MINUTES
Planning and Engineering Services Committee Meeting
Held on Monday 7 December 2015 at 4:00pm
City of Rockingham Boardroom
# Planning and Engineering Services Committee Minutes

Monday 7 December 2015

## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Declaration of Opening</td>
<td>4</td>
</tr>
<tr>
<td>2.</td>
<td>Record of Attendance/Apologies/Approved Leave of Absence</td>
<td>4</td>
</tr>
<tr>
<td>3.</td>
<td>Responses to Previous Public Questions Taken on Notice</td>
<td>5</td>
</tr>
<tr>
<td>4.</td>
<td>Public Question Time</td>
<td>5</td>
</tr>
<tr>
<td>5.</td>
<td>Confirmation of Minutes of the Previous Meeting</td>
<td>12</td>
</tr>
<tr>
<td>6.</td>
<td>Matters Arising from the Previous Minutes</td>
<td>13</td>
</tr>
<tr>
<td>7.</td>
<td>Announcement by the Presiding Person without Discussion</td>
<td>13</td>
</tr>
<tr>
<td>8.</td>
<td>Declaration of Member’s and Officer’s Interest</td>
<td>13</td>
</tr>
<tr>
<td>9.</td>
<td>Petitions/Deputations/Presentations/Submissions</td>
<td>13</td>
</tr>
<tr>
<td>10.</td>
<td>Matters for which the Meeting may be Closed</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Planning and Development Services Information Bulletin – December 2015</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Engineering and Parks Services Information Bulletin – December 2015</td>
<td>13</td>
</tr>
<tr>
<td>12.</td>
<td>Agenda Items – Planning and Engineering Services Committee</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Planning and Development Services 20</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PDS-083/15 Proposed Scheme Amendment No.123 – Omnibus Amendment to Town</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Planning Scheme No.2 (Final Approval)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PDS-084/15 Final Adoption - Scheme Amendment No.157 - Rezoning from 'Special</td>
<td>33</td>
</tr>
<tr>
<td></td>
<td>Use No.1 - Caravan Park’ to 'Development' - Palm Beach Caravan Park</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PDS-085/15 Joint Development Assessment Panel Application - Section 31</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>Reconsideration of Determination - Lot 11 (No.1809) and Lots 700 and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>701 (No.1791) Mandurah Road, Karnup</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PDS-086/15 Urban Potential within South Baldivis - ‘Baldivis Landowners</td>
<td>172</td>
</tr>
<tr>
<td></td>
<td>Group’</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PDS-087/15 Modification to Joint Development Assessment Panel Approval -</td>
<td>185</td>
</tr>
<tr>
<td></td>
<td>Additions and Alterations to Secret Harbour District Shopping Centre -</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lots 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Secret Harbour</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Engineering and Parks Services 198</td>
<td></td>
</tr>
<tr>
<td></td>
<td>EP-048/15 T15/16-53 - Period provision of greenwaste shredding and downsizing</td>
<td>198</td>
</tr>
<tr>
<td>13.</td>
<td>Reports of Councillors</td>
<td>202</td>
</tr>
<tr>
<td>14.</td>
<td>Addendum Agenda</td>
<td>202</td>
</tr>
<tr>
<td>15.</td>
<td>Motions of which Previous Notice has been given</td>
<td>203</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td></td>
<td>Engineering and Parks Services</td>
<td>203</td>
</tr>
<tr>
<td></td>
<td>EP-049/15 Notice of Motion – Investigate need for additional traffic signals on Warnbro Sound Avenue between Safety Bay Road and Palm Springs Boulevard</td>
<td>203</td>
</tr>
<tr>
<td>16.</td>
<td>Notices of Motion for Consideration at the Following Meeting</td>
<td>207</td>
</tr>
<tr>
<td>17.</td>
<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
<td>207</td>
</tr>
<tr>
<td>18.</td>
<td>Matters Behind Closed Doors</td>
<td>207</td>
</tr>
<tr>
<td>19.</td>
<td>Date and Time of Next Meeting</td>
<td>207</td>
</tr>
<tr>
<td>20.</td>
<td>Closure</td>
<td>207</td>
</tr>
</tbody>
</table>
## City of Rockingham
### Planning and Engineering Services Committee Meeting Minutes
#### Monday 7 December 2015 - Council Boardroom

### 1. Declaration of Opening

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

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

#### 2.1 Councillors
- **Cr Chris Elliott**  
  (Chairperson)
- **Cr Matthew Whitfield**
- **Cr Deb Hamblin (Deputy Mayor)**
- **Cr Katherine Summers**  
  (until 5.23pm)
- **Cr Barry Sammels (Mayor)**  
  (until 5.28pm)
- **Cr Kelly McManus**  
  (Observer until 5.23pm, deputising for Cr Summers from 5.23pm)
- **Cr Joy Stewart**  
  (Observer until 5.28pm, deputising for Cr Sammels from 5.28pm)

#### 2.2 Executive
- **Mr Andrew Hammond**  
  (Chief Executive Officer (until 5.28pm))
- **Mr Bob Jeans**  
  (Director Planning and Development Services)
- **Mr John Woodhouse**  
  (Director Legal Services and General Counsel)
- **Mr Chris Thompson**  
  (Director Engineering and Parks Services)
- **Mr Peter Ricci**  
  (Manager Major Planning Projects)
- **Mr Brett Ashby**  
  (Manager Strategic Planning and Environment)
- **Mr Richard Rodgers**  
  (Manager Building Services)
- **Mr Mike Ross**  
  (Manager Statutory Planning)
- **Mr Rod Fielding**  
  (Manager Health Services)
- **Mr Ian Daniels**  
  (Manager Engineering Services)
- **Mr Gary Rogers**  
  (Manager Procurement and Projects)
- **Mr Kelton Hincks**  
  (Manager Asset Services)
- **Mr James Henson**  
  (Manager Parks Development)
- **Mr Allan Moles**  
  (Manager Integrated Waste Services)
- **Ms Melinda Wellburn**  
  (PA to Director Planning and Development Services)

#### 2.3 Members of the Gallery:
- **14**

#### 2.4 Apologies:
- **Nil**

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

Nil

### 4. Public Question Time

#### 4.01pm

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

#### 4.1 Mr Terry Sanfead, 5 Olive Hill Close, Karnup - PDS-085/15 - Joint Development Assessment Panel Application - Section 31 Reconsideration of Determination - Lot 11 (No.1809) and Lots 700 and 701 (No.1791) Mandurah Road, Karnup

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

1. What is the clause or regulation that allows an educational establishment on a Special Rural lot with a conforming use in the Rockingham Town Planning Scheme No.2?

   The Chairperson advised that it would be a ‘D’ use on the Rural zoned lot and an ‘X’ use on the Special Rural zoned lot. The educational establishment is not allowed on the Special Rural zoned lot. It is up to the discretion of Council to allow it on the Rural zoned lot, however, this will be discussed later in the meeting.

2. If the proposal goes ahead will the current owners of Lot 701 be able to sell Lot 701 to the Montessori School and then can this land be used for an educational establishment?

   Mr Andrew Hammond, Chief Executive Officer advised that the Council does not have any power if someone wants to sell their land and could not forecast or predict such a thing, however, it could be possible in the future due to a range of reasons.

3. Has anyone who can objectively comprehend the fire plan actually read it as there are a number of major issues with it the main issue we see is Lot 6 southern boundary is claimed flat and is covered in low scrub. When it actually is very steep and the vegetation is described in the accompanying environmental report as banksia trees over a lot of other vegetation just see the report any way these two major discrepancies intentional or otherwise would see the bushfire BAL ratings go from BAL-19 to BAL-FZ on this lot alone?

   The Fire Plan has the school closing on severe fire danger days is helpful but with the documented bushfire risk and average temperatures increasing at an alarming rate how many school days will be lost along with the uncertainty for parents that work. Is this really a good idea?

   While the planting of trees along the northern boundary will not block out the school for us it will give in time trees for the Black cockatoos we have marked out an area starting at our north east corner 3.5 metres from our boundary and ordered 150 seedlings of Pinus Radiata the plan is to have just over 1ha of forest on our northern boundary. Considering that a large area of our property is included in the 100m school buffer zone and will change the now claimed fire risk in this area which we currently dispute to an extreme fire risk this is out of the control of the school and it will surely make the bushfire risk much more unacceptable than it already is. As a side note we have engaged a bushfire expert to evaluate the site and the report this we believe should have been done by the Council.

   The Chairperson advised that a Fire Management Plan has been prepared and was dealt with as part of the Officer’s Report.
4. The traffic assessment is based on figures from main roads 2012-2013 that had traffic flow at 28,250 with 6.6% being heavy vehicles, which equates to 1,865 heavy vehicles per day. The 2014-2015 statistics show 41,350 vehicle per day with 8.1% being heavy vehicles this equates to 3,345 heavy vehicles per day.

The increase in the past two years is an alarming 46% in overall vehicles per day and a heavy vehicle traffic increase of 79% per day. If the same alarming increase rate was to continue in two more years there could be as many as 60,378 vehicles per day with 6,002 of them being heavy vehicles and in ten years time it could be 275,809 vehicles per day with 62,201 being heavy vehicles. The Shawmac Report claims 15,000 vpd is the desired maximum traffic flow past this school we assume he is referring to the southbound lanes of Mandurah Road with the traffic flow now at 41,300 vpd it is well in excess of this the report is no longer valid as it is based on significantly lower figures.

The Chairperson advised that the subject of traffic is a major issue and is dealt with extensively in the Officer's Report. It is an issue that the Committee would take very seriously as part of its consideration of the application.

5. The suggested acceleration lane will make life for all those residing in Olive Hill Close very dangerous as having an acceleration lane ending at the beginning of a slowdown will see cars slowing on Mandurah Road before the Olive Hill slowdown lane while vehicles exiting the school are trying to accelerate and merge with slowing traffic nobody could think this is a good idea.

The Chairperson reiterated that the subject of traffic is a major concern.

6. If an acceleration lane of approximately 750m and a slowdown lane of 150 is required for 100 km hr why is it that for 80km an hr the slowdown lane is reduced by 30m but the acceleration lane is reduced by 435m? Suspiciously the same amount of available space before the Olive Hill slowdown lane?

The Chairperson again reiterated that the subject of traffic is a major concern and the Committee is taking it very seriously.

7. RAC Risky Roads 2014 survey results had the intersections of Port Kennedy and Mandurah Road being the third most dangerous intersection in Western Australia just north of the proposed school. The intersection of Mandurah Road and Surf Drive is rated as the fourth most dangerous intersection in Western Australia just south of the proposed school and the next intersection south is Anstey Road and Mandurah Road rated as Rockingham's third most dangerous intersection the two abovementioned intersections complete the three most dangerous intersections in Rockingham.

The RAC October 2015 Risky Roads 12 month report card still has the intersections of Ennis Avenue and Port Kennedy Drive as the third worst intersection in Western Australia even after the substantial intersection modifications made earlier in 2015 the intersection of Surf Road and Mandurah Road also remains the fourth most dangerous intersection in Western Australia we would surmise that the substantial increase in traffic in this area will keep these intersection infamous rankings for the foreseeable future. Surely no one in their right mind would see this site appropriate for 516 school children.

The Chairperson advised that the members of the Committee are well aware of the traffic issue on Mandurah Road. The Council has previously written to Main Roads expressing its concerns with respect to those intersections.

8. While the school now accepts Mandurah Road is dangerous and has a traffic plan it does not cover all of the day and any children entering or existing the school with or without permission will have no safe guards to ensure they do not enter the highway and face extremely high risk of injury or death. Is this an acceptable risk?
The Chairperson advised that the City has no control over the times individual students arrive at or leave a school.

9. Why are these people wasting all this money?

The Chairperson advised that legislation gives right for a person to make an application. The applicant is entitled to make an application and on some occasions not all people agree with the application.

Mrs Matilda Gaspar, Baldivis Landowners Group, 291 Hamilton Road, Coogee - PDS-086/15 - Urban Potential within South Baldivis - ‘Baldivis Landowners Group’

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

1. Are you aware that there are more than just 40 landowners, who all have real concerns for this area and support a zoning of Urban for this area, and all agree that a Structure Plan put in place would better protect existing bush forever sites and future recreational areas (eg POS) that would then be enjoyed by the whole community? As clarified above, on page 151 and 152 and elsewhere you only mention the BLG and not other concerned landowners.

The Chairperson advised that there is quite a history of interaction between the City and the BLG and while it may not say in the report, it is aware there are other landowners, who may not be members of the Group.

2. As stated in the Agenda on Page 161 under the heading Consultation with the Community, ‘The Dept of Planning has advised that it received a larger number of submissions from landowners within the subject precinct’. (This appears to be indicative of the landowner interest in this area and we expect similar support as was demonstrated in 2009).

Can you advise if you received copies of these submissions, or were you advised of the contents of these many submissions received by the Department of Planning?

Mr Peter Ricci, Manager Major Planning Projects advised that the City did not see the detail of the submissions received by the Western Australian Planning Commission, but had received advice that many were lodged from the precinct.

3. Can you explain what is the basis of the 'technical Strategic planning assessment' as stated in this section of the agenda on Page 161, when it's stated "The City's submission did not consider landowner intention but was based on a technical strategic planning assessment"?

The Chairperson advised that the report from the Officers for consideration was done on the basis of existing Council Policies and other specialist advice.

4. Was the mentioned "Report into Local Biodiversity" as noted Page 154 ever completed, is it still current and is it able to be access and was data used for any of the City's Submission?

Mr Brett Ashby, Manager Strategic Planning and Environment advised that the City’s Local Biodiversity Strategy was not completed and was placed on hold pending the strategic planning being undertaken by the State Government and development of the City's Local Planning Strategy. The City relied upon information provided by WALGA’s Local Biodiversity Programme.

5. On Page 154, 155 and 156, the Karnup District Structure Plan (DSP) is mentioned. Do you agree that your description of the plan under point 4 - Karnup District Structure Plan Study Area, on the bottom of Page 155, could interpreted be indicative of support for development or our area, as the Council was itself initiating the commencement of a DSP?
The Chairperson advised that the Karnup District Structure Plan which is partly completed was done so in accordance with the Perth and Peel Region Schemes. Mr Bob Jeans, Director Planning and Development Services advised that Page 156 of the Officer's Report points out the City's clear advice to landowners that works for the DSP should not be implied that an Urban zoning would be conferred upon any land.

6. Can you advise what occurred to change the Council's mind re this 2012 self initiated DSP? And in 2015, what influenced the Council to want it to retain our whole area as Rural, even to the point of going against the WAPC recommendation of rezoning some of the area to Urban Expansion?

The Chairperson advised that when the District Structure Plan process began it was thought that adoption of the WAPC's sub-regional plan was imminent but it was never adopted in favour of a new process involving the Strategic Environmental Assessment.

7. On page 157 you state that "The City (like other parties) was left to assume the basis to the various land use classifications within the draft Framework". On Page 160 'the City has been left to assume' and it again 'assumed' on Page 162. Is the City Council in the position to make 'assumptions'? That is not a responsible action of a government authority and the City risks losing its creditability with ratepayers if it makes assumptions.

What 'Various Land Use classifications' within the Framework are you assuming?

Was the City given any advice, (verbal, printed, electronic or otherwise) to help them form their 'assumption' and can we be advised of the same advice?

Mr Peter Ricci, Manager Major Planning Projects advised that the assumptions were based on what is likely to be contained in the unreleased Strategic Environmental Assessment. Until the City sees the document, the assumptions can not be confirmed or otherwise.

8. On page 157 under the heading Ecological Linkage, the figure of the extract from the Perth Biodiversity Program is hard to decipher. However, it appears to be identical to your own publication "Rockingham Reserves - Regional Context" diagram dated June 2006, copy is attached.

Also attached is Figure extracted from your mentioned Bushland Management Strategy, which identifies vegetation complexes etc in the City of Rockingham.

Its stated 'that in the Draft Framework, SAPPR has assisted in the preparation of the spatial plan'.

Then it was stated 'Against this background, the City was not in a position to challenge the extent of the proposed Rural Residential classification within the subject precinct'

Can you explain then why the City felt it was in a position to challenge the WAPC decision to leave portion of our area as Urban Expansion?

The Chairperson advised that the matter is considered in significant detail in the Report.

Does the Council agree that this is contradictory? It seems like that to me.

The Chairperson advised that it was not contradictory.

And where did the City obtain the advice that 'there was not a sufficient basis' to classify this area as Urban Expansion?

The Chairperson advised that the City's information was based on specialist advice from Officers.
9. Page 157 mentions the East-West Ecological Link. This Ecological Link only appears to create a swathe through the centre of this area. Does the Council agree that this area is effectively isolated and cut off from any ecological link to the West by the Market Gardens and a busy Eighty Road/future Nairn, and cut off from the East by a busy freeway and an increasingly busy Baldivis Road? And it will be at further risks for various reason, from the urban fronts of Sixty Eight Road and newly advertised Stakehill Road Urban development?

The Chairperson advised that the City's submission does not support this proposition.

10. Page 158 discusses Area 2 and 3, from their Submission, areas which were identified by the WAPC as suitable for Urban Expansions. Area 1 was not mentioned in the Agenda.

Does the Council agree that it was flawed in its decision making, when it stated that it is 'not satisfied' that Area 2 meets the 'Key Principle' for sustainable development, when this area abuts Area 1 and is located in the same area, therefore the same reasons it gives agreeing with Area 1 remaining as Urban Expansion should therefore apply to Area 2?

Does the Council agree that it was flawed in its decision making, when it stated its reasons for not supporting Area 3 as Urban Expansions?

The Chairperson advised that as it was pointed out earlier, there are reported statements quoted where the residents have been aware that the future Urban footprint within the study area is yet to be confirmed.

Mr Peter Ricci, Manager Major Planning Projects advised that Areas 2 and 3 are isolated, after taking into account other constraints, would unlikely be large enough to contain sustainable development.

Does the Council agree that then the same would apply to the development on Baldivis Road and Sixty Eight Road? As that too is located over 1.2km from the potential High Frequency public transport route along Nairn Drive and is also constrained by bushfire hazard, freeway noise etc?

The same would apply to the new development Cnr Stakehill Road and Baldivis Road,. Just a note, there is actually 91.5ha in Area 3, I believe that this stage of this new development is of similar size!

The Chairperson advised that it would be considered separately from this report.

Mr Peter Ricci, Manager Major Planning Projects advised that the land at the corner of Baldivis Road and Sixty Eight Road is already zoned for Urban development

11(a) Does the Council agree it was selective in its reasons given for Area 1, 2 and 3? And that these reasons are somewhat broad, are conflicting and without merit, considering they all relate to areas in the same location?

Can the Council explain how it can be in a position to agree with Area 1 and then adversely not be in agreement with Areas 2 and 3, as Area 1 is the same distance as Areas 2 and 3, in reference to infrastructure?

Mr Brett Ashby, Manager Strategic Planning and Environment advised that Area 1 was supported as it was considered to reflect a rounding-off of an existing development area north of Sixty Eight Road.

11(b) Has the Council considered the location of the new South Baldivis Secondary School located opposite Area 1, due to open in 2019? Does the Council agree it should have considered the location this new School in its recommendation and its impact on the surrounding area, including Area 1, 2 and 3? In fact our whole area will be impacted by this new school, and probably adversely affected if this area remains Rural.
Mr Bob Jeans, Director Planning and Development Services advised that it was considered during the Structure Plan process previously carried out.

12(a) Is the Council aware that, giving the location of our area being closest to the Karnup Road Freeway exit, that Baldivis Road is going to be always busier and more used than Nairn Drive extension?

Mr Peter Ricci, Manager Major Planning Projects advised that the reference to proximity to Nairn Drive relates to the fact that it is shown to be a future high-frequency public transport route in the WAPC’s draft Sub-Regional Planning Framework and that the traffic carried by the roads is a different matter.

12(b) Can the Council explain why did the State Government spend millions on the Karnup Road exit, only to adversely make the area Rural? Surely you agree that that is a waste of taxpayers money?

Mr Bob Jeans, Director Planning and Development Services advised that this is a matter for the State Government to address.

13. Does the Council agree that many of the comments it makes in the Agenda appear to be flawed and confused, with some decisions based on assumptions they made? However, we were chastised in ‘assuming’ and interpreting the answer Council gave in 2009 ie, “Council has not opposed the land being shown as future Urban in the Draft Regional Structure Plan” to mean that the Council supported Urban Development of our area.

The Chairperson answered the City did not agree with this proposition.

14. On page 162 under Comments

How can the City determine that the Urban Expansion area as noted by the WAPC to be incorrect, when the City itself stated it was "not in a position to form a view", but then the City contradicted itself and "formed the view" that the WAPC was incorrect in recommending the Urban Expansion Area?

How can you now state that the "City will be in a position, however, to determine whether the extent of Rural Residential and Urban Expansion represents a desirable outcome, against the key principles of the draft Framework, when the SAPPR is released"?

Does this indicate that in doing your submission, you did not take into consideration the key principles of the Draft Framework, even though it was implied that it was influenced by the SAPPR?

Why is the Committee now happy to wait and see? As stated on Page 162, that you now "recommend that the City further review the matter, following consideration of the SAPPR when it is released for comment"

As ratepayers we are concerned with the flawed decision making of the Council.

The Chairperson advised that this report has been prepared after extensive research including Council’s Planning Policies, liaison with the DoP and based on sound planning principles.

Mr Bob Jeans, Director Planning and Development Services advised that once the Strategic Assessment of Perth and Peel Regions (SAPPR) is formally released, it will contain information on the environmental attributes of that land. Once that is done, it will be up to the City to further consider if it is suitable for Urban development.

15. Refer to Page 159

Can you explain what the Council meant by its following comments:

"Influenced by extenuating circumstances" - What are these extenuating circumstances?

"Including the off-set package which is being resolved?" - What off-set package is being resolved?
Who is privy to the above? And has the contents of the extenuating circumstances and the off-set package, not known to us, influenced the Council in its submission and in planning decisions?

Mr Bob Jeans, Director Planning and Development Services advised that the SAPPR process has been delayed and therefore the documentation for Perth and Peel was released in advance of SAPPR. The City is aware that one of the major reasons for the delay on SAPPR is that if land is to be developed for Urban, generally this means environmental agencies require off-sets and the SAPPR process is investigating that off-set package which is complicated.

16. Also on Page 159, of concern is your statement, "The City has formed the view that this consultation process could merely be procedural and superficial given that the State Government is unlikely to entertain a significant departure from the advertised document given its links to SAPPR."

Does that indicate that the Council is of the opinion that either the draft Framework document is trivial and of no consequence, or it is ACTUAL fact and will be rubber stamped given its links to SAPPR?

Mr Bob Jeans, Director Planning and Development Services answered that the City is not of that opinion.

17. Would the Council agree that leaving this area as Rural, would be to the detriment of the majority of the landowners in this area, who will not be enjoying a 'genuinely desirable lifestyle', but will be forced to remain living in a drying haphazard Rural area, which a large fire hazard area and which is no longer a 'Quiet Rural Retreat'?

Does the Council understand that puts us, our properties and therefore the surrounding Urban Front at great personal risk of fire?

Does the Council know that due to the above we are under great stresses living in this area, compounded with dwindling and insufficient water supply because of the dropping water table, we are therefore even unable to even protect our properties, or even ourselves from fire threats?

Is the Council aware that some residents have been carting water into their properties just for personal use, some for 12 months?

Does the Council realise that if we have no electricity in our area, this is the first thing that usually goes in a fire threat, that we have no access to water at all?

The Chairperson advised that he was not personally aware that people are carting water.

Mr Andrew Hammond, Chief Executive Officer advised that it would not be considered as a valid planning consideration by the City.

18. Does the Council appreciate that the residents are facing many real concerns and difficulties and would continue to so if this area was to remain Rural?

Does the Council realise that many of the residents in our area are not living a desirable lifestyle, that we are living surrounded by suburbia but denied of the safety and benefits they enjoy?

The Chairperson advised that Councillors are required to represent the interests of all people of the City and make decisions based on that fact.

19. Can the Council admit that our area would function better and would be managed more efficiently if it were a Urban Precinct and therefore enjoyed by more people?

The Chairperson advised that the Council has forwarded a submission to the WAPC on this matter and is the subject of an item on the Committee Agenda in response to the concerns of the Group and landowners.
4.3 Mr Bo Hannington, 1140 Baldivis Road, Baldivis - PDS-086/15 - Urban Potential within South Baldivis - ‘Baldivis Landowners Group’

The Chairperson invited Mr Hannington to present his questions to the Planning and Engineering Services Committee. Mr Hannington stated the for the purpose of these questions, ‘our precinct’ refers to the land generally bounded by the Freeway, sixty-Eight Road, Eighty Road and Stakehill Road and for the record we are not financial members of the Baldivis Landowners Group and are not included in their count of landowners, however, we share and support the same purpose. Mr Hannington asked the following questions:

1. Can the Planning Committee and Council explain the purpose and planning rationale of the Karnup Road exit/entry point at the freeway towards Baldivis Road, which was built at a cost of many millions of taxpayer dollars?

   The Chairperson advised that the question would be taken on notice.

2. And can you confirm that its intent was to service the southern Baldivis precinct, including our precinct, because at that time our precinct was designated as Ultimate/Future Urban?

   The Chairperson advised that the question would be taken on notice.

3. If it is now the intention of the Council and WAPC to retain the majority of our precinct as Rural, can you justify the huge wast of money spent on a service infrastructure that is not used to its full potential?

   The Chairperson advised that the question would be taken on notice.

4. Will this Committee therefore please recommend to the Council that a correction to its previous submission to WAPC be submitted immediately, stating that the Council supports future urbanisation of our precinct? Not acting now leaves the clear implication that the Council is in agreement with WAPC.

   The Chairperson advised that the matter will be discussed later in the meeting and that the Committee will make a recommendation to the Council to make a resolution on the matter next Tuesday.

4.4 Mr Phillip Franzone, 344 Stakehill Road, Baldivis - PDS-086/15 - Urban Potential within South Baldivis - ‘Baldivis Landowners Group’

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

1. Has the Council taken into consideration all of the environmental corridors. The recent Karnup District Structure Plan south of Baldivis Road’s environmental corridor is on Baldivis Road.

   The Chairperson advised that there has been research done over years on environmental corridors, as this report goes the matters have been thoroughly addressed in it. The Committee has been provided with a detailed report and it will consider and confirm a recommendation later in the meeting.

5.05pm There being no further questions the Chairperson closed Public Question Time.

5. Confirmation of Minutes of the Previous Meeting

Moved Cr Whitfield, seconded Cr Hamblin:

That Committee CONFIRM the Minutes of the Planning and Engineering Services Committee Meeting held on 16 November 2015, as a true and accurate record.

