baldivis residents have been requesting a path link from the developed residential areas east of Mandurah Road to the Warnbro train station.

Although it is slowly improving, limited access and frequency to public transport for many Baldivis residents suggests that cycling to key destinations would potentially be an attractive alternative.

City of Rockingham Engineering Officers have been investigating the possible alignment for a dual use path (DUP) along Safety Bay Road at an approximate length of 4.5 kilometres. To achieve this link, the proposed DUP would connect to the Warnbro Train Station DUP network to the west and traverse along Safety Bay Road terminating at the intersection of Safety Bay Road and Nairn Drive where existing paths connect to the principle shared path network along the Kwinana Freeway.

The verges on Safety Bay Road for most of the proposed alignment are heavily vegetated, have significant changes in vertical elevation and are home to major services such as optical fibre, high pressure gas and both above and below ground high voltage power. The section of Safety Bay Road between Ennis Avenue and Mandurah Road traverses a causeway between the Lake Cooloongup regional park to the north and the Lake Walyungup regional park to the south. The environmental sensitivities associated with the adjoining conservation reserves will require significant environmental assessment to ensure that any impact is minimised.

Early estimates suggest that at least one hectare of clearing will be required along the alignment and as there is a likelihood that this may trigger the requirement to provide environmental offsets, it will therefore be important to keep any required clearing proposed by the design to a minimum.

High probability of acid sulphate soils near the regional park requires geological testing to be undertaken and several locations are likely to require retaining walls to support the path. These walls will need to be designed and structurally certified as part of the process. Large sections of crash barrier may also be needed to protect path users where the path will have to be located close to the carriageway.

A detailed project brief had been prepared and quotations were sought for the assistance of professional engineering consultants to undertake the design of the path on behalf of the City. All submissions have been assessed and while all of the consultants demonstrated that they had the resources and ability to undertake the work, the submission received from Opus International Pty Ltd was deemed to represent best value to the City. At the time of writing, contract negotiations are being finalised and the proposed design process is yet to begin.

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 Aspirations contained in the Community Plan 2011:
**Aspiration 6:** Civic buildings, public places and transport infrastructure of contemporary design, constructed and maintained using best practice principles.

**Aspiration 8:** Transport systems that facilitate better use of public transport and promote non-car alternatives.

d. **Policy**
   Nil

e. **Financial**
   Any changes to the current design delivery timeline may have implications to the awarded project cost.
   Currently allocated in the City Business Plan to meet the construction of the dual use path is $1 million in 2015/2016, $1 million in 2016/2017 and $79,000 in 2017/2018. It is likely that the total cost of the path will be significantly higher than the current allocation and grant funding sources will be explored.

f. **Legal and Statutory**
   Nil

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

**Comments**

The submitted notice of motion requests that detailed designs and costings be prepared for the Safety Bay Road dual use path and presented to Council within a 65 working day time frame. The design of the DUP between the Baldivis Town Centre and the Warnbro Train Station will be one of the more complex road related design projects undertaken within the City in recent times. The time frame for the required work as provided by Opus in their submission suggested 29 working days required to undertake the preliminary design processes, and a further 80 days to undertake the detailed design phases and preparation of final documentation. The overall time that the process would take as suggested by Opus is consistent with the majority of other consultant submissions received by the City. A copy of the Gantt chart is provided as an attachment.

Based on the consultants proposal and should no unforeseen delays be encountered during the process which allows for the suggested time table to be met, the earliest that the final detailed design could be provided to Council is at the February 2015 ordinary meeting of Council.

While the intent of the Notice of Motion is supported, the timeframe proposed in the original notice of motion would be unable to be achieved and in order to undertake all of the stages and processes required to achieve the final design documentation, a longer period will be required. The project is currently listed in the City Business Plan to be delivered over two years beginning in 2015/2016 and consequently all design development corresponds to this timeline. As the design process progresses, updates will be provided within the Engineering and Parks Services bulletin each month.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **NOT DIRECT** the Chief Executive Officer to prepare full drawings, plans and costings for a dual use path linking Baldivis Town Centre to the Warnbro Train Station and for a report to be presented to Council by 21 November 2014 at the latest.
Notice of Motion from Cr Whitfield

That Council **DIRECT** the Chief Executive Officer to prepare full drawings, plans and costings for a dual use path linking Baldivis Town Centre to the Warnbro Train Station and for a report to be presented to Council by 21 November 2014 at the latest.

Committee Recommendation

That Council **NOT DIRECT** the Chief Executive Officer to prepare full drawings, plans and costings for a dual use path linking Baldivis Town Centre to the Warnbro Train Station and for a report to be presented to Council by 21 November 2014 at the latest.

**Committee Voting – 4/1**

(Cr Matthew Whitfield voted against)

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### 16. Notices of Motion for Consideration at the Following Meeting

Nil

### 17. Urgent Business Approved by the Person Presiding or by Decision of the Committee

Nil

### 18. Matters Behind Closed Doors

Nil

### 19. Date and Time of Next Meeting

The next Planning and Engineering Services Committee Meeting will be held on **Monday 15 September 2014** in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.

### 20. Closure

There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at **5.12pm**.