Committee Voting – 5/0
## 6. Matters Arising from the Previous Minutes

Nil

## 7. Announcement by the Presiding Person without Discussion

5.06pm 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

5.06pm 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

<table>
<thead>
<tr>
<th>Planning and Development Services Information Bulletin – December 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Health Services</strong></td>
</tr>
<tr>
<td>1. Health Services Team Overview</td>
</tr>
<tr>
<td>2. Human Resource Update</td>
</tr>
<tr>
<td>3. Project Status Reports</td>
</tr>
<tr>
<td>3.1 FoodSafe</td>
</tr>
<tr>
<td>3.2 Industrial and Commercial Waste Monitoring</td>
</tr>
<tr>
<td>3.3 Mosquito Control Program</td>
</tr>
<tr>
<td>3.4 Environmental Waters Sampling</td>
</tr>
<tr>
<td>4. Information Items</td>
</tr>
<tr>
<td>4.1 Mosquito-Borne Disease Notifications</td>
</tr>
<tr>
<td>4.2 Food Recalls</td>
</tr>
<tr>
<td>4.3 Food Premises Inspections</td>
</tr>
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<td>4.4 Public Building Inspections</td>
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<td>4.5 Outdoor Public Event Approvals</td>
</tr>
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<td>4.6 Permit Approvals</td>
</tr>
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<td>4.7 After Hours Noise and Smoke Nuisance Complaint Service</td>
</tr>
<tr>
<td>4.8 Complaint - Information</td>
</tr>
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<td>4.9 Noise Complaints - Detailed Information</td>
</tr>
<tr>
<td>4.10 Animal Exemptions</td>
</tr>
<tr>
<td>4.11 Building Plan Assessments</td>
</tr>
<tr>
<td>4.12 Septic Tank Applications</td>
</tr>
<tr>
<td>4.13 Demolitions</td>
</tr>
<tr>
<td>4.14 Swimming Pool and Drinking Water Samples</td>
</tr>
<tr>
<td>4.15 Rabbit Processing</td>
</tr>
<tr>
<td>4.16 Hairdressing and Skin Penetration Premises</td>
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<tr>
<td>4.17 New Family Day Care Approvals</td>
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<td>4.18 Emergency Services</td>
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<tr>
<td>4.19 Social Media</td>
</tr>
<tr>
<td>4.20 Bush Fire Hazard Reduction Program</td>
</tr>
<tr>
<td>4.21 Restricted Burning Period – Permits Issued</td>
</tr>
<tr>
<td>4.22 Accredited Volunteer and Staff Training</td>
</tr>
<tr>
<td>4.23 Customer Requests Emergency Service Team</td>
</tr>
<tr>
<td>4.24 Community Engagement Events</td>
</tr>
<tr>
<td>4.25 Rangers Action Reports</td>
</tr>
<tr>
<td>4.26 Prosecutions</td>
</tr>
</tbody>
</table>

**Building Services**

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

**Strategic Planning and Environment**

1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Local Planning Strategy (LUP/1352)
   3.2 Water Campaign (EVM/56-02)
   3.3 Karnup District Structure Plan (LUP/1546)
   3.4 Cockburn Sound Coastal Alliance – Vulnerability & Flexible Adaptation Pathway Project Stage 3 (EVM/149)
4. Information Items
   4.1 Updated Demographic Forecast Data
   4.2 Delegated Advertising of Proposed Structure Plans

**Statutory Planning**

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

Moved Cr Whitfield, seconded Cr Hamblin:

That Councillors acknowledge having read the Planning Services Information Bulletin – December 2015 and the content be accepted.

Committee Voting – 5/0

Engineering and Parks Services Information Bulletin – December 2015

Engineering Services
1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Road Safety Strategy Review
   3.2 Integrated Transport Plan Review
   3.3 Stormwater Adaptation Plan
4. Information Items
   4.1 Delegated Authority for Temporary Thoroughfare Closure.
   4.2 Delegated Authority for the payment of Crossover Subsidies.
   4.3 Delegate Authority to approve the release of Bonds for private subdivisional works.
   4.4 Delegated Authority to approve Engineering Drawings - Subdivisions
   4.5 Delegated Authority for Notices given under s3.25(1)(a) LG Act 1995
   4.6 Delegated Authority for approval of Directional Signage
   4.7 Engineering Services Design Project 2015/2016
   4.8 Handover of Subdivisional Roads
   4.9 Structure Plan Referrals
   4.10 Traffic Report Referrals
   4.11 Urban Water Management Referrals
<table>
<thead>
<tr>
<th>4.12</th>
<th>Subdivision Approval Referrals</th>
</tr>
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<tbody>
<tr>
<td>4.13</td>
<td>Subdivision Clearance Requests</td>
</tr>
<tr>
<td>4.14</td>
<td>Development Application Referrals</td>
</tr>
<tr>
<td>4.15</td>
<td>Authorised Traffic Management Plans for Works on City Controlled Roads</td>
</tr>
<tr>
<td>4.16</td>
<td>Safety Bay Road – Principal Shared Path</td>
</tr>
<tr>
<td>4.17</td>
<td>Telephone Lane – Bridge Reconstruction</td>
</tr>
<tr>
<td>4.18</td>
<td>Water Corporation Liaison</td>
</tr>
<tr>
<td>4.19</td>
<td>Lot 3 Mandurah Road, Karnup</td>
</tr>
<tr>
<td>4.20</td>
<td>Rockingham Beach Foreshore Development</td>
</tr>
</tbody>
</table>

**Engineering Operations**

1. Engineering Operations Team Overview  
2. Human Resource Update  
3. Project Status Reports  
4. Information Items  
   4.1 Road Construction Program Roads to Recovery 2015/2016  
   4.2 Road Construction Program Main Roads Grant 2015/2016  
   4.3 Road Construction Program Federal Black Spot 2015/2016  
   4.4 Road Construction Program Municipal Works 2015/2016  
   4.5 Road Renewal Program Municipal Works 2015/2016  
   4.6 Footpath Construction Program Municipal Works 2015/2016  
   4.7 Road Maintenance Program 2015/2016  
   4.8 Litter Team 2015/2016  
   4.9 LitterBusters and Sweeping 2015/2016  
   4.11 Light Commercial Vehicles Program 2015/2016  
   4.12 Heavy Plant Program 2015/2016

**Parks Development**

1. Parks Development Team Overview  
2. Human Resource Update  
3. Project Status Reports  
   3.1 Secret Harbour Emergency Access Path  
   3.2 Rockingham Foreshore Management Plan  
   3.3 Lewington Reserve Environmental Management Plan Review  
   3.4 Tamworth Hill Swamp, Revegetation  
   3.5 City Parks - Central Irrigation Management System  
   3.6 Laurie Stanford Irrigation Upgrade  
   3.7 Laurie Stanford Practice Cricket Net Replacement  
4. Information Items  
   4.1 Groundwater Monitoring  
   4.2 Kulija Road Environmental Offsets  
   4.3 Climate Change Mitigation  
   4.4 Lake Richmond Heritage Listing  
   4.5 Dixon Road Conservation Reserve AAG Funding  
   4.6 Urban Water Management Referrals  
   4.7 Structure Plan Approval Referrals  
   4.8 Subdivision Approval Referrals  
   4.9 Development Application Referrals  
   4.10 Delegated Subdivision Public Open Space Practical Completion  
   4.11 Delegated Subdivision Public Open Space Handovers  
   4.12 Delegated Public Open Space Approvals  
   4.13 Memorial Seat Approvals
### Parks Operations
1. Parks Operation Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Beach Lookout Replacement - Secret Harbour Foreshore
   3.2 Baldivis Nature Reserve, Install Formal Limestone Access Path (Greening Plan)
   3.3 Stan Twight Reserve – Cricket Net Renewal
   3.4 Centenary Reserve – Garden Kerbing Renewal
   3.5 Play Equipment Replacements
4. Information Items
   4.1 Parks Maintenance Program 2015/2016

### Asset Management
1. Asset Management Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Drainage data collection
   3.2 Road Condition Inspection and Modelling
4. Information Items
   4.1 Asset Management Improvement Strategy
   4.2 Asset Systems Management
   4.3 Solar Power

### Building Maintenance
1. Building Maintenance Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Secret Harbour Car Park – Lighting Upgrade
   3.2 Replacement of Flood Lighting – City of Rockingham Administration Building
   3.3 Replacement of Electric Fence – City of Rockingham Depot/Operations Centre
   3.4 Warning Signage and Fire Panel Upgrade – City of Rockingham Depot and Operations Centre
   3.5 Upgrade of Fire Panel to Safety Bay Library
   3.6 Upgrade of Fire Panel at Millar Road Landfill
   3.7 Various Asbestos Removal Projects
   3.8 Various Electrical and Lighting Projects
   3.9 Rockingham Museum – Rewiring Upgrade
   3.10 Lagoon Reserve – Replacement of five Picnic Tables
   3.11 Baldivis Hall – Replacement of Timber Flooring
   3.12 Baldivis Recreation Centre – Recoating and Relining of Sports Court
   3.13 Safety Bay Bowling Club – Male/Female Toilet Refurbishment
   3.14 Various Park Structure Renewals
4. Information Items
   4.1 Building Maintenance
   4.2 Graffiti Removal Monthly Statistics
   4.3 Graffiti Removal Annual Statistics
   4.4 Lighting Inspections

### Capital Projects
1. 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 Shoalwater North Underground Power Project
4.2 2015/2016 Public Area Lighting and Arterial Lighting
4.3 Bent Street Boat Ramp Rock Armour Protection and Boat Ramp Maintenance
4.4 Secret Harbour Surf Life Saving Club - Renovation
4.5 Lark Hill Sub Metering
4.6 Baldivis Reserve Toilet Replacement
4.7 Waikiki Foreshore – Foreshore Protection Specification
4.8 Rockingham Day Care Fire Panel Replacement
4.9 Aqua Jetty Swimming Club Office
4.10 Eighty Road Reserve Club Facility
4.11 Laurie Stanford Reserve Development
4.12 Rhonda Scarrott Reserve Development
4.13 Safety Bay Tennis Club – Reroofing and General Renovations
4.14 Point Peron Sand Trap Excavation and Beach Nourishment 2015/2016
4.15 Administration Building Exterior Render Repairs
4.16 Building Operations Centre – Office Fit-Out
4.17 Aqua Jetty – Tiling of external 50m Pool
4.18 Donald Drive Boat Ramp Feasibility Study
4.19 Marine Safety – South Metropolitan Aquatic Use Review

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

Millar Road Landfill and Recycling Facility
1. Millar Road Landfill and Recycling Facility’s Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Landfill Access Road Off Kulija Road and Associated Internal Roads
   3.2 Cell Construction – Cell 16
   3.3 New Leachate Dams
4. Information Items
   4.1 Tip Passes
   4.2 Landfill Statistics
   4.3 Waste Education and Promotion
   4.4 Garage Sale Trail – Campaign Report 2015

Advisory Committee Minutes

Committee Recommendation

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

Committee Voting – 5/0
5.23pm - Cr Katherine Summers departed the Planning and Engineering Services Committee meeting.

5.23pm - Cr Kelly McManus deputised for Cr Summers.

5.28pm - Cr Barry Sammels and Mr Andrew Hammond, Chief Executive Officer departed the Planning and Engineering Services Committee meeting.

5.28pm - Cr Joy Stewart deputised for Cr Sammels.
12. Agenda Items

Planning and Development Services

Planning and Development Services
Statutory Planning Services

Reference No & Subject: PDS-083/15

Proposed Scheme Amendment No.123 – Omnibus Amendment to Town Planning Scheme No.2 (Final Approval)

File No: LUP/1636

Risk Register No:

Applicant: Various

Owner: Various

Author: Mr Nicholas Michael, Planning Assistant

Ms Donna Shaw, A/Coordinator Statutory Planning

Mr Mike Ross, Manager Statutory Planning

Other Contributors:

Date of Committee Meeting: 7 December 2015

Previously before Council: 26 May 2015 (PDS-033/15)

Disclosure of Interest:

Nature of Council’s Role in this Matter: Legislative

Site: Various

Lot Area:

LA Zoning:

MRS Zoning:

Attachments:

Maps/Diagrams:

Purpose of Report

To consider, for Final Approval, an Omnibus Scheme Amendment No.123 to Town Planning Scheme No. 2 (TPS2) for the purpose of:

- Amending the Zoning Table for a number of land uses; and
- Making minor corrections and alterations to TPS2 text and maps.
Background

In May 2015, Council resolved to initiate an amendment to TPS2 as follows:

1. Table No. 1 - Zoning Table is amended in accordance with the following:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Zoning</th>
<th>Current Permissibility</th>
<th>Proposed Permissibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short Stay Accommodation</td>
<td>Residential</td>
<td>X</td>
<td>A</td>
</tr>
<tr>
<td>Car Wash</td>
<td>Primary Centre City Living</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre City Centre</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre Waterfront Village</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre Urban Village</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Club Premises</td>
<td>Community Purposes</td>
<td>X</td>
<td>D</td>
</tr>
<tr>
<td>Service Station</td>
<td>Light Industry</td>
<td>X</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>General Industry</td>
<td>X</td>
<td>D</td>
</tr>
<tr>
<td>Fuel Depot</td>
<td>Rural</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Salvage Yard</td>
<td>Port Kennedy Business Enterprise</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Light Industry</td>
<td>D</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>General Industry</td>
<td>D</td>
<td>A</td>
</tr>
<tr>
<td>Place of Public Worship</td>
<td>Port Kennedy Business Enterprise</td>
<td>D</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Light Industry</td>
<td>D</td>
<td>X</td>
</tr>
</tbody>
</table>

2. Clause 4.1.1 is amended by:
   (a) deleting the paragraph; and
   (b) adding the new paragraph:
       “The objective of the Residential Zone is to promote a high quality residential environment by maintaining and enhancing the quality of existing residential areas and providing for a range of residential densities and housing types throughout the Scheme Area.”

3. Clause 4.1.2 is amended by:
   (a) deleting "(Variation 1)" subparagraph (a); and

4. Clause 4.2.4 amended by:
   (a) deleting "where land is not included in a Development Area or within a Structure Plan," in subparagraph (e); and
   (b) inserting "within a Development Area prior to a Structure Plan coming into effect in relation to that land".

5. Clause 4.3.3 is amended by:
   (a) deleting “Waterfront” in subparagraph (f); and
6. Clause 4.6.1 is amended by:
   (a) deleting the paragraph; and
   (b) adding the new paragraph:
   “The objective of the Commercial Zone is 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.”

7. Clause 4.11.1 is amended by:
   (a) deleting the paragraph; and
   (b) adding the new paragraph:
   “The objective of the Rural Zone is to preserve land for farming and foster semi-rural development which is sympathetic to the particular characteristics of the area in which it is located, having due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the Council may adopt from time to time as a guide to future development within the Zone.”

8. Clause 4.14.1 is amended by:
   (a) deleting the paragraph; and
   (b) adding the new paragraph:
   “The objective of the Community Purposes Zone is to provide for the development of religious, educational, health and social care facilities, accommodation for the aged and infirm, and other services by organisations involved in activities for community benefit, in convenient locations within the Scheme Area.”

9. Clause 4.16.2 is amended by:
   (a) deleting subclause (a); and
   (b) adding the new subclause:
   (a) The Council shall only permit the operation of a Home Business within a dwelling or within the boundaries of a lot where it is satisfied that the operation:
   (i) does not employ more than 2 people not members of the occupier’s household;
   (ii) will not cause injury to or adversely affect the amenity of the neighbourhood;
   (iii) does not occupy an area greater than 50 square metres;
   (iv) does not display a sign exceeding 0.2 square metres;
   (v) does not involve the retail sale, display or hire of goods of any nature;
   (vi) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
   (vii) does not involve the use of an essential service of greater capacity than normally required in the zone.

10. Clause 4.17 is amended by:
   (a) deleting subclauses 4.17.1 and 4.17.2; and
(b) adding new subclauses:

"4.17.1 Parking of a commercial vehicle in any zone shall not be permitted except in accordance with the provisions set out in the following paragraphs of this clause. The provisions of clause 4.17 do not apply when the commercial vehicle parking is in association with or incidental to a commercial, industrial or rural land use that has been approved by the Council or a use that is otherwise lawfully being undertaken on the land."

"4.17.2 "Despite any other provision of this Scheme, no commercial vehicle is permitted to remain on privately owned land within the Residential, Development, Special Rural, or Special Residential Zone for a period longer than is necessary for loading or unloading unless the local government has issued a planning approval permitting the parking of such a vehicle."

"4.17.3 A commercial vehicle may be permitted to be parked, subject to obtaining planning approval, within the Residential Zone, Development Zone, Special Rural Zone, or Special Residential Zone, provided that:

(a) the commercial vehicle is parked on a lot containing only a Single House;
(b) the commercial vehicle forms an essential part of the occupation of an occupant of the dwelling;
(c) Commercial vehicles exceeding 8 metres in length are parked parallel to the side boundary of the lot and behind the building line;
(d) No commercial vehicle repairs are to be undertaken on the lot;
(e) In the opinion of the local government, the commercial vehicle is not likely to adversely affect the amenity of the surrounding land;
(f) Notwithstanding clause 6.11, the local government has the ability to withdraw planning approval for a commercial vehicle, without the prior application from the owner of land in respect of which planning approval has been granted, if the commercial vehicle is not being used accordance with any of the requirements of clause 4.17.3."

"4.17.4 An approval granted under clause 6.7, pursuant to clause 4.17.3:

(a) is granted to the person to whom it is issued;
(b) is not capable of being transferred or assigned to any other person; and
(c) does not apply to the land in respect of which it is granted."

"4.17.5 In assessing applications for planning approval, the Council shall take into account:

(a) the objectives of the particular zone;
(b) any Policy pertaining to that zone which Council may from time to time adopt;
(c) on-site parking location;
(d) potential impacts on neighbouring residents in terms of noise, emissions, visual appearance or any other nuisance;
(e) frequency and times of arrival/departure, and parking duration;
(f) the use of the vehicle and whether such vehicle is to be used for business purposes operating out of the premises on a call-out basis."

11. Clause 4.20 is amended by:

(a) deleting subclause 4.20.1A; and
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 18 JANUARY 2015

(b) adding the new subclause:

“4.20.1A For Mixed-Use Development, in respect of which a default R-AC3 density coding otherwise applies under deemed-to-comply provision 6.1.1 C1 of the Residential Design Codes, if a development is the subject of an application for planning approval and does not comply with the site area requirements applicable to R-AC3, the Council may, notwithstanding the non-compliance, approve the application provided it accords with the performance criteria set out in a planning policy adopted under the provisions of clause 8.9.”

12. Clause 4.23.3 is amended by:
   (a) deleting subclauses (j) and (k); and
   (b) adding new subclauses:
       “(j) special development controls and guidelines;”
       “(k) the density code of a lot;”
       “(l) bushfire management measures; and”
       “(m) such other information considered relevant by the Council.”

13. Clause 4.23.4 is amended by:
   (a) deleting the paragraph; and
   (b) adding the new paragraph:
       “An approved Detailed Area Plan may be modified, varied or rescinded with the approval of the Council, but where there is an adopted Structure Plan, such modifications or variations are to conform with the intent of any adopted Structure Plan.”

14. Clause 6.2.1 is amended by:
   (a) deleting the paragraph; and
   (b) adding the new paragraph:
       “Every application for planning approval shall be made on the form prescribed by the Council, and is to be signed by the owner(s) of the land to which the application relates, and accompanied by such plans and other information as is required under the Scheme.”

15. Clause 6.6 is amended by:
   (a) inserting a new subclause after subclause (y):
       “(ya) whether the design and layout of the development demonstrates a functional, efficient and safe development.”

16. Clause 8.2 is amended by:
   (a) adding new subclauses following 8.2.4:
       “8.2.5 If the advertiser or owner of the land fails to comply with the direction of the Council under clause 8.2.3, the Council in accordance with section 215 of the Act may itself remove the advertisement and restore the land to its condition before the advertisement was erected or placed, or execute that work as it directed that person.”
       “8.2.6 The Council may recover expenses under section 215(2) of the Act in a court of competent jurisdiction.”

17. Schedule 1, Clause 1 is amended by:
   (a) deleting “(Variation 1)” from the definition of ‘Residential Design Codes’

18. Schedule 4, Planning Unit 3, Table is amended by:
   (a) deleting the reference to Lots 27 and 32-36 Trenant Park Gardens.

19. Schedule 5, Planning Unit 4 is amended by:
The location table descriptions for 4(i) and 4(ii) are amended to correct the descriptions. The descriptions of the location for 4(i) and 4(ii) shall be reversed to correctly refer to the relevant land as shown on Map 6 of the TPS as shown below.

The description for 4(iii) is amended to include Lot 3 Fifty Road, Baldivis.

<table>
<thead>
<tr>
<th>Plan Reference</th>
<th>Description of Location*</th>
</tr>
</thead>
<tbody>
<tr>
<td>4(i)</td>
<td>Land referred to as Woodleigh Grove, Baldivis being Lots 326 and 330 Eighty Road including Part Eighty Road, Manor App, Treetop Way, Oak Way, Loxley Place, Archer Close; Portion of Lot 50 Pike Road, Baldivis.</td>
</tr>
<tr>
<td>4(ii)</td>
<td>Land referred to as Sherwood Estate being Lots 45-49 Eighty Road, Baldivis; Lots 15-19 Postans Court, Baldivis; Lots 20-30, Lot 36, 43 and 44 Brodie Court, Baldivis; Lots 31-35, 37, 40 and 58 Foxton Green, Baldivis; Lots 50-56, Lots 38 and 39 Chandler Ramble, Baldivis; Eastern moiety of Lot 332 Mandurah Road, Baldivis including part Tincombe Grove, Levey Way, Whittingham Lane, Dove Road and Maddren Way.</td>
</tr>
<tr>
<td>4(iii)</td>
<td>Pt Lot 50 Mandurah Road, Pt Lot 51 Cudliss Close, and Lot 3 Fifty Road, Baldivis.</td>
</tr>
</tbody>
</table>

20. Schedule 5, Planning Unit 4 is amended by:
(a) adding a new subclause after subclause 7(c):

"7(d) Where Building Envelopes are not warranted under this clause, setbacks for buildings shall be determined in accordance with the R2.5 Code of the Residential Design Codes and shall not encroach onto land required for firebreaks."

21. Scheme Map No. 4, is amended by:
(a) Rezoning the western portion of Lot 1 Penguin Road, Safety Bay from 'Residential R40' to 'Commercial'.

22. Plan No. 3 - Special Rural Zones (South), is amended by:
(a) Deleting Lots 27 and 32-36 Trenant Park Gardens, Golden Bay.

23. Plan No. 6 - Special Residential Zones, is amended by:
(a) Referencing Lot 3 Fifty Road as 4(iii) instead of 6(iii).

24. Plan No. 17 - Special Residential Zone, is amended by:
(a) relocating the zoning boundaries to coincide with cadastral boundaries for Lots 1445 - 1453 Greeson Pwy; Lots 8002, 1385 - 1444 Nottley Cres; Lots 1383 - 1384 Hugo Ln; Lots 1172 - 1179 and Lots 1378 - 1382 Miltona Dr; Secret Harbour.

25. Plan No. 17 - Development Zone (DA7), is amended by:
(a) relocating the zoning boundaries to coincide with the cadastral boundaries for Lots 2119 - 2124 Arrowwood Lp, Secret Harbour.

26. Plan No. 17 - Public Open Space Reserve No. 48295 and Reserve No. 47396, is amended by:
(a) rezoning the landholdings to Public Open Space; and
(b) amending the zoning boundary to coincide with the cadastral boundaries.

**Details**

Details of the proposed Scheme Amendment are set out in the background of this report. This Scheme Amendment includes several minor modifications and corrections of TPS2.
Implications to Consider

a. Consultation with the Community
The Scheme Amendment was advertised for public comment in accordance with the requirements of the former Town Planning Scheme Regulations 1967 for a period of 42 days, ending on the 14 September 2015 with advertising undertaken in the following manner:

(i) A notice was published in the Weekend Courier on the 31 July 2015 and the 7 August 2015; and
(ii) An advertisement was placed on the City’s website for the duration of the advertising period; and
(iii) Copies of documents explaining the Scheme Amendment were also made available for inspection at the City’s Administration Office.

At the conclusion of the public advertising period, no submissions were received.

b. Consultation with Government Agencies
All Scheme Amendments are required to be referred to Environmental Protection Authority (EPA) to determine if an environmental assessment is required, prior to advertising. The EPA advised that the Scheme Amendment should not be assessed under the Environmental Protection Act 1986, and that it was not necessary to provide any environmental advice or recommendations on the scheme Amendment.

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

Aspiration D: Sustainable Environment

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

d. Policy
Not Applicable

e. Financial
Nil

f. Legal and Statutory
Planning and Development (Local Planning Schemes) Regulations 2015

Regulation 80 states that any step taken in the preparation of a planning instrument (ie an amendment to a local planning scheme) under the Planning and Development Act 2005 and in accordance with the repealed regulations before commencement date of the Planning and Development (Local Planning Schemes) Regulations 2015 is to be taken to be a step taken in the preparation of a planning instrument of that type under the 2015 Regulations.

Regulation 50(3) states as follows:

"Before the end of the consideration period for a standard amendment to a local planning scheme (the day that is 60 days after the end of the submission period for the amendment), or a later date approved by the Commission, the local government must pass a resolution —

(a) to support the amendment without modification; or
(b) to support the amendment with proposed modifications to address issues raised in the submissions; or
(c) not to support the amendment."

Note: The Planning and Development (Local Planning Schemes) Regulations 2015 (2015 Regulations) were gazetted on 25 August 2015. Regulations 1 and 2 came into operation on the day and the rest of the regulations on 19 October 2015.

g. Risk (High/Extreme)

Nil

Comments

In light of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations); It is recommended that Council proceed to adopt the Amendment for final adoption subject to minor modifications, for consistency with the Regulations.

Accordingly it is recommended that clauses 4.12, 4.2.4, 4.23.3, 4.23.4, 6.2.1, 6.6, 8.2, 8.2.5, 8.2.6 and Schedule 1 be deleted as they have been superseded by the deemed provisions of the regulations.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPT Amendment No.123 to Town Planning Scheme No.2 for Final Approval, subject to modifications highlighted in bold and red that includes deleted text and text additions.

Committee Recommendation

Moved Cr Whitfield, seconded Cr McManus:

That Council ADOPT Amendment No.123 to Town Planning Scheme No.2 for Final Approval, subject to modifications highlighted in bold and red that includes deleted text and text additions, as follows:

1. Table No. 1 - Zoning Table is amended in accordance with the following:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Zoning</th>
<th>Current Permissibility</th>
<th>Proposed Permissibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short Stay Accommodation</td>
<td>Residential</td>
<td>X</td>
<td>A</td>
</tr>
<tr>
<td>Car Wash</td>
<td>Primary Centre City Living</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre City Centre</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre Waterfront Village</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre Urban Village</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Club Premises</td>
<td>Community Purposes</td>
<td>X</td>
<td>D</td>
</tr>
<tr>
<td>Service Station</td>
<td>Light Industry</td>
<td>X</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>General Industry</td>
<td>X</td>
<td>D</td>
</tr>
</tbody>
</table>
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 18 JANUARY 2015

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Zoning</th>
<th>Current Permissibility</th>
<th>Proposed Permissibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fuel Depot</td>
<td>Rural</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Salvage Yard</td>
<td>Port Kennedy Business Enterprise</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Light Industry</td>
<td>D</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>General Industry</td>
<td>D</td>
<td>A</td>
</tr>
<tr>
<td>Place of Public Worship</td>
<td>Port Kennedy Business Enterprise</td>
<td>D</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Light Industry</td>
<td>D</td>
<td>X</td>
</tr>
</tbody>
</table>

2. Clause 4.1.1 is amended by:
   (a) deleting the paragraph; and
   (b) adding the new paragraph:
       “The objective of the Residential Zone is to promote a high quality residential environment by maintaining and enhancing the quality of existing residential areas and providing for a range of residential densities and housing types throughout the Scheme Area.”

3. Clause 4.1.2 is amended by:
   (a) deleting “(Variation 1)” subparagraph (a); and

4. Clause 4.2.4 is amended by:
   (a) deleting “where land is not included in a Development Area or within a Structure Plan,” in subparagraph (e); and
   (b) inserting “within a Development Area prior to a Structure Plan coming into effect in relation to that land”.

5. Clause 4.3.3 is amended by:
   (a) deleting “Waterfront” in subparagraph (f); and
   (b) inserting “Smart”.

6. Clause 4.6.1 is amended by:
   (a) deleting the paragraph; and
   (b) adding the new paragraph:
       “The objective of the Commercial Zone is 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.”

7. Clause 4.11.1 is amended by:
   (a) deleting the paragraph; and
   (b) adding the new paragraph:
       “The objective of the Rural Zone is to preserve land for farming and foster semi-rural development which is sympathetic to the particular characteristics of the area in which it is located, having due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the Council may adopt from time to time as a guide to future development within the Zone.”

8. Clause 4.14.1 is amended by:
   (a) deleting the paragraph; and
(b) adding the new paragraph:

“The objective of the Community Purposes Zone is to provide for the development of religious, educational, health and social care facilities, accommodation for the aged and infirm, and other services by organisations involved in activities for community benefit, in convenient locations within the Scheme Area.”

9. Clause 4.16.2 is amended by:
(a) deleting subclause (a); and
(b) adding the new subclause:

(a) The Council shall only permit the operation of a Home Business within a dwelling or within the boundaries of a lot where it is satisfied that the operation:
(i) does not employ more than 2 people not members of the occupier’s household;
(ii) will not cause injury to or adversely affect the amenity of the neighbourhood;
(iii) does not occupy an area greater than 50 square metres;
(iv) does not display a sign exceeding 0.2 square metres;
(v) does not involve the retail sale, display or hire of goods of any nature;
(vi) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
(vii) does not involve the use of an essential service of greater capacity than normally required in the zone.

10. Clause 4.17 is amended by:
(a) deleting subclauses 4.17.1 and 4.17.2; and
(b) adding new subclauses:

“4.17.1 Parking of a commercial vehicle in any zone shall not be permitted except in accordance with the provisions set out in the following paragraphs of this clause. The provisions of clause 4.17 do not apply when the commercial vehicle parking is in association with or incidental to a commercial, industrial or rural land use that has been approved by the Council or a use that is otherwise lawfully being undertaken on the land.”

“4.17.2 “Despite any other provision of this Scheme, no commercial vehicle is permitted to remain on privately owned land within the Residential, Development, Special Rural, or Special Residential Zone for a period longer than is necessary for loading or unloading unless the local government has issued a planning approval permitting the parking of such a vehicle.”

“4.17.3 A commercial vehicle may be permitted to be parked, subject to obtaining planning approval, within the Residential Zone, Development Zone, Special Rural Zone, or Special Residential Zone, provided that:
(a) the commercial vehicle is parked on a lot containing only a Single House;
(b) the commercial vehicle forms an essential part of the occupation of an occupant of the dwelling;
(c) Commercial vehicles exceeding 8 metres in length are parked parallel to the side boundary of the lot and behind the building line;
(d) No commercial vehicle repairs are to be undertaken on the lot;
(e) In the opinion of the local government, the commercial vehicle is not likely to adversely affect the amenity of the surrounding land;
(f) Notwithstanding clause 6.11, the local government Council has the ability to withdraw planning approval for a commercial vehicle, without the prior application from the owner of land in respect of which planning approval has been granted, if the commercial vehicle is not being used accordance with any of the requirements of clause 4.17.3."

"4.17.4 An approval granted under clause 6.7, pursuant to clause 4.17.3:
(a) is granted to the person to whom it is issued;
(b) is not capable of being transferred or assigned to any other person; and
(c) does not apply to the land in respect of which it is granted."

"4.17.5 In assessing applications for planning approval, the Council shall take into account:
(a) the objectives of the particular zone;
(b) any Policy pertaining to that zone which Council may from time to time adopt;
(c) on-site parking location;
(d) potential impacts on neighbouring residents in terms of noise, emissions, visual appearance or any other nuisance;
(e) frequency and times of arrival/departure, and parking duration;
(f) the use of the vehicle and whether such vehicle is to be used for business purposes operating out of the premises on a call-out basis."

11. Clause 4.20 is amended by:
(a) deleting subclause 4.20.1A; and
(b) adding the new subclause:

"4.20.1A For Mixed-Use Development, in respect of which a default R-AC3 density coding otherwise applies under deemed-to-comply provision 6.1.1 C1 of the Residential Design Codes, if a development is the subject of an application for planning approval and does not comply with the site area requirements applicable to R-AC3, the Council may, notwithstanding the non-compliance, approve the application provided it accords with the performance criteria set out in a planning policy adopted under the provisions of clause 8.9."

12. Clause 4.23.3 is amended by:
(a) deleting subclauses (j) and (k); and
(b) adding new subclauses:

"(j) special development controls and guidelines;"
"(k) the density code of a lot;"
"(l) bushfire management measures; and"
"(m) such other information considered relevant by the Council."

13. Clause 4.23.4 is amended by:
(a) deleting the paragraph; and
(b) adding the new paragraph:
"An approved Detailed Area Plan may be modified, varied or rescinded with the approval of the Council, but where there is an adopted Structure Plan, such modifications or variations are to conform with the intent of any adopted Structure Plan."

14. Clause 6.2.1 is amended by:
   (a) deleting the paragraph; and
   (b) adding the new paragraph:
   
   "Every application for planning approval shall be made on the form prescribed by the Council, and is to be signed by the owner(s) of the land to which the application relates, and accompanied by such plans and other information as is required under the Scheme."

15. Clause 6.6 is amended by:
   (a) inserting a new subclause after subclause (y):
   
   "(ya) whether the design and layout of the development demonstrates a functional, efficient and safe development."

16. Clause 8.2 is amended by:
   (a) adding new subclauses following 8.2.4:
   
   "8.2.5 If the advertiser or owner of the land fails to comply with the direction of the Council under clause 8.2.3, the Council in accordance with section 215 of the Act may itself remove the advertisement and restore the land to its condition before the advertisement was erected or placed, or execute that work as it directed that person."

   "8.2.6 The Council may recover expenses under section 215(2) of the Act in a court of competent jurisdiction."

17. Schedule 1, Clause 1 is amended by:
   (a) deleting "(Variation 1)" from the definition of ‘Residential Design Codes’

18. Schedule 4, Planning Unit 3, Table is amended by:
   (a) deleting the reference to Lots 27 and 32-36 Trenant Park Gardens.

19. Schedule 5, Planning Unit 4 is amended by:
   (a) The location table descriptions for 4(i) and 4(ii) are amended to correct the descriptions. The descriptions of the location for 4(i) and 4(ii) shall be reversed to correctly refer to the relevant land as shown on Map 6 of the TPS as shown below.

   (b) The description for 4(iii) is amended to include Lot 3 Fifty Road, Baldivis.

<table>
<thead>
<tr>
<th>Plan Reference</th>
<th>Description of Location*</th>
</tr>
</thead>
<tbody>
<tr>
<td>4(i)</td>
<td>Land referred to as Woodleigh Grove, Baldivis being Lots 326 and 330 Eighty Road including Part Eighty Road, Manor App, Treetop Way, Oak Way, Loxley Place, Archer Close; Portion of Lot 50 Pike Road, Baldivis.</td>
</tr>
<tr>
<td>4(ii)</td>
<td>Land referred to as Sherwood Estate being Lots 45-49 Eighty Road, Baldivis; Lots 15-19 Postans Court, Baldivis; Lots 20-30, Lot 36, 43 and 44 Brodie Court, Baldivis; Lots 31-35, 37, 40 and 58 Foxton Green, Baldivis; Lots 50-56, Lots 38 and 39 Chandler Ramble, Baldivis; Eastern moiety of Lot 332 Mandurah Road, Baldivis including part Tincombe Grove, Levey Way, Whittingham Lane, Dove Road and Maddren Way.</td>
</tr>
<tr>
<td>4(iii)</td>
<td>Pt Lot 50 Mandurah Road, Pt Lot 51 Cudliss Close, and Lot 3 Fifty Road, Baldivis.</td>
</tr>
</tbody>
</table>
20. Schedule 5, Planning Unit 4 is amended by:
   (a) adding a new subclause after subclause 7(c):
      “7(d) Where Building Envelopes are not warranted under this clause, setbacks for
      buildings shall be determined in accordance with the R2.5 Code of the Residential
      Design Codes and shall not encroach onto land required for firebreaks.”

21. Scheme Map No. 4, is amended by:
   (a) Rezoning the western portion of Lot 1 Penguin Road, Safety Bay from ‘Residential
       R40’ to ‘Commercial’.

22. Plan No. 3 - Special Rural Zones (South) of the Scheme Text, is amended by:
   (a) Deleting Lots 27 and 32-36 Trenant Park Gardens, Golden Bay.

23. Plan No. 6 - Special Residential Zones of the Scheme Text, is amended by:
   (a) Referencing Lot 3 Fifty Road as 4(iii) instead of 6(iii).

24. Scheme Map No.17 No. 18 & 19 - Special Residential Zone, is amended by:
   (a) relocating the zoning boundaries to coincide with cadastral boundaries for Lots 1445
       - 1453 Greeson Pwy; Lots 8002, 1385 - 1444 Nottley Cres; Lots 1383 - 1384 Hugo Ln;
       Lots 1172 - 1179 and Lots 1378 - 1382 Miltona Dr; Secret Harbour.

25. Scheme Map Plan No. 17 - Development Zone (DA7), is amended by:
   (a) relocating the zoning boundaries to coincide with the cadastral boundaries for Lots
       2119 - 2124 Arrowwood Lp, Secret Harbour.

    47396, is amended by:
    (a) rezoning the landholdings to Public Open Space; and
    (b) amending the zoning boundary to coincide with the cadastral boundaries.

Committee Voting – 5/0

The Committee’s Reason for Varying the Officer’s Recommendation
Not Applicable

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

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-084/15 Final Adoption - Scheme Amendment No.157 - Rezoning from 'Special Use No.1 - Caravan Park' to 'Development' - Palm Beach Caravan Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1915</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Roberts Day Group Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Defence Housing Australia</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Senior Planning Officer</td>
</tr>
</tbody>
</table>
| Other Contributors:     | Mr Mike Ross, Manager Statutory Planning  
                          | Mr Brett Ashby, Manager Strategic Planning  
                          | Mr Bob Jeans, Director Planning & Development Services                                                                                 |
| Date of Committee Meeting: | 7 December 2015                                                                                                               |
| Previously before Council: | June 2015 (PDS-040/15)                                                      |
| Disclosure of Interest: | Legislative                                                                                                                     |
| Nature of Council’s Role in this Matter: |                                                                                                                                  |
| Site:                   | Lots 1512 and 5000 Lake Street, Rockingham                                                                                  |
| Lot Area:               | 3.76ha                                                                                                                          |
| LA Zoning:              | Special Use No.1 - Caravan Park                                                                                                  |
| MRS Zoning:             | Urban                                                                                                                           |
| Attachments:            | 1. Location Plan  
                          | 2. Aerial Photo  
                          | 3. Consultation Plan                                                                                                                   |
| Maps/Diagrams:          |                                                                                                                                  |
1. Location Plan

2. Aerial Photo
Purpose of Report

To consider granting Final Approval to Amendment No.157 to Town Planning Scheme No.2 (TPS2) to rezone Lots 1512 and 5000 Lake Street, Rockingham from ‘Special Use No.1 - Caravan Park’ to ‘Development’.

Background

In June 2015, Council resolved to adopt (initiate) Amendment No.157 to Town Planning Scheme No.2 (TPS2) to rezone Lots 1512 and 5000 Lake Street, Rockingham from ‘Special Use No.1 - Caravan Park’ to ‘Development’, pursuant to Section 75 of the Planning and Development Act 2005 as follows:

1. (i) Rezone Lots 1512 Lake Street and 5000 Fisher Street, Rockingham from ‘Special Use No. 1 - Caravan Park’ to ‘Development’ on the Scheme Map.

(ii) Amend the Scheme Map to contain Lots 1512 and 5000 Lake Street, Rockingham within Development Area No. 43 and reference this on the Scheme Map as ‘DA 43’.

(iii) Amend ‘Schedule No.9 - Development Areas’ to modify Development Area DA 43 as set out below:

<table>
<thead>
<tr>
<th>Reference No.</th>
<th>Area</th>
<th>Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA43</td>
<td>Lots 1512 and 5000 Lake Street, Rockingham</td>
<td>An approved 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. <strong>Proposed Local Structure Plan</strong> The following matters must be addressed as part of the preparation of the Proposed Structure Plan in addition to those set out in Clause 4.2.5: 1. The preparation of a Fire Management Plan where a Bushfire Hazard Assessment determines the land as having a moderate to extreme risk of bushfire.</td>
</tr>
</tbody>
</table>

2. That the Local Structure Plan for the development of Lots 1512 Lake Street and 5000 Fisher Street, Rockingham be presented to Council for consideration of approval to proceed to advertise for public submissions.”

Following advertising of the Scheme Amendment, City Officers met with the applicant regarding the proposed inclusion of Scheme Provisions into the Scheme Amendment. This was prompted by the recent gazettal of the Planning and Development (Local Planning Scheme) Regulations 2015. This has been further discussed in the Comments section of this report.

Details

The applicant seeks Council approval to rezone the land from ‘Special Use No. 1 - Caravan Park’ under TPS2, to ‘Development’ in order to facilitate medium density urban development. The application to rezone the land to ‘Development’ is consistent with the ‘Urban’ zoning under the Metropolitan Region Scheme (MRS). The rezoning, if approved, would be followed by a Local Structure Plan (LSP) that outlines the form of development, areas for various land uses and design requirements.

Implications to Consider

a. Consultation with the Community

This Scheme Amendments was required to be dealt with in accordance with the former Town Planning Regulations 1967, which included a requirement to advertise proposals for public comment over a period of 42 days, prior to Council considering Final Adoption.
The Scheme Amendment was advertised for public comment in accordance with the requirements of the former Town Planning Regulations 1967 for a period of 44 days, ending on the 25th September 2015, with advertising undertaken in the following manner:

(i) Two signs were erected on the property facing Lake Street and Fisher Street, and remained on-site for the duration of the advertising period;
(ii) A notice was published in the Public Notices section of the Sound Telegraph newspaper on the 12th August 2015 and 19th August 2015;
(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) 260 nearby and adjacent landowners and occupiers were notified in writing of the proposal, as shown on the Consultation Plan below.

3. Consultation Plan

At the conclusion of the advertising period, eight submissions were received from nearby landowners. A summary of the issues raised in the submissions is as follows:

<table>
<thead>
<tr>
<th>Submission:</th>
<th>Proponent’s Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Increase in traffic as a result of the proposed development and overall increase in traffic as a result of developments in the vicinity of the subject site (i.e. proposed Mangles Bay Marina, infill residential development and proposed redevelopment of Stirling Naval Base).</td>
<td>No detail on proposed development is included in the proposed amendment. The Local Structure Plan (LSP) will be required to demonstrate traffic generation and transport demand, traffic management, and that the road network can manage anticipated traffic volumes.</td>
</tr>
</tbody>
</table>
City's Comment:
The Traffic Impact Assessment provided as part of the Scheme Amendment application was based on the development assumption of 450 dwellings. The Traffic Impact Assessment confirmed that the existing intersections and roads have capacity to accommodate this number. The applicant will be required to provide a more detailed Traffic Impact Assessment as part of a subsequent LSP, which will include details of the development with respect to density and surrounding developments.

Submission:
(ii) Lack of ‘up to date’ information used in the traffic calculations.

Proponent's Response:
The Traffic Study has been based on information publically available at the time the Scheme Amendment was lodged. The LSP will be required to demonstrate the road network can support proposed development.

City's Comment:
A revised Traffic Study will be required to be provided with a future LSP based on updated information.

Submission:
(iii) Parking concerns, including lack of visitors parking on site, provision for boat and caravan parking and on-street parking providing congestion in association with the adjacent primary school.

Proponent's Response:
No detailed design proposed as part of the Scheme Amendment. Detailed parking calculations and layout will be determined at the LSP and Development Application stage. There is currently no designated parking for Primary School Parents.

City's Comment:
The applicant will be required to accommodate all carparking required by the Residential Design Codes (R-Codes) on-site. The R-Codes do not require the provision of carparking for boats or caravans.
The design and location of carparking has been further discussed in the Comments section of this report.

Density

Submission:
(i) Inconsistent density with the locality and need for high rise apartments to be built to achieve proposed density.

Proponent's Response:
No density is indicated in the proposed Scheme Amendment. Details of proposed development will be required in a LSP, which must be lodged with the City.

City's Comment:
The Scheme Amendment does not include details on building heights and residential densities that could be developed on the site. Regardless, the City considers that there needs to be a transcending residential density and building height from Lake Street and Fisher Street, given the R30 residential density of the adjacent land. As such, it is recommended that Scheme Provisions be included in the Scheme Amendment to ensure built form and densities have statutory power under TPS2. This has been further discussed in the Comments section of this report.
**Submission:**
(i) Unit sizes not designed to accommodate for families despite being adjacent to a school.

Proponent's Response:
No density or dwelling designs are included within the proposed Scheme Amendment. Details of proposed development will be required in the LSP, which must be lodged with the City.

City's Comment:
The application is to rezone the land only. The applicant has not lodged a development application with the City and therefore the dwelling sizes are yet to be determined.

**Submission:**
(ii) Poor location for density (i.e not located in City Centre or Waterfront Village).

Proponent's Response:
No density or dwelling designs are included within the proposed Scheme Amendment. Details of proposed development will be required in the LSP, which must be lodged with Council.

City's Comment:
Whilst it is acknowledged that the application does not propose density or dwelling designs, the City does not consider that the subject site is an appropriate location for high density development, given the lack of high frequency public transport and local or neighbourhood activity centre available to service the subject site.

As such, the City considers it appropriate to include provisions in TPS2 to apply a residential density on the site, having regard to the above planning considerations. This has been further discussed in the Comments section of this report.

**Submission:**
(iii) Total number of future residents not provided and possible health issues associated with overcrowding.

Proponent's Response:
No density is indicated in the proposed Scheme Amendment. Details of proposed development will be required in a LSP, which must be lodged with the City.

City's Comment:
For the reasons outlined above, the City considers the subject site is an appropriate location for medium density residential development but not high density residential development. This has been further discussed in the Comments section of this report.

**Environment**

**Submission:**
(i) Impact on rare and endangered species such as thrombolites and sedges.

Proponent's Response:
A redevelopment proposal was referred to and assessed by the Department of the Environment (DoTE), and was deemed not a controlled action meaning the project was considered not to cause significant environmental harm to matters of national environmental significance (i.e. Threatened Ecological Communities).

The Town Planning Scheme (TPS) Amendment was referred to the Environmental Protection Authority (EPA). Concluding assessment was ‘Scheme not assessed: Advice given.’ EPA considers the amendment is unlikely to have a significant effect on the environment and potential impacts can be adequately managed to meet EPA objectives.
The approval of the proposed LSP will be required to meet minimum environmental standards as assessed by Stage Government.

The Lake Richmond Management Plan 2008 (City of Rockingham, 2009) identifies the uncontrolled and unauthorised access to the Lake Richmond area, as a potential management issue and that public access to the area should be via formulised nature trails, boardwalks, observation platforms and cycle paths.

The northern access across the regional park (south of Palm Beach) along the water corporation reserve has been a common access point to the regional park. This is also presented in the Lake Richmond Management Plan 2008 (City of Rockingham, 2009). In partnership with the City of Rockingham (and DPaW) improving this access route will be investigated.

The Lake Richmond Action Plan in the Lake Richmond Management Plan 2008 (City of Rockingham, 2009) identifies the Centre as a key responsible party for the thrombolithes (refer to page 108 of management plan). Reference on Page 14 is noted and the EAR will be updated for the LSP to move reference to the Naragebup Rockingham Regional Environment Centre.

Mills Wilson (Community Consultation Consultants) for Palm Beach has confirmed that an email was sent to Liz Jackson (Centre Coordinator) to meet and discuss the project on 20 July 2015, an email from the centre declining this offer was received on 21 July 2015. Representatives of the Centre were also invited to three workshops held on 8 August, 22 August, 19 September. No registered members from the centre attended the workshops.

The Biofilta Pty Ltd system was part of the previous owners’ LSP design and stormwater system strategy. This design has been superseded with the new LSP design and is no longer proposed as part of the stormwater strategy.

The new stormwater strategy however will consider local sedge and appropriate vegetation selections for the stormwater treatment functions. This is currently still in design. The new design will infiltrate rainfall events up to the 100 year ARI rainfall events. There will be no stormwater runoff directly into the lake up to the 100 year event.

**City’s Comment:**

The applicant has outlined in the Environmental Assessment Report (EAR) and Engineering Services Report submitted with the proposed rezoning, that the rezoning and future redevelopment would not have any environmental impact on the lake ecosystem. The City considers that there must be no off-site impacts onto Lake Richmond and support this position accordingly. The framework in these initial reports sets the target of mitigating all potential impacts and if the Scheme Amendment is adopted, these targets must be achieved. Such documentation to ensure this is the case includes a LSP, Local Water Management Strategy (LWMS), conservation covenants (such as a ban on keeping cats) and design guidelines.

**Submission:**

(ii) Loss of habitat for local species, including birds and long neck turtles.

**Proponent’s Response:**

The subject site is already appropriately zoned ‘Urban’ under the Metropolitan Region Scheme (MRS) and ‘Special Use’ zone under the Town Planning Scheme (TPS) allowing for the development of the site. Note that many trees on the site are introduced or have been planted as part of the current use of the site.

**City’s Comment:**

The Scheme Amendment was assessed by the Environmental Protection Authority (EPA). The EPA advised that the Amendment should not be assessed under the Environmental Protection Act 1986, and that it was not necessary to provide any environmental advice or recommendations on the Amendment.
The site is zoned 'Urban' under the MRS and therefore the City can consider applications to rezone the land for development. Under *Liveable Neighbourhoods* (2007), a minimum of 10% of the gross subdivisible area must be given up free of cost by the owner for Public Open Space (POS). The City will assess the proposed location of future POS with respect to areas of environmental significance on the site. The design and location of POS will form part of the City's assessment of a future LSP.

**Submission:**

(iii) Loss of vegetation, including loss of Tuart trees, and clearing of bushland to accommodate firebreaks.

**Proponent's Response:**

The subject site is already appropriately zoned ‘Urban’ under the Metropolitan Region Scheme (MRS) and ‘Special Use’ zone under the Town Planning Scheme (TPS) allowing for the development of the site. Note that many trees on the site are introduced or have been planted as part of the current use of the site.

Fire Management will form part of the LSP, noting the proposed notification for the Development Area as part of the TPS Amendment.

**City's Comment:**

The site has a number of mature trees along the periphery of the site to Fisher Street (both within the adjacent street reserve and the setback area) that provide significant landscape value to the adjacent streetscape and should be retained.

It is recommended provisions be included to ensure the protection and maintenance of mature vegetation. This has been further discussed in the Comments section of this report.

**Submission:**

(iv) Possible pollution associated with development and pollution from the site reaching Lake Richmond and lack of protection afforded to Lake Richmond.

**Proponent’s Response:**

The approval of the proposed LSP will be required to meet minimum environmental standards as assessed by State Government. A LWMS will form part of the LSP and will need approval. This will address a number of issues including runoff.

**City’s Comment:**

The applicant will be required to submit a LWMS at the LSP stage. Stormwater discharge management will need to be addressed in the LWMS, and it will consider the sensitivity of the receiving environment. The LWMS must meet the expectations of the City, the Department of Water and the EPA.

Discussions with the applicant indicate that the measures will be taken to ensure the quality of the water entering Lake Richmond from the site will improve on existing quality. This will be achieved through the use of innovative water quality treatment techniques to stormwater and the removal of the current on-site effluent disposal practices and instead disposing of wastewater to mains sewerage. This will reduce nutrient loading post-development.

Management measures will also be agreed upon between the applicant and the City to monitor and control the dust leaving the site during the construction period. The will significantly reduce the amount of dust pollution entering Lake Richmond during construction.

In addition to the above, the City considers the applicant should provide an Urban Water Management Strategy (UWMS), to further demonstrate how groundwater will be managed on the site, to ensure there is no adverse environmental impact upon Lake Richmond with respect to groundwater quality.
| Submission: | (v) The amendment should have been declared a 'Controlled Action' by the Federal Department of Environment as it is so close to Lake Richmond. |
| Proponent's Response: | The assessment by the DotE in 2012, was deemed not a controlled action (i.e. project not cause significant environmental harm to matters of national environmental significance (i.e. TEC) based on the proposed management measures. During the assessment of the proposal it was advertised for public comment, during this time the public/stakeholders had the opportunity to comment on the proposal. |
| City's Comment: | The Department of Environment Regulation (DER) is required to declare applications Controlled Actions, not the City. The applicant has advised that the proposal has been assessed by the DER, which did not declare the application a Controlled Action. |
| Submission: | (vi) Lack of 'up to date' information used in Environmental Reporting, including rainfall and groundwater levels, and number of birds using Lake Richmond. |
| Proponent's Response: | Coterra report does not reference rainfall information. The Cardo report/modelling used 860mm/yr however this was for the Biofilta system which is no longer proposed (see comment 34 for further information). Background information from the Department of Water was collected from their database for including within the existing environment section of the EAR. This was to provide background information only on the regional information available. Site specific, updated groundwater was deemed necessary so in 2013, Four site specific groundwater monitoring bores were installed on site where groundwater levels were recorded from January – October 2013. This information will be provided in the Local Water Management Strategy (LWMS) for the site. The reference on Page 9 states “109 bird species have been recorded at Lake Richmond. These include 12 species recognised on the Japan-Australia Migratory Bird Agreement (JAMBA) and the China-Australia Migratory Bird Agreement (CAMBA) (Ecoscape, 2008)” Depending on the buffer radius used in the DotE “EBPC Act Protected Matters Report databases” the actual number of species will change. The point of the search is that it identifies whether a species or species habitat likely occurs within area. There is no dispute that Lake Richmond supports habitats associated with species of international significance. |
| City's Comment: | The mean annual rainfall since 1993 for Perth is 734.1mm (Bureau of Meteorology). The City considers the modelling used 860mm/yr to account for the possibility of the annual rainfall significantly exceeded the mean value. Page 9 of the Environmental Assessment Report does not contain a reference to a Bird Survey. The City can require the applicant to prepare a Bird Survey at the LSP stage if it is deemed to be necessary during the City's assessment of a future LSP. |
| Submission: | (vii) Concerns regarding monitoring of Phosphorus and Nitrogen into Lake Richmond, and who will be responsible for monitoring. |
**Proponent's Response:**

Four monitoring bores have been installed on site. These will be monitoring post development. The locations of the bores are such that the concentrations of nutrients in the groundwater inflow (i.e. before getting to site) and outflow (after leaving the site) can be determined. This will make it possible to determine if there are adverse impacts from the site specifically. Post development monitoring and reporting will be a requirement of the LWMS.

**City's Comment:**

The EAR assessment provided by the applicant included a desk-top analysis as well as a site investigation. If there is any site contamination, it is the responsibility of the Department of Environment Regulation and the Environmental Protection Authority to assess the development prior to work commencing.

**Submission:**

(viii) Stormwater runoff into Lake Richmond.

**Proponent's Response:**

There will be no direct stormwater runoff into Lake Richmond up until the 100 year Average Recurrence Interval event. The earthworks and stormwater strategy are currently in design, and earthworks will ensure that stormwater is directed into appropriate stormwater treatment and infrastructures, not into Lake Richmond.

**City's Comment:**

The applicant will be required to submit a LWMS at the LSP stage. Stormwater and groundwater management will be considered as part of the LWMS, together with a future LSP. This is consistent with the advice provided by the Environmental Protection Authority on the Scheme Amendment regarding hydrological processes. As previously noted, the City also considers the applicant should provide an UWMS, to further demonstrate how groundwater will be managed on the site, to ensure there is no adverse environmental impact upon Lake Richmond with respect to groundwater quality.

**Submission:**

(ix) Weed spread during the development.

**Proponent's Response:**

A Construction Management Plan will form a condition of Development Approval which will incorporate the control of weeds during the construction phase.

**City's Comment:**

Weed control can be considered as part of the developer's construction management of the site. A Construction Management Plan will be required at the Building Permit stage.

### Safety and Amenity

**Submission:**

(i) Potential loss of views looking east across Lake Richmond from Safety Bay Road, Richmond Avenue and the Rockingham Regional Environmental Centre as a result of high rise buildings.

**Proponent's Response:**

No density or development concepts are proposed as part of the proposed rezoning. This will be considered through the assessment and approval process of the LSP.

**City's Comment:**

The area around the subject site is largely characterised by low density single storey dwellings or grouped dwellings. Lake Richmond and an area of Parks and Recreation is located directly to the south and west of the subject site.
The City agrees that if buildings heights are not controlled they could adversely impact the amenity of the locality given the visual prominence an overly high building could have in the existing landscape. An excessively tall building also has the potential to interrupt natural views from Lake Richmond.

It is recommended that maximum building heights be included in the Scheme Amendment.

**Submission:**

(ii) Social issues as a result of grouping similar age groups in one development and as a result of Defence Housing Australia selling dwellings to private investors and ‘absentee’ landlords.

Proponent’s Response:

No detail on future tenure is proposed as part of the rezoning.

City’s Comment:

There is only anecdotal evidence to suggest antisocial behaviour could occur as a result of grouping similar age groups in the same locality. The ability to lease a property is not a relevant planning consideration.

**Submission:**

(iii) Safety of Rockingham Primary School Children as a result of increase in traffic and access.

Proponent’s Response:

No density or development concepts are proposed as part of the proposed rezoning. This will be a consideration in development of the Local Structure Plan.

City’s Comment:

The City will consider proposed access, parking and traffic as part of its assessment of a Traffic Study, which will be required to be submitted as part of a future LSP. Access, parking and traffic will also be considered in the City’s assessment of a future development application over the land. It is recommended that traffic and carparking provisions be included in the Scheme Amendment which address the submissioners concerns.

**Submission:**

(iv) Increase in population in the area is not commensurate with the Rockingham lifestyle.

Proponent’s Response:

No detailed design proposed as part of the Scheme Amendment. A number of lots within the immediate vicinity have recently been redeveloped resulting in a number of two storey strata developments.

City’s Comment:

The subject site is already zoned ‘Urban’ under the MRS and can therefore be considered for urban development under TPS2.

**Submission:**

(v) Applicant has not demonstrated how they would increase public parks and open space in relation to what’s there at present.

Proponent’s Response:

No detailed design proposed as part of the Scheme Amendment. This will form part of the LSP.
City's Comment:
A minimum of 10% of the gross subdivisible area must be given up free of cost by the owner for POS. This POS contribution may comprise a minimum of 8% for active and passive recreational purposes, with the remaining 2% comprising 'restricted use' POS uses such as:
- Natural areas and cultural features.
- Urban water management measures such as stormwater detention areas.
- Artificial lakes/permanent drainage ponds.
- Natural Wetlands.

The design and location of POS will form part of the City's assessment of a future LSP. The City also considers that any allowance for a higher density than the surrounding area should be complimented by a generosity in private open space that helps to improve the amenity of living in a higher-density environment.

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<th>Submission:</th>
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<tbody>
<tr>
<td>(i) Closing the Caravan Park results in a loss of tourist accommodation/attraction.</td>
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Proponent's Response:
The caravan park has most recently been used more for long term residents than tourist accommodation. It is noted that there is a range of tourist accommodation in the Rockingham area.

City's Comment:
The current zoning of the land permits the use of the site for a Caravan Park, but does not require the owner to provide or operate tourist accommodation from the site. There are 163 long stay sites in the Caravan Park used for permanent occupancy and there are no camping or short stay tourist sites. Consequently there will be no loss of tourist accommodation. The City has the ability to consider applications to rezone the land for development purposes.

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<th>Submission:</th>
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<tr>
<td>(ii) Owner only developing the land for a profit, and not for the benefit of the City of Rockingham.</td>
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</table>

Proponent's Response:
Noted. This is not considered a relevant planning matter

City's Comment:
This is not considered to be a relevant planning consideration.

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<th>Submission:</th>
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<tr>
<td>(iii) Lack of information provided to residents regarding specific requirements of the owner/applicant in regard to housing type and number required.</td>
</tr>
</tbody>
</table>

Proponent's Response:
This is not relevant for the rezoning of the site. This is more applicable to later stages of development such as LSP and Development Applications.

City's Comment:
The applicant is not required to submit details of future housing typology as part of the rezoning process. Detailed information with regards to density and housing typology will be provided as part of a future LSP and Development Application(s).
### b. Consultation with Government Agencies

All Scheme Amendments are required to be referred to the Environmental Protection Authority (EPA) to determine if an environmental assessment is required, prior to advertising. The EPA advised that the Amendment should not be assessed under the *Environmental Protection Authority Act 1986*, and that it was not necessary to provide any environmental advice or recommendations on the Amendment.

The following government agencies were also notified of the proposal:
- Western Power;
- Department of Education;
- Water Corporation;
- Main Roads WA;
- Telstra;
- Department of Parks and Wildlife; and
- Housing Authority

Comments relating to the submissions are summarised below:

<table>
<thead>
<tr>
<th>1. Western Power (WP)</th>
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<tr>
<td><strong>Submission:</strong></td>
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<tr>
<td>(i) <em>WP advised that it will review the proposal with respect to any impact on its network and respond within an appropriate timeframe if required. Where detailed investigations are needed to support accurate advice, WP will advise the City of Rockingham of additional information requirements within the advertising period.</em></td>
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<tr>
<td><strong>City’s Comment:</strong></td>
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<tr>
<td>WP provided no further comment during the advertising period, and the submission from WP is noted.</td>
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<th>2. Department of Education (DoE)</th>
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<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) <em>The DoE raised no objections to the Amendment.</em></td>
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<tr>
<td><strong>City’s Comment:</strong></td>
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<tr>
<td>The submission from DoE is noted.</td>
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<tr>
<th>3. Water Corporation (WC)</th>
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<td><strong>Submission:</strong></td>
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</table>
| (i) *The WC raised no objection to the Scheme Amendment but advised that it owns and operates critical wastewater infrastructure in the reserve to the south and west of the site which will be required to be duplicated in the next 10 years. The strip of reserve immediately abutting the southern boundary of the development site will be required for machinery movement, materials laydown and spoil storage.*

*WC advised that the cathodic protection (a technique used to control the corrosion of a metal surface by making it the cathode of an electrochemical cell) ground bed to the west of the site is an anode bed that protections existing WC infrastructure from corrosion. WC advised that the developer will be required to engage the services of a suitably qualified cathodic protection engineering to assess the impacts of the ground bed on any underground structures and to detail any special construction requirements and mitigations measures that need to be applied at the building stage.*
### Proponent's Response:

Noted. Relevant considerations regarding Water Corporation infrastructure will be accounted for within the design of the LSP.

### City's Comment:

The advice from the WC is noted. The applicant will be required to liaise with the WC with regards to the protection of WC infrastructure at the building stage.

#### 4. Main Roads WA (MRWA)

**Submission:**

(i) MRWA advised that the proposed Amendment was acceptable.

**City's Comment:**

The submission from MRWA is noted.

#### 5. Telstra

**Submission:**

(i) Telstra raised no objections to the proposal.

**City's Comment:**

The submission from Telstra is noted.

#### 6. Department of Parks and Wildlife (DPaW)

**Submission:**

(i) DPaW noted that the subject land was adjacent Lake Richmond, a conservation area that forms part of Bush Forever site No.358, and Rockingham Lakes Regional Park. DPaW advised that the subject land was also within a mapped Environmentally Sensitive Area and is within the buffer of a Threatened Ecological Community, namely the thrombolites of Lake Richmond.

DPaW noted that that the proposed scheme amendment was referred to the Environmental Protection Authority (EPA) in accordance with Section 48A(1)(a) of the Environmental Protection Act 1986 (EP Act), and that the EPA considered the proposed amendment should not be assessed under Part IV of the EP Act. The department supports the advice and recommendations of the EPA (published 3 August 2015).

It advised that its expectation was that through the structure planning process, adequate separation is to be provided between residences and the bushland and that all necessary bushfire protection measures are provided within the development area and do not place reliance or impositions on the management of the adjacent regional park and Bush Forever site.

DPaW expects proponent to demonstrate that water quality post-development will be better than pre-development and in this regard, advised that the approval of a Local Water Management Strategy by the Department of Water is recommended.

DPaW also advised that it noted the management strategies listed on pages 12 and 13 of the Environmental Assessment Report for the subject area (Coterra Environment May 2015) are supported them.

**Proponent's Response:**

Noted - There is a 100m buffer distance from the CCW which contains the thrombolites to the development area, which has been approved through the EBPC Referral and EPA TPS amendment response.
It is confirmed that that bushfire management for the proposed development will be outlined in a fully compliant Bushfire Management Plan and will not place reliance or impositions on management of the adjacent regional park/Bush Forever site. At this stage, all bushfire management mechanisms will be based within the development area, with investigations and consultation being progressed with Water Corporation to explore opportunities on land abutting the site’s southern boundary.

The LWMS will demonstrate that post development water quality is improved from predevelopment levels.

City's Comment:
The applicant will be required to submit a Fire Management Plan and LWMS as part of the Structure Plan process, demonstrating bushfire protection measures have been provided and that post-development water quality levels will exceed pre-development levels.

7. Housing Authority

Submission:
(i) DoH supported the proposed in principle and requested further opportunity to comment once a LSP and/or Detailed Area Plans were submitted to the City.

City's Comment:
The submission from the Housing Authority is noted.

c. Strategic

Community Plan

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

Aspiration D: Sustainable Environment

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

d. Policy

Western Australian Planning Commission's Planning for Bushfire Protection Guidelines (edition 2) 2010 (PBFPG)

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

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

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

The subject site is located within 100m of vegetation that is considered to be bushfire prone vegetation by the PBFP Guidelines, thus the proposed development is considered to be subject to bushfire risk. The applicant will therefore be required to submit a Fire Management Plan. This has been further discussed in the Comments section of this report.

e. Financial

Nil
f. **Legal and Statutory**

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

Regulation 80 states that any step taken in the preparation of a planning instrument (ie an amendment to a local planning scheme) under the *Planning and Development Act 2005* and in accordance with the repealed regulations before commencement date of the *Planning and Development (Local Planning Schemes) Regulations 2015* is to be taken to be a step taken in the preparation of a planning instrument of that type under the 2015 Regulations.

Regulation 50(3) states as follows:

"Before the end of the consideration period for a standard amendment to a local planning scheme (the day that is 60 days after the end of the submission period for the amendment), or a later date approved by the Commission, the local government must pass a resolution —

(a) to support the amendment without modification; or

(b) to support the amendment with proposed modifications to address issues raised in the submissions; or

(c) not to support the amendment."

Note: The *Planning and Development (Local Planning Schemes) Regulations 2015* (2015 Regulations) were gazetted on 25 August 2015. Regulations 1 and 2 came into operation on the day and the rest of the regulations on 19 October 2015.

g. **Risk (High/Extreme)**

Nil

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<th>Comments</th>
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<td><strong>Structure Planning Process:</strong></td>
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| The City has traditionally used design principles inserted into Structure Plans as a means to address design outcomes such as building height and density within development areas. Since the initiation of this Amendment, the *Planning and Development (Local Planning Schemes) Regulations 2015* have been gazetted, which only require decision makers to have due regard to, but not be bound by, the Structure Plan when deciding applications for subdivision and development approval. The City is concerned that issues pertaining to residential density and building height raised during the submission period will no longer be able to be adequately addressed via a Structure Plan given Structure Plans no longer have statutory power under the TPS2. The City met with the applicant to discuss the implications of the *Planning and Development (Local Planning Schemes) Regulations 2015* on the concerns the City has given the Structure Plans will no longer have statutory power under the TPS2. The City recommends that the design principles typically inserted into Structure Plans now be included within the Scheme Amendment, which still retains statutory power as it will form part of TPS2. The applicant has worked with the City on this process, although it should be noted the applicant's preferred position is to have the Amendment supported unconstrained by Scheme Provisions. The applicant has provided the following justification for a possible dwelling yield of 360 dwellings on the site, although it should be noted the applicant is yet to finalise what the dwelling yield on the site will be.

*Summary and Introduction*

The City has advised that it has requested 80% of infill development to be within 800m of high frequency transit. This allows for some flexibility should sites become suitable for redevelopment outside of these catchments.

In this instance we consider that this site presents a strong case to be part of the 20% of infill development outside of this criterion, for a number of reasons: demographic, locational, attributes of the site, and operation of the intended development, including the following:
A review of census data for the Rockingham-Peron locality shows that household sizes and age do not match the housing stock currently in the area, and that increased diversity of housing is required to meet future needs of local residents.

The location of the site provides superb amenity and walkable access to a number of facilities and amenities including the beach and local shops.

At the other end of Lake Street, in the Mangles Bay Marina development, an additional 750-850 dwellings are being proposed. It is difficult to see how development with these yields is acceptable 700m away but this development proposing less than half the yield, is not.

The site itself has only one frontage that interfaces with existing residential development, Lake Street, and its potential impacts on the local amenity are consequentially immediately reduced.

The shape, and in particular depth of the site from existing streets, allows development to be sited away from existing streets, reducing impacts and maintaining character.

The intensity of use of the site will be mitigated by defence members being away for up to six months of the year on navy vessels. The average occupancy of the development will be below 100% as a result.

A variety of open spaces have been planned for the development to provide a range of recreation and relaxation opportunities, ensuring quality of life within the development will be of a very high standard.

These matters are discussed in further detail below.

**Demographic**

Rockingham’s housing stock does not match its household demographics. Census data for the Rockingham-Peron locality shows that 55% of households have two or less people in them, 28% of the population is over 60, and yet 87% of dwellings are separate houses.

The houses do not fit the people that live in them: more choice is required, particularly for those that may be looking to downsize but hope to remain in the area, near their neighbours, friends and family.

Similarly, younger people without children have no choice to buy or live in a smaller unit in the locality, only a separate house. Their opportunity to buy in the local area is therefore constrained – as first homebuyers, they are buying bigger houses than they need, if they are buying at all.

Housing choice generally, downsizing opportunities and first homebuyer opportunities are lacking in this area. This development will contribute to providing these opportunities that simply do not exist at the moment.

**Location**

The site is located immediately adjacent to an area of exceptional amenity, Lake Richmond. The planning principle of locating higher density in proximity to amenity is well established. It ensures visual relief and recreation opportunities for future residents, and vastly improved surveillance opportunities for the open space, particularly those areas with direct frontage to the site.

Furthermore, the site is located within walking distance of a major attractor, Mangles Bay. Jetties, swimming beaches and amenities are 600 metres from the site, directly along Fisher Street.

Between the beach and the site there are shops that can cater for convenience needs. These are also well within walking distance, on Parkin Street.

For this development it is also relevant that the site is located close to the entry to HMAS Stirling base, reducing travel times, and therefore traffic volumes, for servicemen working at the base. This commute is served in part by a shuttle bus at present, intended to continue and increase in frequency, further reducing traffic impacts.

Finally, the site is located near the future Mangles Bay Marina development, which, we understand, will yield between 750 and 850 dwellings and runs from the current coastline south beyond the line of Lake Street. If development of this magnitude is considered appropriate only 700m from the site at the opposite end of the same street, it is difficult to see how development of less than half that many units in this location is not.

**Site Characteristics**

The site itself is the right size, shape and has the right neighbouring uses to be a perfect candidate as an infill development opportunity.
At 3.7 hectares in size, the site is large enough to be developed comprehensively, in a structured, considered manner that can ensure many residents’ needs can be catered for on site (reducing the need to travel off-site), there is space for functional public open space, there is room for trees to be retained, and still capacity for up to 360 dwellings in a manner that is sensitive to existing streetscape character.

Similarly, the shape of the site, almost square, enables more intense development to be located well away from Fisher and Lake Streets. Most taller elements of buildings in the concepts prepared so far are more than 100 metres from Lake Street, and able to be screened from view from Lake Street by smaller buildings more in keeping with the existing scale and character of the area.

For this development, potential impacts on residential amenity are one quarter of a comparable infill site. This is due to only one of the four frontages having a residential interface (Lake Street). Given the detail proposed in the draft scheme provisions there is significant attention being given to the frontages on Fisher and Lake Streets, which further safeguards the amenity and character of the area.

Like most schools, Rockingham Beach Primary School, located across Fisher Street from the site, generates a significant amount of traffic, and is plainly not designed for low speeds at the moment. With improvements proposed as part of the scheme provisions for this development, lower speeds will be encouraged, contributing to the solution of an existing problem on Fisher Street.

Operational Considerations

For the actual use of the site once developed, a number of considerations demonstrate that the proposed dwelling yield will be acceptable on this site.

The intensity of "use" of the future development is lessened by the fact that defence members will occupy approximately 150 dwellings and many will be away for up to six months of the year on board navy vessels. Many defence force members will live alone. The average occupancy of units – and therefore intensity of use - will be less than the full 360 dwellings.

Similarly, our latest review of trip generation, relevant precedents and local capacity shows that there is capacity in the local street network to accommodate traffic generated by the development of 360 dwellings. We expect that this will need to be demonstrated with lodgement of the LSP and are very confident in being able to do so.

Similarly, as mentioned above, there is an existing shuttle bus to alleviate traffic generated from the site, and therefore reduce impacts on amenity accordingly.

Finally, the living environment on the site will be of a very high standard. The concept plan presented shows a variety of open spaces: private, communal, public and (adjacent to the site) regional. This allows for a number of diverse opportunities for recreation, ensuring quality of life for residents is excellent.”

The applicant has also provided the following proposed Scheme Provisions:

“1. Average plot ratio measured across the Development Area (exclusive of Public Open Space) is limited to 0.6:1.

2. Plot ratio may be increased by up to 50% subject to achievement of the following:
   (i) Maximum height within 25m of Fisher and Lake Street Road Reserves: 2 storeys;
   (ii) Maximum height for building elements with direct frontage to public open space: 4 storeys;
   (iii) Maximum height: 6 storeys;
   (iv) Height controls do not include roof structures, lift overruns, servicing areas on roofs, solar panels, etc;
   (v) Maximum yield of 360 dwellings;
   (vi) Notwithstanding Clause 6.4.3 C3.1 of State Planning Policy 3.1, Residential Design Codes, a minimum 10 per cent of dwellings across the site shall be one bedroom dwellings;
   (viii) Regulation articulation of building form and facades fronting Fisher and Lake Streets to break up apparent bulk of buildings or long straight facades of greater than 30m;
(viii) Public access through the site;
(ix) Vehicle access points being minimised such that garages, carports and off-street carparking are located away from the street;
(x) All grouped dwellings, multiple dwellings having primary pedestrian access from a street or POS reserve;
(xi) Measures being taken to protect and retain mature trees on site identified for retention;
(xii) Upgrade of existing roads to provide for on-street carparking and reduce traffic speeds along the frontage of the development to Lake Street and Fisher Street;
(xiii) Excellence in architectural design.

All areas used exclusively for the parking of wheeled vehicles that are screened from view from the public realm shall be excluded from plot ratio calculations.

Land uses, additional development controls, and other planning matters to be included in a Local Structure Plan to be prepared over the site.

The background to the proposed development provisions provided by the applicant is as follows:

*Plot Ratio:

- The plot ratio for the (now superseded) R35 and R40 multi-unit development controls is 0.6, therefore this appeared a defensible starting point for the base coding given the prevailing densities of R30 and R40 in the surrounding area;
- A 50% bonus is close to the difference in plot ratio proposed by the City in previous meetings (i.e. R30 base coding up to R60; a 40% increase in plot ratio). This would allow a plot ratio of 0.9 over the development sites;
- The basis for this figure is the maximum yield of 360 (further explained below) and a likely average unit size of 80-85sqm. Current calculations have the average unit size closer to 80sqm but this may increase over the life of the project, particularly as the apartment market matures;
- Detail of the distribution of this plot ratio over the site - beyond the height controls proposed in the TPS provisions - would be controlled through the Structure Plan.

Height Controls:

- A two-storey maximum within 25m of cadastral boundary on Lake and Fisher Street frontages is in accordance with the City's previous suggestion (merely quantified). The 25m depth approximates the depth of a typical house on a typical 30m deep lot. Therefore it provides an interface and congruence with built form on Lake Street in particular;
- A four-storey maximum for buildings with direct frontage to POS is also considered reasonable, given the POS in question (and of course the buildings) can be specifically designed to ensure a complementary and cohesive public realm. Note that, due to bushfire setbacks and Water Corporation infrastructure, no buildings will have direct frontage to the regional open space surrounding the site.;
- The six-storey maximum over the site is below the existing tree-line as previously demonstrated, any buildings at this height are visible through, rather than over, the trees from the other side of Lake Richmond;
- Height controls do not include roof structures, lift overruns, servicing areas on roofs, solar panels etc. This is considered standard but worth stating for clarification.

Other Controls:

- Maximum yield of 360 dwellings: at our previous meeting DHA advised that its aim was a minimum of 350 dwellings. The intent of a maximum of 360 dwellings is to allow a minor variation above that minimum. We considered stating a maximum of "approximately 350 dwellings" but have assumed a firm figure would be required in the TPS provision;
• Minimum of 10% of dwellings to be one-bedroom dwellings: this reflects previous conversations with the City. Given the DHA presence in the development and the perception of young, single men being concentrated in the development, the community was concerned about an additional concentration through application of the standard 20% 1-bed requirement. We therefore seek variation to this provision;

• Regular articulation of buildings: we agree with the City that it is important to ensure buildings do not appear monolithic. However, there are a number of measures that can contribute to this, including:
  o Breaks in buildings;
  o Retention of trees to shield bulk;
  o Regular articulation of building lines;
  o Varying materials;
  o Varying roof structures;
  o Varying architectural features (windows, verandahs, porticos and the like).

  We therefore consider a range of responses should be available to provide relief to the streetscape as intended. We also note that buildings can be constructed to the site boundary on land coded R30 (i.e. on the opposite side of Lake Street at present).

• Public access through the site: a very obvious public benefit for the community, stated in community engagement sessions;

• Vehicle access points being minimised: as suggested by the City;

• All grouped dwellings, multiple dwellings having primary pedestrian access from a street or POS reserve: as suggested by the City;

• Measures being taken to protect and retain mature trees on site identified for retention: as suggested by the City (wording modified to reflect standard conditions, and so as to not imply all mature trees are to be retained);

• Upgrade of existing roads to provide for on-street carparking and reduce traffic speeds along the frontage of the development to Lake Street and Fisher Street: as suggested by the City;

• Excellence in architectural design: A general catch-all to ensure that simply complying with the above provisions in a check box manner does not lead to unforeseen outcomes; and

• All screened parking areas to be excluded from plot ratio calculations: this exclusion is considered appropriate to exclude these structures where they do not contribute to the visible bulk of the buildings, do not adversely impact on the streetscape, and do not impact on the yield or net developable area of the development.

Note that, as a result of community engagement, there are a number of additional features, improvements and benefits planned for the site and surrounds also. However, we respect that the City considers it can only require additional benefits and features that meet the established tests for validity in planning decision-making."

The City engaged the services of its Urban Design consultant to provide advice applying to density, built form, landscape, traffic and the basis for Scheme provisions. The following comments are provided in this respect:

Density:
The City considers that high-density development is not appropriate for this location. From a strategic planning perspective, high-density development should be located only within reasonable walking distance of high frequency public transport, shops and other local services, or a highly active regional destination such as a regional beach. The subject site has none of these attributes.

In order to encourage housing diversity, the City has typically allowed some ‘medium density’ development outside of walkable catchments to centres and transit. Typically this has been supported where there is some form of amenity, such as adjacent to public open space. The Western Australian Planning Commission’s Structure Plan Framework classifies medium density as between R30-R60.
The site's location, surrounded by R30 coded land and adjacent to the amenity of regional and local open space, can justify a medium density form of development. Given the size of the site a density in the range of R60 would be appropriate.

Dwelling yield for R60 is based on the use of plot ratio, setbacks and building height to guide the form of the development for multiple dwellings, whereas minimum site area requirements apply to single or grouped dwellings, with an average of 150m² required in accordance with the R-Codes. It is recommended that the following Scheme Provision with respect to density be included:

"1. All development must comply with the R60 residential density code of the R-Codes subject to:"

Building Height:
The City considers that the street edges of the site should be developed to a scale that compliments the scale of allowable development in the adjacent residential area (nominally two to three storeys). Such buildings would then form a transition in scale to taller buildings behind.

The City also considers that the heights of new buildings should be appropriate to their context. The subject site is considered to be within a 'suburban' context. Additional height can be considered, but should be located away from the street edge, with the upper floors set back to reduce the overall bulk of the additional height.

Given the majority of existing development surrounding the subject site ranges from one to two storeys, the City considers it necessary to provide a scale transition from the permitted scale of the adjacent residential area, to promote a varied streetscape and to avoid buildings significantly higher than the tree line of the adjacent bush land.

Buildings on the site should not be conspicuously visible above the tree line when viewed from different vantage points around Lake Richmond that would detract from the experience of the lake environment. Given the height of the adjacent tree canopies, a maximum height of five storeys is considered appropriate, where the development is not visible from the adjacent lot boundary or Lake Street and Fisher Street and Public Open Space.

Where development is adjacent to Public Open Space or Parks and Recreation, building height should be of a lower height of three storeys.

For the purposes of the new Scheme Provisions, it is recommended that wall heights apply measured in metres and storeys for consistency with the Residential Design Codes.

In this respect, it is recommended that the following Scheme Provisions with respect to building height be included:

"1.1 A maximum top of external wall height of 6 metres (or 2 storeys) shall apply within 25 metres of the Lake Street and Fisher Street lot boundary.

1.2 A maximum top of external wall height of 9 metres (or 3 storeys) shall apply within 25 metres of any land reserved for Public Open Space or Parks and Recreation.

1.3 A maximum top of external wall height of up to 15 metres (or 5 storeys) may be permitted by Council where it can be demonstrated that the development is not visible from the adjacent lot boundary of Lake Street and Fisher Street and Public Open Space."

In applying the above Scheme Provisions there will be a suitable transition of building heights of three to four storeys within the development site between two storeys and a maximum building height of five storeys.

Building Frontage:
To ensure buildings fronting the streets maintain a suburban scale, rather than presenting a linear urban form to Lake and Fisher Streets, it is recommended that the following Scheme Provision with respect to building frontage be included:

"2. A maximum building frontage of 30 metres, inclusive of attached dwellings shall apply to any development fronting Lake Street and Fisher Street."

Crossovers
The City considers that multiple vehicle crossovers from dwellings could detract from the amenity of the streetscape of Lake Street and Fisher Street and interfere with pedestrian movement. Concerns were also raised during the advertising period that uncoordinated access could create potential safety issues between the future development and the adjacent primary school.
As such, it is considered appropriate that the number of vehicle crossovers to Lake Street and Fisher Street be restricted.

It is recommended that the following Scheme Provision with respect to crossovers be included:

"3. A maximum of two vehicle crossovers shall be permitted to Lake Street and a maximum of two vehicle crossovers shall be permitted to Fisher Street."

Carparking

As with crossovers, the City considers that carparking could detract from the streetscape of Lake Street and Fisher Street. A Scheme Provision requiring the screening of carparking is therefore recommended as follows:

"4. All off-street car parking, including garages, carports and parking bays, shall be screened from view of Lake Street and Fisher Street."

Vegetation Protection

The vegetation of significant vegetation is considered important to maintain the existing sense of place of the locality and to provide a transition from the highly vegetated Lake Richmond to the suburban area. Trees can also be used to 'break up' the overall building bulk of future development on the site. A number of concerns with respect to the retention of significant vegetation were also raised during the advertising period.

In this respect, it is recommended that the following Scheme Provision with respect to vegetation retention be included:

"5. Measures being taken to identify and protect vegetation on the site worthy of retention to the lot frontage of Fisher Street."

Fire Management

The subject site is considered to be at risk of bushfire due to its proximity to the vegetation surrounding Lake Richmond. The development will therefore be required to comply with the Western Australian Planning Commission's Planning for Bush Fire Protection Guidelines 2010 (as amended) (PBFPG).

The location of future development of the site will be determined in relation to the provision of the required Building Protection Zones as per the requirements of the PBFPG. In this respect, it is recommended that the following Scheme Provision with respect to fire management be maintained as advertised:

"6. The preparation of a Fire Management Plan where a Bushfire Hazard Assessment determines the land as having a moderate to extreme risk of bushfire."

Water Management

Concern was raised during the submission period with respect to the impact of stormwater run-off into Lake Richmond. Whilst it is noted that the applicant has provided preliminary information with respect to how stormwater will be managed on site, the City considers the applicant should provide an Urban Water Management Strategy, to further demonstrate how groundwater will be managed on the site, to ensure there is no adverse environmental impact upon Lake Richmond with respect to groundwater quality.

It is recommended that the following Scheme Provision with respect to water management be included:

"7. The preparation of an Urban Water Management Plan, demonstrating the development will not adversely impact existing groundwater levels or the water quality of Lake Richmond."

Traffic Management

Concern was raised during the advertising period with regards to existing traffic speeds along Lake and Fisher Streets as a result of future proposed development on the site and within the vicinity of the site.

The applicant will be required to provide a more detailed Traffic Impact Assessment as part of a subsequent LSP, which will include details of the development with respect to density and surrounding developments.

Notwithstanding the above, it is recommended that the following Scheme Provision with respect to traffic management be included:
"8. Traffic management measures to reduce traffic speed and on-street parking shall be provided along the lot frontage to Lake Street and Fisher Street."

Provision Requirement
Clause 4.20.1 of TPS2 provides the following:

"Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding the non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit."

Given the new Scheme Provisions to be included in the Scheme Amendment seek to address a the concerns raised by submissioners and to certainty as to acceptable form of development, the City considers that the proposed Scheme Provisions should not be able to be varied by virtue of Clause 4.20.1 of TPS2.

In this respect, it is recommended that the following provision with respect to the proposed provisions be included:

"9. For the removal of doubt, the provisions applying to the Development Area are not a standard or requirement capable of variation pursuant to Clause 4.20.1"

Conclusion
As a result of the above considerations, it is recommended that Council proceed to grant Final Adoption of the Scheme Amendment subject to the insertion of the above Scheme Provisions, which then must be reflected in the subsequent preparation of a Structure Plan and application for Development Approval.

It is recommended that Council adopt the Scheme Amendment for Final Approval with the proposed modifications.

Voting Requirements
Simple Majority

Officer Recommendation
That Council:

1. **ADOPT** (Final Adoption) Amendment No.157 to Town Planning Scheme No.2 to rezone Lots 1512 and 5000 Lake Street, Rockingham from 'Special Use No.1 - Caravan Park' to 'Development', pursuant to Section 75 of the Planning and Development Act 2005 subject to the following additional modifications being included (shown as bold and red):

(1) Amend 'Schedule No.9 - Development Areas' to modify Development Area DA 43 as set out below:

<table>
<thead>
<tr>
<th>Reference No.</th>
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<tbody>
<tr>
<td>DA43</td>
<td>Lot 1512 and 5000 Lake Street, Rockingham</td>
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Proposed Local Structure Plan
The above objectives and requirements must be addressed as part of the preparation of the Proposed Structure Plan in addition to those set out in Clause 16 of the deemed provisions.
2. **ADOPT** the recommendations contained within the Schedule of Submissions.

### Committee Recommendation

**Moved Cr Whitfield, seconded Cr Stewart:**

That Council:

1. **ADOPT** (Final Adoption) Amendment No.157 to Town Planning Scheme No.2 to rezone Lots 1512 and 5000 Lake Street, Rockingham from 'Special Use No.1 - Caravan Park' to 'Development', pursuant to Section 75 of the Planning and Development Act 2005 subject to the following additional modifications being included (shown as bold and red):

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### Proposed Local Structure Plan

The above objectives and requirements must be addressed as part of the preparation of the Proposed Structure Plan in addition to those set out in Clause 16 of the deemed provisions.

(2) Modify the Scheme Maps by rezoning Lots 1512 and 5000 Lake Street, Rockingham from 'Special Use - Caravan Park' to 'Development R60'.

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

<table>
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<td><strong>No.1 - G G &amp; R M Barritt, 10 Vickery Street, Rockingham WA 6168</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>1. Proposed Density of Dwellings:</strong></td>
<td>It is proposed that up to 450 dwellings will be erected on this site. This puts it at odds with the immediate surrounding housing lots zoned as mainly R30 with a few lots zoned R40. The proposal is for a zoning density of more than three times that of Rockingham Beach south of Parkin Street and would be totally out of step with surrounding dwellings. To achieve this density, on 3.7 hectares, high rise apartments will need to be built. Currently the site has a special zoning but with approx. 140 dwellings on site this equates to approx. the same zoning density as surrounding lots on Lake Street. A density of R30 to R40, similar to lots immediately to the north side of Lake Street, should not be exceeded. That is thirty to forty dwellings per hectare not the 121 dwellings per hectare proposed.</td>
<td>The submission be upheld.</td>
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Regardless, the City considers that it is appropriate to specify an R-Code to apply to the land to guide future residential development. Given the site’s location, surrounded by R30 coded land and adjacent to the amenity of regional and local open space, a medium density form of development is appropriate. Given the size of the site a density in the range of R60 would be appropriate. Dwelling yield for R60 is based on the use of plot ratio, setbacks and building height to guide the form of the development for multiple dwellings, whereas minimum site area requirements apply to single or grouped dwellings.

The City considers that the street edges of the site should be developed to a scale that compliments the scale of allowable development in the adjacent residential area (nominally two to three storeys). Such buildings would then form a transition in scale to taller buildings behind.

### 2. Traffic Impact:

In "Appendix 5- Traffic Impact Assessment" the traffic flow on Lake Street and Fisher Street is anticipated to increase by nearly three times. While that may or may not be acceptable on its own this study has not taken in to account any of the following impacts that will also significantly increase traffic density in the immediate vicinity.

a) Rockingham Beach is currently undergoing rapid redevelopment of traditional single dwellings on quarter acre blocks to R30 and some R40 infill, south of Parkin Street. This alone will increase local traffic by a factor of at least up to four times the traffic flow of just a couple of years ago.

The Traffic Impact Assessment provided as part of the Scheme Amendment application confirms that the existing intersections and roads have capacity to accommodate these numbers. The applicant will be required to provide a more detailed Traffic Impact Assessment as part of a subsequent Local Structure Plan, which will include details of the development with respect to density and surrounding developments. A provision has been included in the Scheme Amendment requiring Traffic management measures to reduce traffic speed and on-street parking provision along the lot frontage to Lake Street and Fisher Street.

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b) Any increase in naval deployments, including American ships and personal being based at Stirling, will add to traffic density to Rockingham Beach roads in general and especially on Lake Street and Fisher Street for naval personal and contractors travelling to and from the base from Rockingham City areas via the Anchorage Estate.

c) The major redevelopment, announced in the media recently, at Stirling Naval Base is going to add significantly to traffic flows along Safety Bay Road and Parkin Street in the short term.

(a., b. and c.) Will in-turn cause congestion in the peak morning period on the Parkin Street and Safety Bay Road intersection forcing traffic along Lake Street and on to Vickery Street and Griggs Way trying to access Safety Bay Road by bypassing Parkin Street. This is already occurring and can only get worse.

d) The proposed Mangles Bay Marina if it was to proceed, though hopefully it never will, will also add to what will already be a huge increase in traffic flows on Lake Street and Fisher Street by the three projects/developments that are already planned or occurring. Increased traffic on streets, all of which are local streets and no thoroughfares, should restrict development of the Caravan Park site to 30 to 40 dwellings per hectare or less.

3. Environment:

a) Lake Richmond is home to rare and endangered thrombolites and rare and endangered sedges. The lake also supports a variety of fish, reptiles, (including snakes and long necked turtles), macroinvertebrates, numerous frog species and a variety of birds, many of which breed in amongst the lake sedges and in the surrounding vegetation including the vegetation in the caravan park.

The applicant has outlined in the Environmental Assessment Report and Engineering Services Report submitted with the proposed rezoning, that the rezoning and future redevelopment would not have any environmental impact on the lake ecosystem. The City considers that there must be no off-site impacts onto Lake Richmond and support this position accordingly. The framework in these initial reports sets the target of mitigating all potential impacts and if the Scheme Amendment is adopted, these targets must be achieved.

The submission be noted.
### Submission

Birds nest on our quarter acre block in Vickery Street so it is safe to assume that some small varieties of birds nest in and call the caravan park home. It is highly likely that long necked turtles lay eggs in and around the caravan park as they can occasionally be observed crossing Lake Street on their way to lay eggs in local gardens. It is misleading to describe birds as "transient" as most birds could be described "transient". The word "transient" suggests that birds observed in the caravan park are just "passing through". Local birds have to nest somewhere and available trees and bushes are rapidly decreasing in number in and around Rockingham Beach due to infill development. It is demonstrable that birds do indeed breed in local vegetation as witnessed on our own property.

b) Lake Richmond is a significant Rockingham and Western Australian icon and should be protected and preserved as such. It is home to rare and endangered thrombolites and rare and endangered sedges. It is home to many species of birds. It is also listed as the deepest fresh water lake on the Swan Coastal Plain. This would make it the deepest lake in Western Australia and most likely the only deep lake in Western Australia. Nearly all lakes east of the Swan Coastal Plain are shallow salt lakes with a depth of less than one metre in nearly all cases.

The view across the lake from Safety Bay Road, Richmond Avenue and the Environmental Centre provides a beautiful spectacle of the lake in the foreground with a 70° (approx.) arc backdrop of native vegetation, mainly Tuart trees, located on the southern and western boundary of the caravan park site. The view in the morning when the sun is rising has to be seen to be believed.

### Comment

### Recommendation
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<td>This view is unbroken by manmade objects and this view should be preserved by not erecting any buildings on the caravan park site above the current height of the Tuart trees especially if the buildings could be seen from anywhere around the lake and the aforementioned roads. Tuart (Eucalyptus gomphocephala) trees are endemic to the Swan Coastal Plain and are fast becoming rare due to massive destruction and over development since 1829. Every effort should be made to protect this species both on and off the site. Preservation and enhancement of the lake and the surrounding parklands should be of the highest priority and should take precedence over any Infill policies that may apply.</td>
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<td>c) Mention is made in the proposal of Peppermint trees growing on the site as being &quot;exotic&quot;. This statement is false as the Peppermint trees are a Western Australian native species Agonis flexuosa. There are many fine examples within the park and along with the Tuart trees should be preserved where ever possible to provide shade and bird habitat. There are a number of Peppercorn trees (Schinus terebinthifolia) within the site and outside in the surrounding forest. These are &quot;listed&quot;, in some states, as a significant environmental weed. These should be eradicated and the seeds destroyed in an environmentally acceptable way (not by mulching) to prevent them spreading.</td>
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4. Department of Defence Housing Projects: (DHA Residential Development).
DHA currently has 26 projects under construction or in the planning stage across Australia. One project is a historical cottages restoration, with a second listed as commercial and townhouses, both in Fremantle. Of the remaining 24, sixteen are listed as "houses and vacant lots" all having a considerably less dense dwellings per hectare than anywhere in Rockingham except rural locations.
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<td>Six developments listed as &quot;townhouses, apartments and/or houses&quot; have a</td>
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<td>dwelling density averaging R30 to R40 or less.</td>
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<td>Apart from the Palm Beach project only one has a dwelling density</td>
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<td>approaching the Palm Beach proposal. It is a much smaller project with</td>
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<td>only 55 dwellings under construction. The Landing in Enoggera is listed as</td>
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<td>&quot;apartments and townhouses&quot; and when complete will have a density of 92</td>
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<td>dwellings per hectare, much less than the Palm Beach proposal. It is not</td>
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<td>much of a guesstimate to assume that the Palm Beach Caravan Redevelopment</td>
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<td>proposal is an experiment on behalf of DHA and in a few short years when</td>
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<td>it has failed, as we suspect it will, Defence will &quot;jump ship&quot; and sell</td>
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<td>their portion to investors with the whole site then being in the hands of</td>
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<td>absentee landlords. This will bring all the usual problems of society</td>
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<td>where many short term renters are crammed in to high density living that</td>
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<td>come and go in regular six month intervals.</td>
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<td><strong>Conclusion:</strong> We are not against the development per se but strongly</td>
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<td>believe the scope of the project should be restricted to the same zoning</td>
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<td>density as on the north side of Lake Street, ie. thirty to forty dwellings</td>
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<td>per hectare with no high-rise above the current tree height to the south</td>
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<td>and west of the site.</td>
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<td>**No.2 - Mr David McLoughlin - Housing Authority - 99 Plain Street, East</td>
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<td>Perth WA 6004</td>
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<td>Thank you for the opportunity to comment on the proposal for the</td>
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<td>rezoning of the Palm Beach Caravan Park situated on Lots 1512 and 5000</td>
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<td>Lake Street, Rockingham (the site). The proposal proposes the</td>
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<td>redevelopment of the site owned by Defence Australia for residential</td>
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<td>development, including housing for Australian Defence Force personnel. The</td>
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<td>site is in close proximity to a number of assets of the Housing Authority.</td>
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<td>The submission does not raise any objections to the proposed amendment.</td>
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<td>That the submission be noted.</td>
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<td>The proposal is in principal supported by Housing as it will facilitate the redevelopment of this infill site, providing permanent accommodation in this locality. As details of the proposal will only become available upon formulation of the Structure Plan and Detailed Area Plans, Housing will appreciate an opportunity to make further presentations on the proposal in future, particularly with regards to the ensure diverse housing opportunities in this locality.</td>
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<td><strong>No.3 - Ms Kathy Murphy - 18 George Street, Palm Beach</strong></td>
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<td>I am very concerned about the development of the above property. It has been brought to my attention that a High Density Development of around 450 Dwellings will house a huge number of Defence Force Personnel. I find it very hard to comprehend it could be even considered to build a Multi-Story building, that could be up 7 stories high as stated but was not denied at a community workshop with DHA towards the back of the development to house single Serviceman/Women between the ages of 18 and 30. Then in 10 years sell them off. It will end up like a ghetto. As a rate payer I am very disappointed with the number of units being squeezed on large blocks in my area. I have noticed a huge increase in vehicles now speeding and hooning around this area and with noisy mufflers. What will it be like when this huge development is built and housing, who knows how many residents, it will be such a disaster. Such a lovely area Palm Beach is and we will watch it be destroyed if the planning is not carefully designed for the area that all lead to Rockingham Primary School now. Please seriously consider the safety of the primary school children in the areas of Thorpe, George, Fisher and Lake Street, as these are the Street entries into this new sub-division.</td>
<td>See comments on Submission 1.</td>
<td>That the submission be noted.</td>
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| **No.4 - Mr Colin Osborne - PO Box 5263, Rockingham Beach WA 6004**  
Having attended all three workshops by the developers DHA I have the following concerns with what is proposed for the site should this rezoning take place and list them below, in no order of importance and endeavour to give my reasons for the concern/objection.  
While I do not object to the whole of the proposal, I have the following concerns which should be remedied, before the rezoning is approved for the interests of all local residents and or future community's cohesion. The impact of this redevelopment on the local residents and community as a whole needs to be carefully considered in full.  
1. **Caravan Park Closure!**  
We lose a caravan park that has been available to and attracted tourists to the Rockingham area for some 50 years. Yes it did have many semi-permanent residents on site. This should not have been allowed by the very council that is now using it as a reason to close it to tourism which has been and should remain a great income earner for the City as a whole.  
The current zoning of the land permits the use of the site for a Caravan Park, but does not require the owner to provide or operate tourist accommodation from the site. There are 163 long stay sites in the Caravan Park used for permanent occupancy and there are no camping or short stay tourist sites. It was the operator’s decision to retain the sites for permanent accommodation rather than for tourist accommodation. The City has the ability to consider applications to rezone the land for development purposes.  
The submission be not upheld. |
| 2. **Primary School Closure**  
The redevelopment is located adjacent to a primary school but has been designed to consist of one and two bedroom apartments intended for singles and couples with no children. We may well lose the primary school as well as tourism. This is a lack of sense of community. Planning for a community without children is a very big mistake, especially adjoining an excellent school that goes from kindergarten up and has an excellent reputation for special needs children.  
There is no proposal to close Rockingham Primary School.  
The submission be not upheld. |
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<td>3. Adjacent Zoning</td>
<td>The area adjacent is all mixed residential with a zoning principally of R30 with a scattering of R40 and no high rise within. The developer DHA is now planning to build on this site several multi-storey buildings of between four and eight stories high. This makes these structures considerably higher than those currently located or being built right now in the middle of City of Rockingham town centre zone, where high rise should be located. They will even be higher than most of the multi-story buildings on the foreshore in old Rockingham. This is most inappropriate and the height and zoning must blend in with the current surrounding area eg. R30/40.</td>
<td>See Comments on Submission 1. The submission be upheld.</td>
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<tr>
<td>4. Traffic Congestion</td>
<td>There is already considerable traffic congestion at the corner of Lake and Fisher St's right alongside the primary school and now we are being asked to accept another 4000 car movements per day on two St's that Barry Samuels one said to me “lead to nowhere”.</td>
<td>See comments on Submission 1. The submission be noted.</td>
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<td>5. Future traffic growth</td>
<td>To add to this traffic problem, it appears no consideration has been given to the extra traffic to be produced in the future by the eventual subdivisions of the larger properties in Lake St and the Northern end of Fisher St, or the proposed enlargement of the Garden Island Naval base, and the possibility that the Mangles Bay Marina both may proceed sometime in the near future. The only road in or out of these two proposals enters Safety Bay Rd nearly opposite Lake St, nowhere near Parkin St, the current designated feeder Rd for these two areas. Lake St will become the feeder road whether we like it or not.</td>
<td>See comments on Submission 1. The submission be noted.</td>
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<td>6. Fisher St</td>
<td>Fisher St was never planned or designed to be a through road and if you refer to the latest large scale tourist maps of the City, handed out by the local city tourist office you will see it as was originally proposed, terminating just past Rosewood and before it reaches Properjohn St.</td>
<td>See comments on Submission 1. The submission be noted.</td>
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<td>Fisher St was never envisaged in the planning to be a through Rd, look where it now ends up. If you go back through City records you are sure to find Fisher St was not in the original planning to be a thru road and was to carry local distribution traffic only. How anyone can say it is designed to carry 300+ cars per day is beyond belief.</td>
<td>The applicant has not provided details of housing type. The type of residential development, such as single dwellings, grouped dwellings or multiple dwellings will be the subject of a Local Structure Plan that must be advertised for public comment. The City notes however that two bedroom dwellings are underrepresented in Rockingham.</td>
<td>The submission be not upheld.</td>
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<td>7. Balanced City</td>
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<td>With all the new developments and multi-storey buildings under construction within the City centre and the Village foreshore, I note from the advertisements nearly all are one and two bed apartments. Surely to make a balanced City we need to leave room for families with children and those that would like a small garden. Why would we construct a further 450 one and two bed apartments alongside a primary school in the middles of a low rise mixed residential area?</td>
<td>The applicant has not provided details of housing type. The type of residential development, such as single dwellings, grouped dwellings or multiple dwellings will be the subject of a Local Structure Plan that must be advertised for public comment. The City notes however that two bedroom dwellings are underrepresented in Rockingham.</td>
<td>The submission be not upheld.</td>
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<td>8. The developers</td>
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<td>Let us not kid ourselves DHA is not doing this for the benefit of Rockingham, It wishes to build 450 + units using our taxpayers money (Federal Government) then sell approx.. 300, from which they will take the profit and build a further 150 units for their personal, from whom they then collect rent. These 150 units will then be on sold again for profit. DHA are just another developer out to make a dollar at our community’s expense. This is not being done for our boys and girls in the Navy. DHA have stated that within 7 to 10 years they will no longer be in these apartments as they will be no longer suitable for their personal.</td>
<td>This is not considered to be a relevant planning consideration.</td>
<td>The submission be not upheld.</td>
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<td>9. Up to date records</td>
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<td>Should not up to date road counts be collected to ensure accuracy? To the best of my knowledge they have not been done in the past three years.</td>
<td>The applicant will be required to provide a more detailed Traffic Impact Assessment as part of a subsequent Local Structure Plan, which will include details of the development with respect to density and surrounding developments. A provision has been included in the Scheme Amendment requiring Traffic management measures to reduce traffic speed and on-street parking provision along the lot frontage to Lake Street and Fisher Street.</td>
<td>The submission be noted.</td>
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<td>10. Possible pollution and responsibility</td>
<td>Testing bores should be installed and checked/recorded regularly to insure that pollutants from this site do not reach the lake but should this happen at least the City knows who is at fault/not at fault.</td>
<td>The applicant will be required to submit a Local Water Management Strategy at the Local Structure Plan stage. Stormwater discharge management will need to be addressed in the Local Water Management Strategy, and it will consider the sensitivity of the receiving environment. The Local Water Management Strategy must meet the expectations of the City, the Department of Water and the Environmental Protection Authority.</td>
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**No.5 - Mr Norm Walkerden - Telstra - Locked Bag 2525, Perth WA 6001**

Thank you for the above advice. At present, Telstra Corporation Limited has no objection. I have recorded this in our Development database and look forward to further correspondence in the future.

The submission does not raise any objections to the proposed amendment. | That the submission be noted. |

**No.6 - A Sefton - 46B Lake Street, Rockingham WA 6168**

I am concerned re the re-development of the Rockingham Caravan Park on Lake Street. I recently attended the community session given by The Defence Housing Association and was concerned about the density of the development and the associated problems within our community that may occur if their proposals are put in place. We were told that there are about one hundred and sixty dwellings on the caravan park at the moment. Caravan parks are generally considered as high density dwellings. The proposal by The Defence Housing Association (DHA) is going to be in the vicinity of four hundred and fifty dwellings. Without seeing any plans of their proposals it is obvious that if you increase a high density (caravan park) community by three fold you will obtain an ultra high density proposal. If you consider at the moment there is only one entrance into the community from Lake Street the amount of traffic through Lake Street will increase substantially. The site in question is bordered on two sides by Lake Richmond and is only bordered by Lake and Fisher Streets.

See comments on Submission 1. | That the submission be upheld. |
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<td>Considering that half of the site bordering Fisher Street leads directly onto the Rockingham Beach School it is hard to believe that the number of entrances to the development can substantially change. I am also concerned at the height of which some of the buildings may be built. At the community workshops with DHA great concern was expressed with the height of the buildings and it was stated that a multi-story building would be built toward the back of the development away from the road. It was not denied that this building could be up to seven story's in height. This would be to maximise the accommodation of the single servicemen/women in the age range between eighteen and thirty which is the main concern for Navy housing needs. I suggest to you that a multi-storey development servicing such a need could be a disaster. The social problems of throwing together a number of people of a similar age range in such a high density could be problematic. The DHA have also stated that they will leave the sight after about ten years and sell off their existing properties on the site. It is disconcerting that an ultra high development aimed at solving a short term housing problem for the Navy could be considered and then left after a ten year period; leaving the social problems that have occurred in similar ultra high density developments throughout the world. The re-development also of Point Peron and the consequences to the community of Lake Street will also be substantial. This development will decrease the number of entrances into Point Peron and the major entrance will only be metres away from the Lake Street entrance onto Safety Bay Road. This will also substantially increase the traffic through Lake Street. Considering the majority of residents living on the DHA development on Lake Street will be Navy Personnel who will be travelling to Garden Island on Point Peron; the traffic along Lake Street at peak times will be unbearable. Whilst I agree that it is good that all governments are trying to increase the density of housing to stop urban sprawl there is a limit to which existing communities should expect to endure during this process.</td>
<td>See comments on Submission 1.</td>
<td>That the submission be noted.</td>
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<td><strong>No.7 - Mr Lang Fong - Main Roads Western Australia - PO Box 6202, East Perth WA 6892</strong>&lt;br&gt;I refer to your letter dated 12 August 2015 requesting Main Roads comments on the proposed Amendment No.157 to Town Planning Scheme No.2. The proposal requires the rezoning from 'Special Use 1 - Caravan Park' to 'Development' at the site of the Palm Beach Caravan Park. The proposed amendment to Town Planning Scheme No.2 is acceptable to Main Roads. If you require any further information please contact Tiffancy Cullinane on 9323 5828.</td>
<td>The submission does not raise any objections to the proposed amendment.</td>
<td>That the submission be noted.</td>
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<td><strong>No.8 - Mr Brett Coombes - Water Corporation - PO Box 100, Leederville WA 6902</strong>&lt;br&gt;Thank you for your letter of 12 August 2015 inviting comments from the Water Corporation regarding this amendment. The Corporation has no objections to the proposed rezoning of the site to 'Development' zone. The requirement to prepare a structure plan prior to subdivision and development will provide further opportunities to consider the detailed servicing requirements for the site. The proponent's consulting engineer has previously consulted the Corporation about servicing requirements and possible system upgrades to service the proposed apartment development. It is noted that the Corporation's preliminary servicing advice has been incorporated into the amendment report. Water and wastewater planning for this area may need to be further revised once land use mix, water demands and wastewater flow information becomes available at the structure plan stage. The Water Corporation owns and operates critical wastewater infrastructure contained within Reserve 42518 to the south and west of the site, including: • A large (1,400mm diameter) steel pressure main that conveys treated wastewater from the Woodman Point and East Rockingham WWTPs to the Cape Peron outfall (the S.D.O.O.L. pipeline)</td>
<td>The submission does not raise any objections to the proposed amendment.</td>
<td>That the submission be noted.</td>
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<td>• A large (450mm diameter) wastewater pressure main that conveys</td>
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<td>wastewater from the Seabrook Rd Main pump station to the Cape Peron WWTP.</td>
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<td>• A pipeline cathodic protection groundbed abutting the southwest corner</td>
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<td>of Lot 1512. The Corporation is required to duplicate the SDOOL pipeline</td>
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<td>the in the next 10 years. The installation of the duplicate outfall pipe</td>
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<td>will require excavation of an open trench within the pipeline reserve</td>
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<td>adjoining the development site. The strip of the reserve immediately</td>
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<td>abutting the southern boundary of the development site will be required</td>
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<td>for machinery movement, materials laydown and spoil storage. The</td>
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<td>cathodic protection groundbed to the west of the site is an anode bed</td>
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<td>that protects the SDOOL pipeline from corrosion. The groundbed is a deep-</td>
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<td>well type and the proponent's consulting engineers have previously been</td>
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<td>advised that the generic 100m buffer (shown on the attached plan) may</td>
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<td>be reduced. The developer will be required to engage the services of a</td>
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<td>suitably qualified cathodic protection engineer to assess the impacts of</td>
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<td>the groundbed on any underground structures (e.g. steel footings,</td>
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<td>fence posts etc.) and to detail any special construction requirements</td>
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<td>and mitigation measures that need to be applied at the building stage.</td>
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<td>Please contact me if you have any queries regarding the advice above.</td>
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No.9 - Taras Ozarczuk - Department of Education - 151 Royal Street, East Perth WA 6004
Thank you for your letter dated 12th August 2015 regarding Amendment No.157 to Town Planning Scheme No.2 - Rezoning from Special Use 1 - Caravan Park to Development - Palm Beach Caravan Park.
The Department of Education has reviewed the document and wishes to advise it has no objection to the Amendment.

The submission does not raise any objections to the proposed amendment.

That the submission be noted.
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| **No.10 - Kelly - Western Power - 363 Wellington Street, Perth WA 6000**  
Thank you for your correspondence dated 12th August, 2015 regarding Amendment No.157 to Town Planning Scheme No.2 - Rezoning from Special Use 1 - Caravan Park to Development - Palm Beach Caravan Park. Western Power will review the proposal with respect to any impact on its network and respond within an appropriate timeframe if required. Where detailed investigations are needed to support accurate advice, Western Power will advise City of Rockingham of additional information requirements within the advertising period. If you have any queries on the progress of this matter, please do not hesitate to contact us via email enquiry@westernpower.com.au. | The submission does not raise any objections to the proposed amendment. | That the submission be noted. |
| **No.11 - Mr Charles Lammers - 23 Richmond Avenue, Shoalwater WA 6169**  
Yesterday's meeting at the Gary Holland Centre was my first formal exposure to the Defence Housing Authority's (DHA) proposal for the reconfiguring of the former Palm Beach Caravan Park site. My take on the format of the briefings and discussions gave me the impression of a public forum that was controlled by the proponent's developers to meet the specific requirements of the client; a commendable and understandable position for a contracted entity in upholding its legal obligations. However, as a member of a sizeable group within the community that opposes a similar residential development, that of the Mangles Bay Marina (MBM), at yesterday's meeting I seemed to have been caught up in a time warp. The audience was provided with a relatively narrow, project focussed, presentation, very similar to those previously presented by the State's LandCorp, "hired guns" Cedar Woods in promoting the MBM. Although being informed that the approach of the DHA project team was different to many other commercial undertakings, by embracing the wider community during the planning process, yesterday's somewhat rushed Saturday afternoon format left a distinct feel of "just another developer's standard marketing package with the usual hype, hoopla and lack of definitive detail". | | |
My scepticism of the outcomes of yesterday’s briefings and discussions stems from Cedar Woods involvement with the MBM to date where a number of controlling and, at times manipulative, processes and procedures along with some unsavoury examples of misinformation have been evident. Our family members have been residents on the south side of Lake Richmond for 28 years and have witnessed the steady growth of suburbia surrounding Lake Richmond to the point, I believe, that a saturation level has been reached as to the effects of human habitation on and surrounding the Lake. Rather than enhancing the health and good standing of the Lake I am of the opinion that the DHA high density residential proposal will adversely affect the area even further. The State government’s Directions 2031 policy format does encourage the concept of infill residential construction, but not at the expense of the ever threatened natural habitat that we, the Lake’s boundary residents, are fortunate to have stewardship of (and so reminded by the City of Rockingham). Having been a serving Navy member for 44 years (32 years full time) I was involved and exposed to many of the issues that DHA (and its predecessors) are attempting to address in promoting and providing suitable housing for serving members of the defence force. I continue to take an active interest in the plight of service families and the challenges they face. It would not make me proud nor feel comfortable to challenge the plans to house service folk in this great part of the country. However, I am also conscious of the need to protect a very rare environmental location with its near unique (if there is such a description) configuration, that represents Lake Richmond and its environs. As my research and memory serves me, previous plans to build a container port in Mangles Bay were dropped, as being totally unsuitable; and saw the proposed associated rail and road reserves on the north and south of Lake Richmond, respectively, removed from planning considerations for the area. In particular, the former Garden Island Highway was legislated out of existence in the 1990s (although the remaining road reserve is still known as such).
As a result, Lake Richmond was given a new lease to ensure that the well-being of the Lake would be enhanced. Further, the State government placed the Lake under the control of the City of Rockingham to ensure long term viability and enforce a sustainable management plan; in line with overall Richmond Lakes Regional Park arrangements.

Part of process was to increase the public area that surrounds Lake Richmond by purchasing privately owned developers land on its south eastern fringe. The Lake was also formally recognised for State heritage listing due to its environmental importance, with further land incorporated within the boundary area, and the City of Rockingham providing a sizeable number of tracks, improvements, recreational facilities and information markers to the area. The Lake’s environmental centre Naragebup has also been instrumental in a number of management and improvement undertakings in support of the City's responsibilities.

Life in paradise was finally complete, or so we thought.

In 2005 a new threat to the well-being of Lake Richmond was instigated by the City of Rockingham in the form of a proposed marina and tourist precinct within 300 metres from Lake Richmond. A sizeable number of existing and new community groups, along with individuals, voiced their opposition to the plans to resume 80 percent of the eastern portion of the adjoining Cape Peron for a marina. Over the last 10 years the community group, Preserve Point Peron Inc., has and continues to challenge the conversion of an existing public regional park into a dated 1950s concept upmarket housing estate with a small marina attached.

In 2015 a further, compounding threat to the well-being of Lake Richmond has emerged in the form of DHA’s proposal to construct a residential enclave with a large number of people concentrated in a small area on the Holocene grasslands that abut the Lake, land that is deemed environmentally important under both State and federal environmental documents and recognised as a sensitive environmental site.
For me to say that I was, and continue to be, very concerned with both the MBM and DHA’s proposals with regard to their residential concepts. They are counter to my understanding of what protection for the Lake is meant to be; in particular, with reference to the 10 year old State government’s Directions 2031 greening objectives. The MBM being proposed just across Safety Bay Road and, now, a 2 to 8 storey residential enclave of, primarily, non defence personnel is just another example of the little regard the commercial expediency of profit is in conflict with the need to increase the buffer between suburbia and the Lake. The latest DHA proposal is counter to a previous sustainability approach; to obtain privately owned land that existed at various locations around the Lake (eg Summit) then incorporated into an expanding reserve around the Lake as these properties became available. With the recent sale of the privately owned Palm Beach Caravan Park complex the best outcome should have been to incorporate the last vestige of private Lake land into the Richmond Lakes Regional Park inventory, not redeveloped for residential or commercial purposes.

Fellow attendee at yesterday’s meeting, Norm Hodgkinson, tried to elicit from the meeting staff the client’s specific requirements, but this request was ignored. Also, the number of proposed residents envisaged for the enclave was not provided. Fortunately, I was able to glean from the meeting’s format five key approaches (viewed as possible client specific requirements) being; reference to the State’s Directions 2031, the celebration of the natural environment, the greater use of cycling and walking paths, the focus on private and public transport, and the need to build a high capacity facility.

The proposed increasing concentration of large numbers of residents and visitors within a small area already adequately populated is not in the best interest to the existing residential makeup of the north eastern section abutting the Lake Richmond. Briefing references regarding the concept of healthy living, both physical and mental, are not necessarily complementary to a high rise enclave.

See comments on Submission 1.

The submission be upheld.
The resultant "crowding out" effect is seen as another detrimental demographic factor with regards to the DHA proposal. As the large numbers of people from the enclave wishing to access the tracks and pathways around the district may be marketed as providing "health and well-being" for people, the approach is ensuring further pressures on the sensitive Holocene grasslands, with increasing demands being applied by the residents to open up the waters of the Lake for recreational purposes, and the concern of residential pets threatening the wildlife of Lake Richmond. Rather than increasing the human footprint on and around Lake Richmond and the wider Cape Peron district, a realisation of having reached human interface saturation needs to be addressed.

These concerns were amplified by the briefing team in terms of; the environmental care in designing the enclave, the State EPA's hydrological considerations, that the caravan park property is already considered a degraded environmental site, the need for stormwater and groundwater improvements due to high nutrient levels, bush fire breaks and the importance of the Richmond Lakes Management Plan.

The height of the buildings planned for the DHA project was a noticeable "hot" topic with quite a few concerned residents voicing surprise and disbelief with the site's quartered layout and its 2 to 8 storey structures format. The perspective drawings shown during the briefing failed to convince many in the audience that the buildings would not impinge on the skyline vista, but caused consternation as a high rise monolith would rise in the midst of low level Palm Beach suburbia, alongside the sensitive Lake Richmond.

The sizeable increase in traffic densities resulting from the DHA's development was another noticeable "hot" topic during the briefings and discussions. The access routes, Lake and Fisher streets, came in for particular attention and concern. Vehicular access; road reserve cross sections and traffic capacities were highlighted along with a range of other disputed ideas, such as traffic control; residential and visitor vehicle access /egress and parking; and the Palm Beach Primary School pedestrian and associated parent traffic problems.
Both Fisher and Lake streets are already carrying their fair share of local traffic from all four compass points and will not benefit from an added high concentration of development enclave traffic. Also mentioned during the presentation were the traffic impact studies to be conducted that would incorporate three additional considerations for the DHA site; that of the MBM, the Rockingham Beach Foreshore Redevelopment and the upgrading of HMAS STIRLING. As to traffic density impact offsets I believe the DHA team have placed too much credence on the use of a shuttle bus serving HMAS STIRLING and the instances of service personnel being absent for periods of up to six months. Both points are "small beer" and would be minimal in any volume reduction considerations. Like so many commercial residential developments the narrow focus of specific projects often fails to cover the wider implications of these undertakings. To that end the contracted entity is in situ for a relatively short time, whereas the local community has to bear the long term legacy and the local government the costs of maintaining the facility in perpetuity. The DHA proposal represents a market driven development that is based on a standard commercial formula that will not substantially represent the defence members' residential needs. With a suggested 30% defence and 70% open market make up ratio, and a longer term reduction of defence members occupancy rate, the DHA proposal is little different to any other commercial undertaking, contrary to what is being espoused by the proponents. As with the MBM in obtaining a marina for Rockingham, and now DHA's proposal for a high rise residential enclave; both are in the wrong location. A marina is needed for Rockingham but to be completed on the Wanliss Street site (already approved by the State government) within the Rockingham Beach locality. The DHA proposal is viewed as being an ideal solution to a Rockingham City focussed hub centred on a railway station I city I commercial district, such as is being progressed at Cockburn Central I Success, but not on the shores of an environmentally sensitive regional park and lake.
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| **No.12 - Mr R W Bellia, 9 Few Court, Rockingham WA 6168**<br>Worried, because we are losing the unique, nature of Rockingham. I can't visualise traffic forms, more signal area and roundabouts.  
I just hope area remains safe for the school kids and sorry for poor people being pushed out of the park all because of the dollar. | The City will consider proposed access, parking and traffic as part of its assessment of a Traffic Study, which will be required to be submitted as part of a future Local Structure Plan. Access, parking and traffic will also be considered in the City's assessment of a future development application over the land.  
The current zoning of the land permits the use of the site for a Caravan Park, but does not require the owner to provide or operate tourist accommodation from the site. The City has the ability to consider applications to rezone the land for development purposes. | The submission be noted. |
| **No.13 - Mr Norman Francis Hodgkinson - 6 Lake Street, Rockingham WA 6168**<br>This submission considers how the proposed housing estate fits into the neighbourhood and the impact of the future residents. The conclusions are stated below.  
The amendment should have been declared a 'Controlled Action' by the Federal Department of Environment as it is so close to Lake Richmond.  
The number of dwellings proposed is considered to be excessive for the site area and the location.  
The impact of the people on the area close to the heritage site of Lake Richmond can only be detrimental to the thrombolites, flora and fauna in the area.  
The traffic flow will cause major problems in what is already a stressed street system.  
The wall of buildings of uniform modern architecture fronting Lake Street is in complete contrast to the varied gabled houses along Lake Street.  
The uniformity of architecture and closed access is conducive to a ghetto neighbourhood and could in future result in a controlled 'NO GO' zone. | The Department of the Environment (DotE) is required to declare applications Controlled Actions, not the City. The applicant has advised that the proposal has been assessed by the DotE, which did not declare the application a Controlled Action. | The submission be not upheld. |
1. **Department of Environment Approval**

   All that glitters is not gold. That is to say ‘appearances are no guide to value’. Thrombolites look like ordinary limestone rocks but apart from humans are the most precious living things in Rockingham, rating worldwide recognition as rare examples of the earliest form of life.

   The site is close to Lake Richmond which is one of the few locations in the world where thrombolites are to be found. They are classed as ‘Critically Endangered’. See website www.environment.gov.au-node/14562 for details.

   Thrombolites depend on water quality being maintained within set limits. The development could affect the ground and surface water around the lake.

   It is hardly credible the Department of Environment did not determine that an evaluation of the proposal should follow the procedures as for a ‘Controlled Action’.

   See comments on Submission 1.

   **Recommendation**

   The submission be noted.

2. **Population**

   The existing site has a population of about 200, most of whom are seniors. The present accommodation is made up of caravans and park homes each located on a few square metres.

   The proposed housing estate would have a population of about 900. It is envisaged by Defence Housing Australia that it would be made up of naval personnel, young couples and seniors.

   As a consequence there would be a great deal more people activity around the site. Some of this activity would be in the area of Lake Richmond.

   The car traffic would also be greatly increased.

   To accommodate the proposed population it is proposed to build 3 storey dwellings immediately behind the perimeter dwellings and even include an 8 storey high rise block of flats.

   It is considered that this population on such a small area is not commensurate with the Rockingham lifestyle.

   See comments on Submission 1.

   **Recommendation**

   The submission be noted.
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<td>3. Architecture</td>
<td>The proposal is for the construction of a large number of buildings of similar architecture. The frontage to Lake Street is a continuous ‘wall’ of two storey dwellings in a modern flat roof boxy style. This view is in total contrast to the houses on the other side of the road which are separated buildings of varied shapes and all with gable roofs. The proposed housing estate of uniform style of architecture looks like an institution - which of course it is a well-designed barracks.</td>
<td>The City considers that the design of any future development must be to a high standard. A provision has been included requiring the applicant to obtain design approval from an architect appointed by the City, and recommended by the Australian Institute of Architects, prior to Development Approval being granted. The City has also included a provision requiring a maximum top of external wall height of 6 metres within 25 metres of the Lake Street and Fisher Street lot boundary to ensure future development does not contrast with existing adjacent dwellings.</td>
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It does not fit into the neighbourhood. It is like a pelican in a flock of seagulls. The area is not prime real estate. The clientele would probably be those with limited cash and time. Also it is envisaged that many of the navy personnel would not be at home for long periods of time. As a result of these limitations it might be expected that the condition of the estate as a whole would degrade over the next 20 years. The plan of the site shows limited access with ‘walls’ of buildings on the perimeter. This makes it a prime enclave to become a controlled area subject to bad influences. It is just the sort of closed area which in other cities become a ”NO GO” zone. Not this year, not next year but possibly in 20 years. The inclusion of an 8 storey block of flats is a daring suggestion. Blocks of flats were built in the sixties but demolished in the eighties as a social disaster. New blocks of apartments have been built in the prime area of the city for people who can afford them and they have been successful. A block of flats with residents who are less well-off is risky and could expedite the degradation of the living environment.

4. Traffic | The traffic study calculates that there would be about 4000 extra car movements a day from the site. It rates the existing roads as capable of carrying this extra traffic without stress. However this theoretical basis does not take into account local factors. | See comments on Submission 1. | The submission be noted. |
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<td>No allowance has been made for other potential changes in the area. If Mangles Bay Marina goes ahead then most of the traffic from the naval base and the marina would emerge from the relocated Memorial Drive opposite Lake Street. A high percentage of that traffic would cross into Lake Street. This addition should be taken into account. When the naval base is expanded then there will be a further increase along the same route. Fisher Street is already a stressed route because of the right angle bend at the south end in the Anchorage. A resident at that location said that to cross the road in that area is a dangerous venture. Fisher Street was not designed for through traffic but is the only street which is available for journeys from Palm Beach to the city. The study assumes that people going to the city from the area would go via Parkin Street. This is not the case. At 2.30pm during school term about 20 cars roll up to collect children and park at right angles to the road on each side of Fisher Street. Children and parents cross the road at the most convenient spot. An obvious solution is a designated crossing with an attendant. The result would be a bank up in the traffic. More traffic calming devices could added to those further south of the site. Chicanes are treated as practice by the local patrons of Perth Motorplex as they straight line them at full speed. Bumps are useful to exercise the springs on 4WD's. These devices may slow the traffic but effectively reduce the carrying capacity. Cars travelling at any speed are dangerous to pedestrians. The proposed site exit on Fisher Street adds to the problem. It suggested that residents would cycle to city centre. The streets to the centre are not bicycle friendly as they are narrow and busy. The bus service to the location near the site is hourly during the day. The number of residents anticipated would result in excessive traffic and the exit to Fisher Street is not a good idea. 5. Lake Richmond The increase in the number of residents and the anticipated of the residents would result in a lot more activity around lake Richmond</td>
<td>See comments on Submission 1.</td>
<td>The submission be upheld.</td>
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This would probably include walking the dogs and probably allowing them to go out beyond the surrounding sedge in summer. This would drive away the many birds that inhabit the lake during the dry season as other lakes dry up. Swamp hens feed on the lawns along Lake Street in winter. More traffic will drive them away. Night herons feed in the gardens around Lake Street. More traffic will kill them off. Long necked turtles cross Lake Street and lay eggs in the gardens along Lake Street. The baby turtles have to find their way back to the lake across the road. More traffic will kill them off.

Frogs inhabit all the gardens along Lake Street travelling from the lake. More traffic will kill them off.

6. Parking

It is understood that parking would be provided on site for only one car per resident. No allowance has been made for boat trailers or caravans. These possessions are part of the lifestyle for many in Rockingham and provision should be made for them on site. In addition, visitor parking should be allowed for on the site. There is limited space for street parking on Lake Street and no space on Fisher Street during school term time.

The applicant will be required to accommodate all car parking required by the Residential Design Codes (R-Codes) on-site. The R-Codes do not require the provision of car parking for boats or caravans. The design of any proposed on-street car parking will be considered at the development application stage.

No.14 - Mr Peter & Kathy Naylor - 48 Lake Street, Rockingham WA 6168

The density, height and demographic profile of the DHA development with a proposed 450 residences will have a major impact on the existing housing and residents on Lake Street and Rockingham Beach Primary School on Fisher Street.

Traffic: 4050 increased vehicular trips has been assessed for Lake and Fisher Streets which are already congested at school drop off and pick up times. The DHA has stated that it will use 30 to 40 percent of the residences to house their 20 to 30 year old singles, of which 85% will be male, a known demographic to speed and have traffic accidents.

Parking: The developers are suggesting improving streetscapes with parallel parking to assist with traffic speed and congestion but this will create a major lack of parking for the Primary School Parents.

The submission be not upheld.

The submission be noted.

The submission be not upheld.
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<td>Build Form: The DHA is planning on building 2 to 3 storey dwellings fronting Lake Street increasing to 3 to 6 storeys and one that will be 8 storeys. This is not sensitive to the existing housing on Lake Street where the predominant form of housing is single storey dwellings.</td>
<td>See comments on Submission 1.</td>
<td>The submission be upheld.</td>
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<td>High density development targeted at singles and couples: The proposal shows no intention to attract families and does not fit with the demographic currently residing in this area and this could have major social implications.</td>
<td>See comments on Submission 4.</td>
<td>The submission be noted.</td>
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<td>No.15 - Ms Catherine Prideaux - Department of Parks and Wildlife - PO Box 104, Bentley Delivery Centre WA 6983</td>
<td>Thank you for your letter of 25 September 2015 referring the above scheme amendment to the Department of Parks and Wildlife (the department) for comment. The subject land (Lots 1512 and 5000 Lake Street) is located adjacent to Lake Richmond, a conservation area that forms part of Bush Forever site No.358, and Rockingham Lakes Regional Park. The department notes the subject land is within a mapped Environmentally Sensitive Area as it is within the buffer of a Threatened Ecological Community, namely the thrombolites of Lake Richmond. In this context, the following comments are provided. The department notes that the proposed scheme amendment was referred to the Environmental Protection Authority (EPA) in accordance with Section 48A(1)(a) of the Environmental Protection Act 1986 (EP Act), and that the EPA considered the proposed amendment should not be assessed under Part IV of the EP Act. The department supports the advice and recommendations of the EPA (published 3 August 2015). It is the department's expectation that through the structure planning process, adequate separation is provided between residences and the bushland and that all necessary bushfire protection measures are provided within the development area and do not place reliance or impositions on the management of the adjacent regional park and Bush Forever site.</td>
<td>The submission does not raise any objections to the proposed amendment.</td>
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A provision has been included requiring the applicant to prepare a Fire Management Plan where a Bushfire Hazard Assessment determines the land as having a moderate to extreme risk of bushfire. The submission be noted.
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<td>The department expects the proponent to demonstrate that water quality post-development will be better than pre-development and in this regard, the approval of a Local Water Management Strategy by the Department of Water is recommended. The management strategies listed on pages 12 and 13 of the Environmental Assessment Report for the subject area (Coterra Environment May 2015) are noted and supported. Thank you for the opportunity to comment on the proposed scheme amendment. Should you have any queries please contact Planning Officer Catherine Prideaux of this office on telephone 9442 0300.</td>
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<td><strong>No.16 - Mr James Mumme - 36 Gloucester Avenue, Shoalwater WA 6167</strong></td>
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<td>However attractive the redevelopment of the Caravan Park appears, I believe that if Council is sincere about ensuring the sustainability of Lake Richmond and protecting it from avoidable threats, it must reject the Scheme Amendment 157. The lake reserve, its two TECs and its waters are already at severe risk from human impacts—roads, weeds, pollution, climate change, storm water, crushing, fishing. The only valid option to protect the Lake is to remove the Caravan Park and return the area to bush. Because I do not believe Council will do that, I focus in this submission on what I believe needs improvement. There are aspects of the development of which I approve like the replacement of the septic sewerage, use of bio-treatment for stormwater, possible micro-grid for power reticulation, native vegetation, benefits of urban infill, banning cats, but I have not commented on them. Some comments below may be felt by Council officers to relate to the Local Structure Plan rather than the Amendment itself. At least I expect Council officers and Councillor not to reject the issues raised now but to note them and take appropriate action at the appropriate time. I note that the Council Report itself (page 115) contains one provision relating to the LSP. (See note below)</td>
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Another issue is that the process of assessing a development plan of this kind involves WAPC processes and Council processes that to the ordinary resident are unnecessarily complex and opaque. They also involve a segmented process that does not relate to the community's holistic experience of life. From the community's point of view our consideration of the Amendment is not restricted to the arbitrary distinctions made by bureaucrats but rather arises from our lived experience which does not suffer from arbitrary distinctions. Local residents are the ones who will have to live with this development (if it comes to pass) so I urge council to listen with empathy to the comments from residents and treat them seriously. The position of Rockingham Council is clear: Council Report p112. In order to demonstrate that the land is capable of rezoning, the applicant provided the following reports: Environmental Assessment Report (EAR); Engineering Services Report (ESR); Bush Fire Hazard Assessment (BFHA); and Traffic Impact Assessment (TIA). Upon review and subsequent amendments to these reports, the City is satisfied that the proposal is acceptable to consider rezoning of the site.

Below I raise questions as to the adequacy of both the EAR and the TIA which seem to have escaped the attention of the City's planners. From the Council Report it appears that the only concerns that Council has regarding the development is the need for a Fire Management Plan (Page 114).

Since the three levels of decision-makers, the WA EPA, the Federal Department of Environment and Council, have all failed to speak up for the Lake, it's likely that the development will proceed. All that remains is to attempt to minimise its impacts on Lake Richmond and to attempt to focus attention on inadequacies within those reports.

Accommodation within the City

Council Report p 104. The site is currently occupied by the Palm Beach Caravan Park, which has been operating for approximately fifty years. The caravan park predates the former Town Planning Scheme No.1 that was introduced for the City of Rockingham in 1975.

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<td>Another issue is that the process of assessing a development plan of this kind involves WAPC processes and Council processes that to the ordinary resident are unnecessarily complex and opaque. They also involve a segmented process that does not relate to the community's holistic experience of life. From the community's point of view our consideration of the Amendment is not restricted to the arbitrary distinctions made by bureaucrats but rather arises from our lived experience which does not suffer from arbitrary distinctions. Local residents are the ones who will have to live with this development (if it comes to pass) so I urge council to listen with empathy to the comments from residents and treat them seriously. The position of Rockingham Council is clear: Council Report p112. In order to demonstrate that the land is capable of rezoning, the applicant provided the following reports: Environmental Assessment Report (EAR); Engineering Services Report (ESR); Bush Fire Hazard Assessment (BFHA); and Traffic Impact Assessment (TIA). Upon review and subsequent amendments to these reports, the City is satisfied that the proposal is acceptable to consider rezoning of the site. Below I raise questions as to the adequacy of both the EAR and the TIA which seem to have escaped the attention of the City's planners. From the Council Report it appears that the only concerns that Council has regarding the development is the need for a Fire Management Plan (Page 114). Since the three levels of decision-makers, the WA EPA, the Federal Department of Environment and Council, have all failed to speak up for the Lake, it's likely that the development will proceed. All that remains is to attempt to minimise its impacts on Lake Richmond and to attempt to focus attention on inadequacies within those reports. Accommodation within the City Council Report p 104. The site is currently occupied by the Palm Beach Caravan Park, which has been operating for approximately fifty years. The caravan park predates the former Town Planning Scheme No.1 that was introduced for the City of Rockingham in 1975.</td>
<td>See comments on Submission 12.</td>
<td>The submission be not upheld.</td>
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<td>Initially established as a caravan park to provide short stay accommodation, the site now predominantly provides accommodation for longer term residents; the caravan park does not serve its primary function as a place for short stay accommodation. Comment: There is a lack of logic behind this paragraph. That &quot;the caravan park does not serve its primary function as a place for short stay accommodation&quot; does not justify its removal. Instead the fact that most residents have become permanent is not an argument for a high cost development but an argument for provision of more low cost permanent accommodation and for provision of more temporary caravan park accommodation. Moreover the situation is likely to be exacerbated should the removal of the City of Perth RSL Caravan Park and the Aviation Industry Workers campsite go ahead. In addition there is some doubt as to the future of the so-called &quot;low cost family friendly accommodation&quot; within the proposed Mangles Bay Marina: parts of the small 1.5 ha area devoted to such accommodation turn out to be partly Defence Department land and partly within a buffer around the Water Treatment Plant. The low cost accommodation within that project might turn out to smell a bit high! It's not good to be poor. The proponent can claim not to be concerned with other developments but our City does not have this luxury. The Council must consider the whole picture of accommodation needs within the City. Recommendation: Council should withdraw its support for luxury canal-side accommodation and do more to increase the provision of low cost housing and short term tourist accommodation within the city.</td>
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<td>Variety of Types of Housing</td>
<td>The proponent's advertising proclaims that the locality is short of varied types of housing. A look at the neighbouring area puts this claim in doubt. Vickery Place, Vaux and Saw Streets contain a number of two storey strata title units, Parkin now has many strata title single storey and two storey units, and a new four unit two storey block has just been completed on Safety Bay Road. See comments on Submission 4.</td>
<td>The submission be not upheld.</td>
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<td><strong>Recommendation:</strong> the rationale for the development in terms of providing new varieties of housing should be closely examined after a thorough count of the existing variety of types of housing.</td>
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<td><strong>Purpose of the Redevelopment</strong></td>
<td>See comments on Submission 12.</td>
<td>The submission be not upheld.</td>
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<td>Council Report p 104 &quot;... Defence Housing Australia (DHA) acquired the land with the intention of redeveloping the site for accommodation to house navy personnel who are based at HMAS Stirling.&quot;</td>
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<td>This may be only partly true. Certainly the touted expansion of Stirling Base will require accommodation for navy personnel. But the actual number of units in the proposed development to be used for navy personnel has not been stated. Estimates suggest that maybe only one third of the units will be for navy personnel while the rest will be sold on the open market to provide a profit for DHA.</td>
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<td>P 105 - &quot;The site forms part of the DHA's plans to provide accommodation for Defence Force personnel and their families.&quot; It is unclear that this applies to this site: will the families be in another part of DHA's plans or will families be included in the development? What would this mean for the types of units constructed? Housing DF families together could well be a great support for family members left at home for long periods of time. The reduction in travel times to the Base is also good. But the purpose is unclear. In fact it later emerges that families will not be catered for. Given that the site is adjacent to a primary school, it should be built to include families with children.</td>
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<td>Council Report p 105 - The applicant has advised that the site will also provide accommodation options for a range of potential occupants including:</td>
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<td>1. Young singles and couples without children;</td>
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<td>2. People who no longer need or want a large family home;</td>
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<td>3. People seeking affordable housing near lifestyle opportunities; and</td>
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<td>4. Existing locals seeking to downsize from the conventional family home.</td>
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<td>Recommendation: Council should require DHA to be up front about the motivation for the development. If it is to provide housing only for single navy personnel (or couples without children), it should be designed so as to avoid the creation of a homogeneous ghetto with attendant social problems. The creation of housing estates which explicitly exclude children is undesirable from the viewpoint of social harmony and cohesion. If it is solely or largely a commercial housing development, it should be designed with that in mind, specifically to include a wide variety of types of unit to promote a wide mix of family types and sizes. The implications of the answer should be applied to the Local Structure Plan should the Amendment be approved.</td>
<td>See comments on Submission 1.</td>
<td>The submission be upheld.</td>
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<td>Population Density</td>
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<td>Currently fewer than 200 people live at the site. At the second community consultation the development was said to envisage 450 dwellings. At an average maximum of two per dwelling this gives 900 people. That's likely to result in a huge increase in every kind of human impact. The total area of the site is 3.76ha, that equates to 250 people per hectare or around 6 by 6 metres per person. I do not believe that this is appropriate for a city like Rockingham. We are not a high-rise city and not in the centre of a metropolis. Recommendation: That the number of dwellings be reduced to something more appropriate to the City and more appropriate to the locality. Council guidelines should not be breached in spite of any pressure from important government agencies.</td>
<td>See comments on Submission 1.</td>
<td>The submission be upheld.</td>
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<tr>
<td>Building Heights</td>
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<td>Council Report p 105 Dwellings fronting Lake Street being approximately two storeys in height and designed in a manner that is sensitive to existing housing on Lake Street; - Some taller apartments located behind these dwellings; At the community meetings there were contradictory messages about building heights. There are presently no two storey dwellings on the eastern half of Lake Street so two storey heights on the street front there is not appropriate. How many storeys would be behind the street front is unclear? Five was mentioned at the meeting.</td>
<td>See comments on Submission 1.</td>
<td>The submission be upheld.</td>
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<td>Submission</td>
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<td>Nothing had been done to check with residents living on the southern side of Lake Richmond or a long Safety Bay Road. It's difficult to see how the proponent would create the proposed number of dwellings without going much higher. Aesthetics of the area should be respected and nothing above the height of the higher trees permitted. Recommendation: Council should require more appropriate height limits only after checking with residents around the Lake. Over three storeys would be well over tree height there and should not be permitted.</td>
<td>A minimum of 10% of the gross subdivisible area must be given up free of cost by the owner for Public Open Space (POS). This POS contribution may comprise a minimum of 8% for active and passive recreational purposes, with the remaining 2% comprising 'restricted use' POS uses such as: - Natural areas and cultural features. - Urban water management measures such as stormwater detention areas. - Artificial lakes/permanent drainage ponds. - Natural Wetlands. The design and location of POS will form part of the City's assessment of a future Local Structure Plan. The City also considers that any allowance for a higher density than the surrounding area should be complimented by a generosity in private open space that helps to improve the amenity of living in a higher-density environment.</td>
<td>The submission be not noted.</td>
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**Adequate Parks and Open Space**

Council Report p 105 - Increased public parks and open space;

How much increase? If the proponent is proposing to sell the project to local residents on the basis of this statement, they should be required to demonstrate how much open space there currently is in the caravan park as it was laid out and how that compares with the LSP. It is difficult to see how the development could carry the proposed number of units without compromising park and open space. The Regional Park at Lake Richmond should not be included within the proponent's claims. Recommendation: Council should require the proponent to demonstrate how they would increase public parks and open space in relation to what's there at present.

Consistent with what Council Policies?

Council Report p107 - "The applicant has conveyed that the proposed rezoning is consistent with a number of key policies and strategies, which is summarised below:"
The "number of key policies and strategies which is summarised below" turns out to be only one - urban infill. Directions 2031 is a high level strategic WAPC planning document that is not a Council policy. (note 2)

The submission be upheld.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 18 JANUARY 2015

P107 - Directions 2031 and associated strategic documentation does not identify any infill yield targets for the site, however, it is noted that 800ha of land zoned 'Urban' under the MRS is identified as vacant within the City of Rockingham. This amendment will enable urban infill in close proximity to the Rockingham Regional Centre and at yields which are above the 15ha gross density targets identified in the strategy. Council Report p 107 - The City of Rockingham Urban Growth Programme identifies areas of urban growth between 2009 and 2031. The report identifies a range of population growth projections over this period, from 1,459 people per year to 4,722 people per year. Only limited infill development is accounted for within the document. Within the suburb of Rockingham, the total infill development for 2009-2031 is 497 dwellings and the subject site is not identified as an infill opportunity in making this calculation. Consequently, the development of the site would contribute to the infill development that could be achieved in Rockingham in the next twenty years, achieving the City's strategic goals for urban growth. It is an attractive proposition that the development would "contribute to the infill development that could be achieved in Rockingham in the next twenty years, achieving the City's strategic goals for urban growth." However we should be careful about the use of language here. Only the first part is valid. The development cannot be claimed to achieve the City's strategic goals for urban growth. It would certainly contribute to achieving those goals. (Perhaps the sentence should have read "in the next twenty and help the City to achieve its goals for urban growth"). Recommendation: Council should seek exactly what other council policies and strategies besides urban infill the proposal is consistent with, if there are any. Council should not believe that this development would achieve the City's goals for urban growth in itself.

Proximity to Lake Richmond

Council Report pl07 - Issues and Constraints. These mainly environmental factors are due to the close proximity to Lake Richmond and neighbouring reserves and are outlined below.

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<th>Submission</th>
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<tr>
<td>P107 - Directions 2031 and associated strategic documentation does not identify any infill yield targets for the site, however, it is noted that 800ha of land zoned 'Urban' under the MRS is identified as vacant within the City of Rockingham. This amendment will enable urban infill in close proximity to the Rockingham Regional Centre and at yields which are above the 15ha gross density targets identified in the strategy. Council Report p 107 - The City of Rockingham Urban Growth Programme identifies areas of urban growth between 2009 and 2031. The report identifies a range of population growth projections over this period, from 1,459 people per year to 4,722 people per year. Only limited infill development is accounted for within the document. Within the suburb of Rockingham, the total infill development for 2009-2031 is 497 dwellings and the subject site is not identified as an infill opportunity in making this calculation. Consequently, the development of the site would contribute to the infill development that could be achieved in Rockingham in the next twenty years, achieving the City's strategic goals for urban growth. It is an attractive proposition that the development would &quot;contribute to the infill development that could be achieved in Rockingham in the next twenty years, achieving the City's strategic goals for urban growth.&quot; However we should be careful about the use of language here. Only the first part is valid. The development cannot be claimed to achieve the City's strategic goals for urban growth. It would certainly contribute to achieving those goals. (Perhaps the sentence should have read &quot;in the next twenty and help the City to achieve its goals for urban growth&quot;). Recommendation: Council should seek exactly what other council policies and strategies besides urban infill the proposal is consistent with, if there are any. Council should not believe that this development would achieve the City's goals for urban growth in itself.</td>
<td>See comments on Submission 13.</td>
<td>The submission be not upheld.</td>
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<td>It is beyond belief that the Federal Department of Environment under the EPBC Act failed to declare this site a &quot;controlled action&quot; as it did for the Mangles Bay Marina in relation to the water quality and levels of Lake Richmond and a shock that the City of Rockingham did not at least comment within the appeal period of the announcement of the DOE decision. (Note 3) I understand from the DoE that they will not now release the documents and rationale for their decision and I am exploring other options for understanding why they failed to take action to protect the Lake. Since DHA was not the proponent at the stage when the application was made to DoE, DHA have told me that they are not familiar with the documents provided to DoE by the original proponent, Lyons P/L. Recommendation: Council should call on the DoE or Lyons to release the documents relating to the EPBC decision 2013/6853.</td>
<td>See comments on Submission 1.</td>
<td>The submission be noted.</td>
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Omission of Threatened Ecological Community (TEC)
Council Report p107 - Vegetation: The existing vegetation on-site mainly consists of Western Australian Peppermints and Tuarts. This lends to a high level of amenity for the surrounding area that residents along Lake and Fisher Street are accustomed to. Remnant native vegetation (in good condition) is also found in adjoining reserves and Lake Richmond. Whilst the site has limited environmental value as a result of historical clearing, it is considered that numerous native species of trees on-site and the surrounding reserves must be incorporated into the design of any future development.

This paragraph is headed Vegetation. It fails to mention the second TEC present at Lake Richmond, a holocene dune sedge community, which has been fully documented elsewhere, which is protected under the EPBC Act and should have been included in both an application under the EPBC Act and this Council document. We know that this community is under threat from weeds, mainly weeds arriving in the reserve from local gardens.
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<td>Council Report p112 - 1. Environmental Assessment Report Vegetation The site and immediate surrounds have been surveyed, containing approximately 100 native trees, including WA Peppermints, Tuarts, Acacias, etc. The abundance of established trees lend to an attractive streetscape whilst providing an extension of the tree line to the adjoining reserves. If this Scheme Amendment proceeds, the applicant will be required to integrate significant trees into the layout of the redevelopment site through a subsequent LSP, to ensure that the environmental and amenity values are not lost. This summary of the EAR confirms that not only the proponent and the environmental consultant but Council are intent on ignoring the second TEC. I find this extraordinary. Recommendation: Council should call on the DoE, DHA or Lyons to release the documents relating to the EPBC decision 2013/6853 in particular those relating to the holocene dune sedge community at Lake Richmond.</td>
<td>See comments on Submission 1.</td>
<td>The submission be noted.</td>
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<td>Lack of Environmental Management Plan and Monitoring Requirements</td>
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<td>Council Report p 108 - Any redevelopment of this site must ensure the hydrology of adjoining Lake Richmond and the water dependant thrombolites is not adversely affected. Given that the DoE has declared this &quot;not a controlled action&quot; one wonders why this requirement to not adversely affect the hydrology is mentioned by Council here? Are there some documents that have not been published? What would be the consequence if, during construction, the hydrology of Lake Richmond was adversely affected? Given that there are no published conditions for this project, how would any exceedance be discovered? If this occurred during the construction of the Mangles Bay Marina, how would it be determined which project was the source of the adverse effect? Which project would be held responsible if there was an exceedence of the MBM conditions? Recommendation: Council should raise this issue with the WA EPA and with the EPBC Section of the DoE to clarify answers to the above questions.</td>
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CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 18 JANUARY 2015

PRESIDING MEMBER
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<td>To fail to do so would mean council being seen to fail to safeguard the local environment and thus to have ignored the community aspiration to have &quot;coastal and bushland reserves that are... sustainable managed preserving them for future generations to enjoy&quot;.</td>
<td>See comments on Submission 15. The City will liaise with the applicant in the preparation and approval of a Fire Management Plan to ensure as much high quality vegetation as possible will be retained. The Building Protection Zone area will be required to be wholly contained on site, and will not require the removal of any vegetation off-site.</td>
<td>The submission be noted.</td>
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<td><strong>Management Plan for Bushfire Risk</strong></td>
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<td>Council Report p 108 - 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.</td>
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<td>The bushland at Lake Richmond has been well documented and we know that the highest quality bush is found adjacent to the Caravan Park site. Unfortunately the site is at most risk of fire from the south west which is the area of best bush. Moderate and extreme fire risks have been identified over the land (p 112). The contradiction between the two priorities here protection from fire and conservation of bush - need to be resolved in such a way that the bush at Lake Richmond is not compromised any more than it has been. Under fire protection thinking from the Planning Commission, there is a danger that the bush will be at risk. Text from the WAPC Bush Fire Protection Guideline says: This may include an appropriate building protection zone, hazard separation zone and construction to an appropriate standard as specified in AS 3959 and as supported by a satisfactory risk assessment and analysis.</td>
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<td>Fire break: Any natural or constructed discontinuity in a fuel bed used to segregate, stop and control the spread of a bush fire, or to provide a fire line from which to suppress a fire. This is an area cleared to reduce the risk of bush fire damage. Recommendation: Council should ensure that the fire protection measures do not involve any more clearing of bush to the south and west than has already happened.</td>
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<td>Ear Deficiencies Lack of Scientific Evidence for Claims</td>
<td>See comments on Submission 1.</td>
<td>The submission be noted.</td>
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<td>Lake Richmond and Thrombolites - The applicant has outlined in the</td>
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<td>associated EAR and ESR, that the rezoning and redevelopment would not</td>
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<td>have any environmental impact on the lake ecosystem. The City</td>
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<td>considers that there must be no off-site impacts onto Lake Richmond and</td>
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<td>support this position accordingly. The applicant's claims that the</td>
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<td>development would have no environmental impact on the lake ecosystem</td>
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<td>are misleading unproven claims. In fact no one can claim that such a</td>
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<td>development would have no environmental impact at all. It comes down to</td>
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<td>probabilities and risk and whether or not the impacts can be managed to</td>
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<td>maintain ecosystem integrity. Nowhere is there any scientific evidence -</td>
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<td>no modelling, no groundwater test results - presented for this opinion of</td>
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<td>the applicant. I do not believe that Council is entitled to say it</td>
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<td>supports this position without sighting evidence. How will Council monitor</td>
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<td>the requirement that there must be no off-site impacts onto Lake Richmond.</td>
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<td>Recommendation: Council should re-examine the basis for its decision to</td>
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<td>support this position and seek a review by the WA EPA and the Federal</td>
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<td>Department of Environment that produces some scientifically verifiable</td>
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<td>criteria to demonstrate water quality in Lake Richmond. If such evidence</td>
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<td>is not obtainable, the amendment should be rejected.</td>
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<td>Other Deficiencies in the Environmental Assessment Report</td>
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<td>2. Coterra's Environmental Assessment Report (page 13) state - In addition,</td>
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<td>the following management measures will be implemented to prevent any</td>
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<td>in-direct physical disturbance to the Thrombolites: Controlled access</td>
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<td>from the development into Lake Richmond will be encouraged, with signage</td>
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<td>and pedestrian access developed in consultation with the DPaW and the City</td>
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<td>of Rockingham. Does Coterra mean &quot;access into Lake Richmond will be</td>
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<td>encouraged&quot; or &quot;access onto the walkways around and over Lake Richmond?</td>
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<td>This error suggests that the writers of this report have never actually</td>
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<td>walked around the Lake or they would surely know that access into the</td>
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<td>Lake itself is not only prohibited but also very difficult.</td>
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<td>3. Coterra says (page 14) that the thrombolites are in a reserve &quot;managed by Naragebup Rockingham Regional Environment Centre.&quot; I have checked with the Centre. This is not so and the Centre has had nothing to do with the Lake beyond some frog walk for at least five years. Moreover Coterra says that close cooperation between the City, the Environment Centre and DPaW is required. But in 2015 no one from Coterra or DHA has contacted Naragebup about the Palm Beach Caravan Park Redevelopment (personal communication). Again one questions whether this report was done at someone's desk in Subiaco without a visit to the area.</td>
<td>The mean annual rainfall since 1993 for Perth is 734.1mm (Bureau of Meteorology). The City considers the modelling used 860mm/yr to account for the possibility of the annual rainfall significantly exceeding the mean value.</td>
<td>The submission be not upheld.</td>
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<td>4. I note that the graph with the Rainfall and Evaporation Data is from 1996. I've lived here since around that time. I know that rainfall events have become fewer but often more intense, for example at Shoalwater falls of up to 25 ml within 24 hours are not uncommon but overall rainfall is way below 860mm/year. Why are there not more recent data?</td>
<td>The submission be not upheld.</td>
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<td>5. Biofilta Pty Ltd's impressive system was recommended by Cardno because it is &quot;backed by a 70 person horticultural nursery for indigenous (sic) plants&quot; (p18 of Cardno's Stormwater Report). From the little I know I commend the approach from an environmental perspective. However the working nurseries mentioned are all in the Eastern States and what's indigenous to them may not be appropriate here. Species in the local TEC sedge community at Lake Richmond might be suitable if they could be propagated. Will this be checked out?</td>
<td>The submission be noted.</td>
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<td>6. However I note that 38% of Total Phosphorus and 47% of Total Nitrogen may be entering the lake. Given the recent history of water testing, is this acceptable to Council?</td>
<td>The EAR assessment provided by the applicant included a desk-top analysis as well as a site investigation. If there is any site contamination, it is the responsibility of the Department of Environment Regulation and the Environmental Protection Authority to assess the development prior to work commencing.</td>
<td>The submission be noted.</td>
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<td>7. Is this acceptable to SEWPAC' restringent requirements for water quality in the lake before and during construction of the MBM?</td>
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<td>8. If monitoring finds increases in K and N after both projects have begun, how will it be determined who is responsible - DHA or MBM?</td>
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<td>9. Finally given that the topography (Fig. 6) shows a fall of approximately one metre from NE to SW corner and the height of the Bitumen Road appears to be only 4cm above the lowest area within the site, some sort of bund along the southern and western boundary seems required to prevent untreated water flowing into Lake Richmond. Will this be considered? Recommendation: Council should insist that the proponent answer the above seven questions.</td>
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<td>Coterra Give Incomplete Data on Migratory Birds</td>
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<td>10. Coterra state (page 7) that Data obtained from a nearby DoW groundwater bore, located near the south eastern corner of the site from 1984 to 1986 indicates that groundwater water was near to surface level, varying from 0.5 to 1.5m below ground level during that period. It is quite unsatisfactory to quote data from 29 years ago as being satisfactory. It is clear that Coterra have failed to conduct any in ground research into groundwater. This is quite unprofessional. Recommendation: DHA should be required to produce contemporaneous in-ground data to confirm claim about ground water.</td>
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<td>Coterra Give Incomplete Data on Migratory Birds</td>
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<td>11. The EAR claims that 12 migratory birds make use of Lake Richmond. However the EPBC Act documentation lists 29 migratory birds.</td>
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<td>Underestimates of Traffic</td>
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<td>The submission be noted.</td>
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<td>The traffic report suggests that approximately 500 vehicles can be expected at the site. (I think this could be an underestimate because families who have one parent at the base are likely to have two cars and many couples do to.) Run off from roads is likely to increase introducing even more pollutants like battery acid, oil and petrol. As well the realigned Memorial Drive/Safety Bay intersection will involve vehicles waiting to turn towards Stirling Base or the Mangles Bay Marina (MBM) (either with or without traffic lights). Estimates of numbers are in the Transcore Report on the MBM PER.</td>
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<td>This is one issue which the SEWPAC decision and Council seem to have ignored. Why?</td>
<td>Weed control can be considered as part of the developer’s construction management of the site. A Construction Management Plan will be required at the Building Permit stage.</td>
<td>The submission be noted.</td>
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<td>Recommendation: The traffic report appears to have major gaps including the complete lack of recognition that the MBM might insert many more vehicles and so the traffic report should be redone before Council considers approving the proposal.</td>
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<td>Weeds During Development and Construction</td>
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<td>Infestations of weeds appear to be increasing in spite of efforts by Green Army, Council and local residents. To avoid impacting further on the lake vegetation, the earth workers and builder should be required to ensure that exposed earth and fill is kept clear of weeds without using glyphosate which has been implicated in frog deaths (and also now according to WHO a likely carcinogen). It’s likely that weed seeds will arrive both from local lots and from the lake vegetation so that will be a challenge.</td>
<td>Recommendation: Council should require and monitor effective weeding without chemicals by earth workers and construction worker before and during construction rather than merely leaving it to contractors who are always steps removed from the proponent.</td>
<td>The submission be noted.</td>
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<tr>
<td>Weeds During Development and Construction</td>
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<tr>
<td>Weed control can be considered as part of the developer’s construction management of the site. A Construction Management Plan will be required at the Building Permit stage.</td>
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<td>Compatibility with Birds, Frogs and Turtles</td>
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<td>There should be some interpretive signage and decisions regarding vegetation and gardens should have in mind being compatible with the needs of birds, frogs and turtles. At some seasons Western Long Necked turtles migrate and you can see the juveniles squashed on the road. Contrary to popular belief frogs don’t live in water. They only lay their eggs and graze there. They live in mulch and soft soil. So there needs to be areas for this. For birds there needs to be a mix of local natives from small shrubs to offer shelter for honey eaters through to larger trees for nest sites of sea eagles. I’m not an expert in any of this but I’m sure the developer can access such information easily. The Environment Centre across Safety Bay Road has in the past had many talented and qualified volunteers.</td>
<td>The site is zoned 'Urban' under the MRS and therefore the City can consider applications to rezone the land for development. Under Liveable Neighbourhoods (2007), a minimum of 10% of the gross subdivisible area must be given up free of cost by the owner for Public Open Space (POS). The City will assess the proposed location of future POS with respect to areas of environmental significance on the site. The design and location of POS will form part of the City's assessment of a future Local Structure Plan.</td>
<td>The submission be noted.</td>
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But they might well be interested in some joint proposal to establish, fund and sustain a Friends of Lake Richmond Group, along with nearby residents and future residents in the development. I heard that they had been invited to the meetings but a more direct approach with a draft proposal might be more fruitful. Would the developer consider this?

Recommendation: Council should take seriously the Community Aspirations 14 and 15 and negotiate proactively with the proponent some arrangements for the development to have an environmental vision and to fund a Friends of Lake Richmond Group of residents both within and outside of the development.

Questions Regarding Lyons P/L’s Sale of the Site

Council Report p 104 - “In 2014, Defence Housing Australia (DHA) acquired the land...”.

The previous owner, Lyons P/L, originally planned to redevelop the site and in 2013 applied to the Federal Department of Environment for a decision under the EPBC Act DoE replied that they had no problem with the development. So why did Lyons not continue with the development? Do they know something that DHA and Council don't know?

Recommendation: Council should clarify why Lyons withdrew and satisfy itself that the reason was not something that Council should take into account or require DHA to take into account.

End.

Note 1. The idea that the community can meaningfully comment on an amendment without actually seeing some plans showing what will happen after the amendment is approved is an illusion. In effect it prevents this community from playing a role in improving proposals.

Note 2. This and the following section represent what many call green wash - something that sounds socially or environmentally aware but actually is not.

Note 3. I asked why this failed to happen at Full Council 22nd September and await a response.

Note 4. I have a lingering fear that community aspirations are another example and green wash, trotted out to impress, but lacking any commitment.
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

### Reference No & Subject:

<table>
<thead>
<tr>
<th>Reference No &amp; Subject</th>
<th>PDS-085/15</th>
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### File No:

DD020.2014.00000535.001

### Risk Register No:

### Applicant:

Greg Rowe Pty Ltd

### Owner:

Rockingham Montessori School Inc, and Mr and Mrs Smith

### Author:

Miss Donna Shaw, Senior Planning Officer

### Other Contributors:

Ms Erika Dawson, Projects Officer

### Date of Committee Meeting:

7 December 2015

### Previously before Council:

February 2015 (PDS-014/15), October 2015 (PDS-064/15)

### Disclosure of Interest:

Executive

### Site:

Lot 11 (No.1809) and Lots 700 and 701 (No.1791) Mandurah Road, Karnup

### Lot Area:

15.1ha

### LA Zoning:

Rural and Special Rural

### MRS Zoning:

Rural

### Attachments:

Responsible Authority Report

### Maps/Diagrams:

1. Location Plan
2. Aerial Photo
3. Existing Site Layout detailing proposed changes
4. Revised Site Layout
5. Site Sections (1)
6. Site Sections (2)
7. Typical Classroom Block (section)
8. Administrative/Sports Centre (ground floor)
9. Administrative/Sports Centre (first floor)
10. Administrative/Sports Centre Elevations (south and west)
11. Administrative/Sports Centre Elevations (north and east)
12. Senior Specialist Block (Floorplan) - Existing Munja Gardens Building
13. Senior Specialist Block (Elevations) - Existing Munja Gardens Building
14. Children’s House - Existing Chapel Building
15. Environment Centre
16. Viewshed Analysis
17. Line of Sight Analysis
18. Vegetation Clearing and Condition
19. Black Cockatoo Habitat
20. Landscaping and Revegetation
21. Length of acceleration/deceleration lanes

1. Location Plan
2. Aerial Photo

**Purpose of Report**

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

**Background**

Lots 700 and 701 (formerly Lot 10) Mandurah Road, Karnup are zoned 'Special Rural' and Lot 11 is zoned 'Rural' under the City's Town Planning Scheme No.2 (TPS2).

The 'Munja Gardens' Reception Centre is constructed Lot 700 Mandurah Road, Karnup. Single Dwellings and associated outbuildings are constructed on Lot 701 (No.1791) Mandurah Road and Lot 11 Mandurah Road.

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

- **December 1997** - Development Approval issued for a Reception Centre on Lot 10 Mandurah Road (now Lot 700).
- **January 1998** - Development Approval issued for a Reception Centre and Restaurant (temporary) on Lot 10 Mandurah Road.
- **November 1999** - Development Approval issued for a Reception Centre on Lot 10 Mandurah Road.
- **December 2004** - Development Approval issued for a Chapel on Lot 10 Mandurah Road.
- **July 2008** - Council resolved to initiate Amendment No.79 to Town Planning Scheme No.2 (TPS2) to rezone Lot 10 (No.1791) Mandurah Road from 'Rural' to 'Special Rural'.
- **February 2009** - Council granted Final Approval to Amendment No.79 and it was gazetted in June 2009.
- **January 2010** - the Western Australian Planning Commission (WAPC) granted approval for subdivision of Lot 10 Mandurah Road into two lots.
- **July 2014** - the City received a Development Application for an Educational Establishment on Lot 11 Mandurah Road, Karnup, which was put on hold at the applicant's request pending additional information from the applicant with respect to extent of earthworks, vegetation clearing, fire management and access and egress to the site.
December 2014 - the applicant lodged a Joint Development Assessment Panel application (this application) for a proposed Educational Establishment at Lot 11 (No.1809) and Lots 700 & 701 (No.1791) Mandurah Road, Karnup.

March 2015 - the South-West Joint Development Assessment Panel (SWJDAP) resolved to refuse DAP Application DAP/14/00687 for the following reasons:

1. An 'Educational Establishment' is not permitted on Lots 700 and 701 Mandurah Road by virtue of not meeting the prerequisites of clause 7.3 of Town Planning Scheme No.2 for a change of non-conforming use, as the development would be more detrimental to the amenity of the locality than the existing non-conforming use, and it would not be closer to the intended purpose of the zone than the existing nonconforming use.

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

3. The development cannot provide for safe and efficient access to and from Mandurah Road.

4. The proposed development is inconsistent with the objectives of Planning Unit No.4C of Planning Policy 3.1.1 - Rural Land Strategy, Planning Unit C as the proposed development is not setback 40m from Mandurah Road and 10m from all other boundaries and the scale of the development is considered to intrude into the landscape.

5. The traffic generated by the development will adversely affect the functioning and safety of Mandurah Road, which is inconsistent with its role as a Regional Road.

6. The proposed development is inconsistent with clause 1.6.2(b) of Town Planning Scheme No.2 as it is not considered to secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof by virtue of:

   (a) introducing a land use that substantially increases traffic and noise and results in adverse visual impacts;

   (b) not demonstrating that the method of providing drinking water to service the development will not result in an unacceptable risk to human health by virtue of the effluent disposal area being on the same site as the groundwater abstraction.

7. The proposed development is inconsistent with clause 1.6.2(e) of Town Planning Scheme No.2, which aims to protect and enhance the environmental values and natural resources of the Scheme Area and to promote ecologically and environmentally sustainable land use and development which minimises resource use and waste, as the development:

   (a) will result in extensive vegetation clearing and reduction; and

   (b) requires extensive cut and fill.

8. The development is inconsistent with Clause 4.11.2(a) of Town Planning Scheme No.2 as it does not achieve the required 30 metre setback to Mandurah Road which is required to provide for a vegetated visual buffer and the intrusion of parking and access areas within the required setback area results in an adverse visual impact.

9. The development does not provide for adequate protection to life and property from bushfire as required by the Western Australian Planning Commission’s Planning for Bush Fire Protection Guidelines.

10. The development will adversely impact on local rural amenity as a result of the substantial vegetation clearing and modification and earthworks required to facilitate the development on the site.*
March 2015 - the applicant withdrew the original Development Application for an Educational Establishment on Lot 11 Mandurah Road, Karnup as a result of the SWJDAP's decision.

April 2015 - the applicant lodged an appeal with the State Administrative Tribunal (SAT) in relation to the refusal of the JDAP application. A number of mediation sessions were held as part of the SAT proceedings which the City was invited to participate in.

August 2015 - the SAT invited the SWJDAP to reconsider its decision on or before 9 October 2015. The applicant failed to provide sufficient information in accordance with the SAT Orders for the City to prepare its Responsible Authority Report for the consideration of the SWJDAP by this date.

October 2015 - SAT invited the SWJDAP to reconsider its decision on or before 22 December 2015. The applicant was required to submit amended plans and information for the City's assessment by 22 October 2015.

The applicant provided the additional information in support of the reconsideration as a result of the concerns discussed in the mediation sessions, the assessment of which forms the basis of this report.

The matter is listed in SAT for a final hearing on 24 February 2016.

Details

The SWJDAP was invited to reconsider its decision to refuse the JDAP application for the Educational Establishment, pursuant to section 31 of the State Administrative Tribunal Act 2004. As part of the reconsideration, the applicant provided additional information and a revised site layout plan, which resulted in the following changes to the development:

(a) Relocation of the early childhood centre from Lot 700 Mandurah Road to Lot 11;
(b) Replacement of the western most primary block with the relocated early childhood centre;
(c) Removal of the carparking spaces on Lot 700 Mandurah Road (with the exception of 7 carparking bays that are located on the boundary with Lot 11 and Lot 700 Mandurah Road);
(d) Reconfiguration of internal traffic circulation on Lot 11 and Lot 700 Mandurah Road;
(e) Use of the access to Lot 11 Mandurah Road for emergency access only;
(f) Relocation and expansion of carparking bays on Lot 11 Mandurah Road; and
(g) Modified internal pedestrian access.

In addition to the revised site layout plan, the applicant also provided the following additional information in support of the revised application:

- Revised Masterplan (dated 22 October 2015);
- Revised Transport Assessment (dated 21 October 2015);
- School Bus Transport Opportunities Technical Note 2 (dated July 2015);
- Clearing Permit Application Report (dated October 2015);
- Revised Fire Management Plan (dated 22 October 2015);
- Rehabilitation and Landscaping, Visual Impact, Wastewater and Water Supply Details (dated 22 October 2015);
- Concept Carpark and Earthworks Layout Plan (dated August 2015);
- Letter from Rowe Group containing additional information, including Additional justification for the non-conforming Use on Lot 700, water supply, bus transport, turning lanes and U-turn facilities (dated 9 July 2015); and
- A revised Traffic Management Plan.

It should be noted that the concept carpark and earthworks plan does not reflect the current proposed layout. Furthermore, the City has not been provided with complete or accurate plans of the proposed intersection or the U-turn facility.
The revised application being now considered as part of the section 31 Reconsideration is for an Educational Establishment to accommodate 516 students on the site including the following elements:

- Administration building containing a sports hall, arts and science area and classrooms;
- A Senior Specialist Centre (converted from Munja Gardens Function Centre);
- A Children's House/playgroup (converted from existing chapel building);
- Environmental Centre (converted from the existing dwelling);
- An Early Childhood building;
- Two new Primary Classroom Buildings;
- Two new Senior Classroom Buildings;
- Retention of three Storage Sheds;
- Retention of existing Hard-courts;
- A Senior play area and a Junior play area;
- A play garden;
- A new car park containing 74 parking bays and 16 drop off bays; and
- Internal access roads.

All of the Educational Establishment development is contained on Lots 11 and 700. Lot 701 is only used for access as it provides a right of carriageway easement for access to Lot 700.

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

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

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

<table>
<thead>
<tr>
<th>Program</th>
<th>Student Numbers</th>
<th>Teacher Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's House Classes</td>
<td>72</td>
<td>3 teachers and 3 education assistants</td>
</tr>
<tr>
<td>Lower Primary Classes</td>
<td>72</td>
<td>3 teachers and 3 education assistants</td>
</tr>
<tr>
<td>Upper Primary Classes</td>
<td>72</td>
<td>3 teachers and 3 education assistants</td>
</tr>
<tr>
<td>Adolescent Program (Middle School) Classes</td>
<td>150</td>
<td>9 teachers and 3 education assistants</td>
</tr>
<tr>
<td>Adolescent Program (Senior School) Classes</td>
<td>150</td>
<td>9 teachers and 3 education assistants</td>
</tr>
<tr>
<td>Total</td>
<td>516</td>
<td>42</td>
</tr>
</tbody>
</table>
The following plans show the existing and proposed site layouts, including proposed changes to the development, and the existing floor plans and elevations of various buildings proposed. It should be noted that revised floorplans and elevations of the relocated Early Childhood Centre have not been provided.

The letter references in the labels in Figure 3 relate to the above mentioned list of changes to the development.
4. Revised Site Layout
5. Site Sections (1)
6. Site Sections (2)
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 18 JANUARY 2015

PRESIDING MEMBER
8. Administrative/Sports Centre (ground floor)
9. Administrative/Sports Centre (first floor)
10. Administrative/Sports Centre Elevations (south and west)
11. Administrative/Sports Centre Elevations (north and east)
12. Senior Specialist Block (Floorplan) - Existing Munja Gardens Building
13. Senior Specialist Block (Elevations) - Existing Munja Gardens Building
14. Children's House - Existing Chapel Building
Implications to Consider

a. Consultation with the Community

There was no consultation undertaken as part of the section 31 reconsideration process, as the City did not consider the revised application would result in adverse impacts to neighbouring properties beyond what was included in the original proposal.

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

- Support for the proposed development - 58 submissions (including 56 pro-forma);
- Objecting to the proposal - 147 submissions (including 139 pro-forma); and
- Conditional support for the development - one submission.

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

### Issue 1 - Access, Traffic & Parking

#### Access to the Site

**Submission Issues:**

- There is no full movement intersection provided for access to and from Mandurah Road.
- This will result in illegal and unsafe u-turn movements along Mandurah Road in order to access the site.
- Ingress and Egress to the site is unsafe

**Applicant's Original Response:**

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

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

**City's Current Response:**

The applicant has failed to provide the City with a design of proposed acceleration and deceleration lanes or “U” turn facility. The City has therefore been unable to assess if access and egress to the site is acceptable.

The City has significant concerns with the inability to turn right in and out of the site or having a legal and safe location for "U" turns south of the site.

Such a land use, with associated traffic generation, is considered to be inappropriate for the location with limited access.

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

**Recommendation:**

- That the application be refused as it has not been demonstrated that adequate and safe access can be provided for the development.
### Traffic Generation

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

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

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

**Recommendation:**
- That the application be refused as it has not been demonstrated that adequate and safe access can be provided for the development without affecting the functioning of Mandurah Road.

### Dropping off and Collection of Children

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

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

**City's Current Response:**
Greenham Place is located to the east of the site, with other private properties located between the site and Greenham Place. No direct access to the subject site is available or proposed via Greenham Place.
The applicant has not proposed the use of Olive Hill Close as set down/pick up carparking. No direct access to the subject site is available or proposed from Olive Hill Close.
No provision has been made available to allow pedestrian crossing over Mandurah Road, and would not be supported on the basis Mandurah Road is a Controlled Access Highway.

**Recommendation:**
- If the application were to be approved, a condition should be imposed requiring all students to be dropped off and collected only from within the car park area of the development and not off-site.
**Parking Provision**

**Submission issues:**
- Insufficient parking provision

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

**City's Current Response:**
TPS2 does not contain specific parking requirements for education establishments, however, it is noted that no bays have been provided for the exclusive use of people with disability. A complete assessment of parking requirements and provision is contained within the Legislation section of this report.

**Recommendation:**
- Should the application be approved, a condition should be imposed requiring the provision of one carparking space for people with a disability, designed in accordance with AS2890.6.

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**Crossover Closure**

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

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

**City's Current Response:**
This issue is noted, however, this is an informal crossover that has not been approved by MRWA. MRWA has indicated that a physical median barrier be installed opposite the site to prohibit right turns into and out of the site.

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**Issue 2 - Servicing**

**Reticulated Water Supply**

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

**Revised Information:**
The applicant has advised that it intends to extend the reticulated water supply available on Surf Drive (approximately 1.3km to the south west of the subject site) to service the proposed development.

**City's Current Response:**
Extension of the reticulated water supply to the site is necessary for the development in the absence of securing an alternative potable water supply.

**Recommendation:**
- Should the application be approved, a condition should be imposed, requiring connection to a reticulated potable water supply before the development can operate.
Reticulated Sewerage System

Submission issues:
- Lack of deep sewerage for the development

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

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

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

The provision of the on-site wastewater treatment system will require approximately 2,500m² of native vegetation to be cleared.

Recommendation:
- Should the application be approved, a condition should be imposed requiring the installation of an on-site effluent disposal system to cater for the proposed development.

Issue 3 - Environmental Impacts

(a) Loss of Flora and Fauna

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

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

City's Current Response:
Loss of native vegetation has the ability to impact on feeding source and habitat for native fauna.

The proposal results in a significant loss of vegetation on site due to the footprint of buildings, extent of earthworks and fuel load reduction and hazard separation for fire management purposes.

Recommendation:
- That the application be refused due to the extent of vegetation clearing required and the resultant unacceptable environmental impacts.

(b) Erosion

Submission issues:
Erosion of existing sand dunes.

Additional Information:
The applicant originally advised that the development is generally environmentally unconstrained. As a result of the mediation process, the applicant also submitted a landscaping and revegetation plan.
### Issue 4 - Groundwater

#### (a) Water Contamination

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

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

**City's Current Response:**
The existing groundwater resource is unlikely to be contaminated as fertilisers and pesticides are not proposed to be used and the wastewater system proposed is a closed system (i.e. will treat water prior to any discharge).

No further groundwater allocations are available for the area. Consequentially the development will not be able extract any groundwater other than that already permitted with the existing Munja Gardens groundwater licence.

#### (b) Groundwater Protection

**Submission issues:**
- Lack of legal protection of existing groundwater systems for existing landowners and lowering of the water-table.

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

**City's Current Response:**
This issue is noted. The applicant will be required to obtain a groundwater extraction licence from the DoW, prior to the use of groundwater resources.

### Issue 4 - Amenity Impacts

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

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

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

**City’s Current Response:**

**Amenity**

The proposed development will adversely impact on the amenity of the locality as a result of the extensive clearing and earthworks required to facilitate the development and the nature of the operation of the development. This is further discussed in the Comments section of this report.

**Residential Density:**

There is no residential density associated with an Educational Establishment. Nevertheless, the scale and method of operation of the proposed development is considered more intensive than the existing single dwellings and rural pursuits in the locality and is therefore inconsistent with the existing scale of development in the locality.

**Submission issue:**

- Lack of privacy between adjacent landowners (partly due to steep topography of site), including lack of censorship to students of neighbouring property owners existing lifestyles and the use of security cameras.

**Applicant's Original Response:**

The distance between the adjoining sites is adequate with respect to privacy. This matter will also be dealt with by school management practices.

**City's Current Response:**

Given the varied topography of the site, existing properties on Olive Hill Close will be visible from the proposed development on Lot 11. The boundary of Lot 11 and Lots 302 and 303 Olive Hill Close forms a valley between the high points on each site where existing and proposed development is to occur. Therefore vegetative screening between the properties would be ineffective in affording privacy to existing landowners. TPS2 requires post and wire fencing to Special Rural properties, and therefore no privacy can be provided by fencing.

**Recommendation:**

- That the application be refused due to the adverse visual impacts of the development resulting from the scale of the development, the extent of vegetation removal and topography of the site.

**Noise**

**Submission issue:**

- Noise impacting adjacent property owners who work from home, and noise impacts on adjacent property owners in general.
- Traffic noise impacting the development from Mandurah Road and the Perth to Mandurah Rail Line.

**Applicant's Original Response:**

With respect to noise impacting adjacent properties from the ‘Educational Establishment’ land use, the acoustic report concludes that the acoustic impact of school activities is unlikely to be significant to adjoining premises.
The acoustic report concludes that the proposed ‘Educational Establishment’ is capable of complying with the requirements of the Environmental Protection (Noise) Regulations 1997 and State Planning Policy 5.4. Herring Storer has recommended that the selection of school alert system to avoid generation of noise intrusion to adjoining premises be considered to maintain the amenity at adjacent residential premises. This can be dealt with as a condition of planning approval.

Herring Storer undertook an acoustic assessment in the context of the impact of the proposed development on its surrounds and the impact of the surrounds on the proposed development. The acoustic assessment was included in the DA. The acoustic assessment considered noise impacts, compliance with the *Environmental Protection (Noise)* Regulations 1997 and the implications of State Planning Policy 5.4 in regard to a new development next to a major road. With respect to noise impacting the proposed development, the acoustic report concludes that the weekday period has the highest allowable environmental noise emissions, and is also the period when Mandurah Road traffic noise is highest. In conjunction with the Package A acoustic design of the school buildings near Mandurah Road the daytime impact of any activities at the adjacent premises is unlikely to affect the proposed school operations.

**City’s Current Response:**

The applicant has demonstrated the development can comply with the *Environmental Protection (Noise)* Regulations 1997 and *State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning.*

The applicant has demonstrated that noise impacts on the proposed development from Mandurah Road can be adequately addressed via various acoustic treatments being applied to the proposed buildings, such as double glazing, use of solid core doors and wall thickness.

**Recommendation:**

- If the application was to be approved, a condition should be imposed requiring the applicant to comply with the acoustic assessment submitted as part of the application and implementation of all recommended mitigation measures for the life of the development.

5. **Site Suitability**

(a) **Location**

**Submission issue:**
Inappropriate location for a school

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

**City’s Current Response:**

The City does not consider the subject site an appropriate location for a school for the following reasons:
1. Safe access to and from Mandurah Road is not available;
2. The scale of the proposed development is inconsistent with existing small scale developments in the locality;
3. Extensive vegetation clearing and cut and fill will be required to facilitate the development, which will substantially alter the existing landscape;
4. Substantial clearing is required to make the proposed development acceptable from a bushfire perspective; and
5. The adverse visual and environmental impacts which will occur as a result of the proposed development.

**Recommendation:**

- That the application be refused as the site is unsuitable for the development.
### (b) Bushfire Risk

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

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

**City's Current Response:**
The applicant provided a revised Fire Management Plan that generally meets the requirements of the Western Australian Planning Commission's Planning for Bush Fire Protection Guidelines. This has been further discussed in the Comments section of this report.

### Issue 5 - Health Impacts

#### (a) Pollution

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

**Applicant's Original Response:**
The subject site is located in a rural/semi-rural setting and any perceived pollution from Mandurah Road is considered less than the pollution in urban environments. Not a valid planning consideration.

**City's Current Response:**
In WA there are no specific policy requirements relating to the siting of educational establishments adjacent to busy roads. The Environmental Protection (Noise) Regulations 1997 apply and the applicant has demonstrated that the development can comply with relevant noise regulations.

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

### Issue 6 - Miscellaneous Issues

#### (a) Licenced Premises

**Submission issue:**
- Proximity of school to existing licenced premises to the north of the subject site.

**Applicant's Original Response:**
Misunderstanding by objector – the licensed Munja Gardens Reception Centre will be removed as part of this application (change of use to ‘Educational Establishment’).

**City's Current Response:**
There are no licenced premises to the north of the subject site, with the exception of the Munja Gardens Reception Centre at Lot 700 Mandurah Road, Karnup, which forms part of the subject site. It will cease use once the Educational Establishment commences.
Recommendation:
- Should the application be approved, a condition should be imposed to require the Munja Gardens Reception Centre to cease operation prior to the occupation of the proposed development to ensure the Munja Gardens Reception Centre does not continue to operate concurrently with the proposed Educational Establishment.

(b) Policy Compliance

Submission issue:
- Lack of compliance with Liveable Neighbourhood (LN) requirements for school sites and Western Australian Planning Commission Policy DC 2.4 - School Sites.

Applicant's Original Response:
The Rockingham Montessori School has a large catchment with students enrolled from areas such as Leeming and Samson to the north and Halls Head to the south. Due to the unique nature of the school, its location is not reliant on a large catchment population in proximity to the school site. Additionally, support has been received for the ‘Educational Establishment’ at the subject site by the Minister for Education (Hon. Peter Collier MLC) with such correspondence (dated 26 November 2014) supplied to the City of Rockingham as part of the Development Application.

City’s Current Response:
LN and DC 2.4 are applicable to urban areas only.

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

**b. Consultation with Government Agencies**

The following government departments were consulted and provided with the applicant's revised information as part of the assessment process:

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

The following advice was received from the consulted agencies.

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

DPaW has not provided any further advice in relation to the additional information provided as part of the SAT mediation process.

DPaW provided the following advice to the City as part of the original application:

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

If the application were to be approved, this should be included as an advice note.

**Department of Water (DoW)**

**Initial Advice**

The DoW provided the following advice to the City as part of the original application:

*Potable and Wastewater Servicing*

The proposed educational establishment site is remote from reticulated potable supply and sewer service of the Water Corporation. The development application states drinking water supply for the site is to be provided from a combination of collected rainwater and groundwater. It should be noted that for local groundwater resources to be proposed as a drinking water source a Drinking Water Source Protection Plan (DWSPP) will be required, which will include a comprehensive hydrogeological assessment of local groundwater resources to determine risk of contamination and management. Risks to drinking water sources are managed via controlling land uses within recharge areas, through land use planning restrictions implemented through the local government’s town planning scheme. Given the recharge area for local groundwater resources will be beyond the site boundaries, planning restrictions limiting activities on surrounding properties would need to be applied, which has not been considered by the proponent, and is likely not a preferred outcome for the City of Rockingham.

Furthermore, the development application also proposes a wastewater treatment system to treat wastewater and irrigate an area within the facility grounds. Water Quality Protection Note (WQPN) 25: Land use compatibility in Public Drinking Water Source Areas (DoW, 2004) defines wastewater treatment and disposal as incompatible in a drinking water source area, representing an unacceptable risk to human health. Therefore, the proposal to have groundwater abstraction for drinking water and wastewater treatment and disposal on the same site is a fatal flaw of this development application. The proponent should demonstrate a feasible strategy to provide essential water servicing for the site prior to the approval of the development application.
On resolution of the above, the proponent should also identify the irrigation areas required for the wastewater treatment plant (should this still be the intention). A Works Approval may be required by the Department of Environment Regulation, and further approvals will also be required from the Department of Health.

Groundwater Resources

The development application should confirm there are available groundwater resources for the proposal. This should include:

- A breakdown of groundwater requirements including irrigation of school ovals and gardens, construction requirements and any other usages;
- Details of any current licences and confirmation of legal access, or transfer, of the groundwater entitlements;
- Details of any further groundwater allocation which would need to be applied for.
- The Department recommends the aforementioned issues are resolved prior to the approval of the development application.

Subsequent Advice Following Mediation

DoW provided the following subsequent advice following mediation:

Onsite wastewater disposal via the use of an ATU(s) and irrigation of treated wastewater is deemed appropriate. However the type and number of systems required to service the school and its population shall be discussed with the Department of Health and the City of Rockingham.

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. The issuing of a groundwater licence is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee.

The Churcher East subarea of the Stakehill Groundwater Area is over allocated. If groundwater is required for irrigating the school grounds, an alternative non-potable water source for irrigation will need to be sourced or seek trading of a groundwater entitlement.

If the application were to be approved, this should be included as an advice note.

Main Roads WA (MRWA)

Initial Advice

MRWA provided the following advice to the City as part of the original application:

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

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

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

The Transport Assessment proposes closure of an existing median break immediately south of the proposed entry to the site to improve road safety, which may have implications for adjacent land owners on Mandurah Road.
MRWA is concerned about the future traffic safety issues around access to the site from Mandurah Road, despite acknowledging there is currently no alternative access.

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

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

**Subsequent Advice Following Mediation**

MRWA provided the following subsequent advice following mediation:

Main Roads previously provided conditional support for the above development, subject to establishing alternative vehicle access from a minor road and access from Mandurah Road reserved for emergency vehicles only. This position by Main Roads still stands.

However, through the State Administrative Tribunal (SAT), alternate options were discussed which includes the proposed option as illustrated in the proponent traffic consultant report.

The application as presented provides insufficient detail of road improvements on Mandurah Road to determine if this application warrants approval.

The illustrations as presented in the traffic consultant report are 2 dimensional only. No consideration of 3rd dimension been provided. There are no illustrations for the proposed U-turn facility other than textual comment where the traffic report indicates “a formal U-turn facility similar to that provided north of Stakehill Road should be provided south of the school site and north of Surf Drive”.

The current posted speed to where the proposed U-turn facility is likely to be constructed is located in a 100km/hr speed zone on Mandurah Road. The traffic report clearly indicates, “as there is a strong demand for traffic to exit to the north from the proposed school site”, the design of the U-turn facility MUST take into consideration the current speed zone. It is imperative that the design of this facility incorporates deceleration and acceleration traffic lanes i.e. vehicles MUST NOT block Mandurah Road.

The location of the preferred site to accommodate the U-turn facility MUST consider the existing north and south bound carriageway profiles. The description in the report indicates that the proponent preferred site for this facility be located north of the full movement intersection at Mandurah Road and Surf Drive. The levels of the existing carriageways and the widening of those carriageways to develop deceleration and acceleration traffic lanes and sight lines may preclude the ability to build this facility in this location.

With regards to the 2 dimensional concept associated with the applicant main access point onto Mandurah Road, this concept was developed by Main Roads in response to discussions during SAT mediation. No additional work has been undertaken by the proponent.

If however that SWJDAP approves this development based on the information provided to this application, the following conditions MUST BE INCORPORATED in any determination:

1. Prior to occupancy of any part of the development, the development owners covenant and agree to carry out and complete at their own expense the upgrade of Mandurah Road, to the specifications of Main Roads, and in accordance with the approved plans to the satisfaction of Main Roads and the City of Rockingham.

The upgrade to Mandurah Road shall specifically include, but not limited to, the following items:
(i) Acceleration and deceleration lanes are to be provided to the existing Munja Garden’s Function Centre driveway and the proposed U-turn facility on Mandurah Road south of the site;

(ii) Modify the existing Munja Garden’s Function Centre driveway to include a seagull style traffic island;

(iii) The acceleration lane (auxiliary traffic lane) including pavement taper is to be constructed from the existing Munja Garden’s Function Centre driveway to the existing left turn pocket into Olive Hill Close from Mandurah Road;

(iv) The existing left turn pocket into Olive Hill Close from Mandurah Road is required to be modified to accommodate the above dot point;

(v) Acceleration and decelerations lanes provided to the U-turn facility (based on the design speed of 100km/hr);

(vi) A physical barrier be installed within the median of Mandurah Road. The length of barrier required would comprise of 150m upstream and 150m downstream (total of 300m in length) being located directly opposite the existing Munja Garden’s Function Centre driveway;

2. A detailed road safety audit is required to be conducted by a suitable consultant as agreed to by the City of Rockingham and Main Roads to determine the exact location of the proposed U-turn facility on Mandurah Road. This is required to be completed and endorsed by Main Roads prior to detailed design of the U-turn facility.

3. Prior to the submission of a building permit application for the development, the development owners must submit for the City of Rockingham and Main Roads approval, detailed designs, plans and accompanying specifications for the upgrade of Mandurah Road.

4. The developers shall be responsible for all costs involved in the land acquisition, design and construction of the Mandurah Road upgrade. This includes signage, road markings, relocation of services, street lighting and Main Roads costs involved in checking of the design and construction drawings and any site inspections.

5. Main Roads approval for the road construction drawings is required before any works is undertaken within the Mandurah Road reservation. A detailed traffic management and safety plan while working within the road reservation is to be submitted as part of this approval.

6. A Bus Management Plan is required to be prepared by the proponent to the satisfaction of the City of Rockingham. The bus management plan is required to describe in detail the planned bus routes for the purpose of moving students to and from the proposed development. No “U” turns for Buses will be permitted within the Mandurah Road corridor.

7. No vehicle access shall be permitted to or from Mandurah Road road reserve from the Lots 11, 700 and 701 except at the designated crossover point being the existing Munja Garden’s Function Centre driveway and the proposed emergency vehicle access being on Lot 11. This shall be noted on the deposited plan in accordance with Section 150 of the Planning and Development Act 2005 as a restrictive covenant for the benefit of Main Roads WA at the expense of the applicant.

8. One driveway shall be permitted onto Mandurah Road from Lot 11 for emergency vehicle access only. This shall be 7 metres in width, at right angles to the carriageway. The driveway crossover shall be constructed to the City of Rockingham standards for commercial driveways.
**Department of Planning (DoP)**

The revised information submitted as part of the Section 31 reconsideration has been forwarded to the DoP for consideration as part of the revised determination. DoP will be providing a separate Responsible Authority Report to the SWJDAP for its consideration.

c. **Strategic**

**Community Plan**

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

**Aspiration D:** Sustainable Environment

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

d. **Policy**

**Development Control Policy 5.1 - Regional Roads (Vehicular Access) (DC5.1)**

DC5.1 sets out the principles to be applied when considering proposals for vehicle access to or from developments abutting regional roads.

Mandurah Road is classed as a 'Primary Regional Road' under the Metropolitan Region Scheme. Primary Regional roads form the top level of the road network for the urban region, and are designed to carry longer distance traffic to, from, and across the urban area.

**Objectives**

In considering applications for access onto regional roads, the primary consideration of DCP5.1 is the effects of proposals on traffic flow and road safety. The objectives of DCP5.1 are as follows:

- To outline planning principles to be applied in the determination of proposals for vehicle access to regional roads;
- To ensure that vehicle access to regional roads and the type of abutting developments is controlled and conforms with sound town planning principles; and
- To improve traffic flow and safety on all regional roads, either new or existing, by minimising the number of junctions or driveways.

The site only has access to Mandurah Road. The applicant is proposing to use the existing vehicle crossover to Lot 700 Mandurah Road, and is not proposing additional vehicle access points to Mandurah Road apart from emergency access on Lot 11.

**Development Requirements**

In considered development, the following requirements are applicable to the proposed development:

3.3.1 *In considering applications for access on regional roads, the effects of the proposals on traffic flow and road safety will be the primary consideration. The more important the regional road, the greater the importance attached to these factors. In general, the Commission will seek to minimise the creation of new driveways on regional roads and rationalise existing access arrangements.*

3.3.2 *On regional roads not constructed or planned to freeway standards, there is a general presumption on traffic and safety grounds against the creation of new driveways or increased use of existing accesses to these roads.*

3.3.5 *In determining applications for development involving the formation, laying out or alteration of a means of access to regional roads, the following must be considered:*
i) the effects of the development on traffic flow and safety, the character and function of the road, the volume and speed of traffic, the width of the carriageway and visibility; and

ii) the volume and type of traffic generated by the development.

Mandurah Road has the second highest order road classification in the City, behind the Kwinana Freeway, providing inter-regional access. Consistent with Clause 3.3.1, MRWA has advised that it does not support the development having direct access to Mandurah Road.

The traffic report provided by the applicant has demonstrated that sufficient capacity exists within Mandurah Road to accommodate the additional traffic generated by the development. Access to and from the site is, however, problematic and it has not been demonstrated that given the current environment safe access can be provided for the development.

A complete assessment of traffic impacts is provided in the Comments section of this report. In summary, the proposed development would not provide for safe access to and from the site and would compromise the functioning of Mandurah Road as a result of the intensification of development and subsequent modifications required to the road to facilitate the development.

Planning Policy 3.1.1 - Rural Land Strategy (RLS)

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

General Objectives

The objectives of the RLS relevant to the application are:

3. Protect and conserve landscape values; and

4. Protect and conserve areas of environmental significance.

The proposed development, by virtue of its size and the nature of the use, requires the removal of a large amount of vegetation and involves substantial earthworks. The development therefore does not protect or conserve the landscape values of the site.

The amount of vegetation required to be cleared to facilitate the development (see Figure 18) and to achieve acceptable fuel loads and hazard separation across the site will significantly modify the existing vegetated landscape, which includes Carnaby's Black Cockatoo Habitat (see Figure 19). The development therefore does not protect or conserve the environmental significance of the site.

Planning Unit Objective

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

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

The significant loss and modification of vegetation due to the expanse of area required for the construction of buildings, access and carparking, hazard separation and fuel load reduction for fire management purposes adversely impacts the landscape attributes of the site. The proposed development is therefore not consistent with the objective of Planning Unit No.4

Landscape Protection

The RLS provides landscape protection measures for Planning Unit 4, such that developments or changes in land use should result in minimum visual alteration to the landscape. Specifically, the following measures apply:
• **Buildings should be sympathetic in design, materials and colour to complement surrounding landscape elements and be sited away from focal points and located where screening vegetation or landform can be utilised;**

• **Roads, where possible, should follow the contours of the land. Road alignments should be such that they do not produce visible straight lines up or down slopes when viewed from neighbouring land.**

• **Clearing of existing native vegetation should be limited to around buildings and should be an absolute minimum necessary for the construction of roads, the installation of services and for firebreak purposes.**

Whilst the proposed buildings are considered to be sympathetic in design, materials and colour to complement the surrounding landscape, the buildings and associated carparking and access areas will be visually prominent from Mandurah Road, which is considered to detrimentally impact the rural landscape views of the site from Mandurah Road.

The access roads will result in alignments that produce visible straight lines along the boundary of Lot 11. The internal access and carparking areas are not considered to have been designed in such a way that results in the absolute minimum amount of vegetation being required to be removed to facilitate the development. This is due to the convoluted road network to access each element of the development, and the development of a single level carparking area to accommodate all required carparking, on a site with steeply undulating topography. It would be better suited to a split level or fragmented development style.

**Planning Unit Requirements**

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

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliant</th>
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<tbody>
<tr>
<td>Buildings to be setback a minimum of 40m from Mandurah Road, 30m from other subdivisional roads and 10m from all other boundaries with no clearing in the setback area except for fire management or for vehicular access as approved by Council.</td>
<td>40m Mandurah Road Setback&lt;br&gt;No new development, apart from the access road included in this setback area.&lt;br&gt;It appears that clearing for the Building Protection Zone (BPZ) will be required in this setback area, however, it is not clear as the BPZ has not been denoted on any of the plans provided.</td>
<td>Yes</td>
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<tr>
<td>10m Boundary Setbacks&lt;br&gt;Car parking is proposed within the setback areas for both Lot 11 and Lot 701.</td>
<td>10m Boundary Setbacks&lt;br&gt;Car parking is proposed within the setback areas for both Lot 11 and Lot 701.</td>
<td>No</td>
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<td>Development shall be of a scale that minimises intrusion into the landscape</td>
<td>Given the steeply undulating topography of the land, a significant amount of cut and fill would be required. The applicant has not adequately demonstrated the extent of cut and fill required to facilitate the development. The amount of vegetation required to be cleared to facilitate the development and to achieve acceptable fuel loads and hazard separation across the site will significantly modify the existing highly vegetated landscape. The development is not considered to be of a scale that minimises the intrusion into the landscape.</td>
<td>No</td>
</tr>
<tr>
<td>Subdivision/development proposals are to include a landscaping plan detailing a proposed tree planting programme.</td>
<td>The applicant has provided a landscaping/revegetation plan as part of the revised information submitted following the mediations sessions.</td>
<td>Yes</td>
</tr>
<tr>
<td>Fire Management is to be addressed in accordance with the Western Australian Planning Commission Planning for Bushfire Protection Guidelines – Edition 2 (May 2010).</td>
<td>The applicant has provided a Fire Management Plan that is generally compliant with the Western Australian Planning Commission Planning for Bushfire Protection Guidelines – Edition 2 (May 2010).</td>
<td>Yes</td>
</tr>
</tbody>
</table>

As can be seen from the above, the proposed development does not comply with the requirements of PP3.1.1 as:

- It is not consistent with the objective of Planning Unit 4C;
- The development is not considered to protect or conserve the landscape values of the site as the extent of earthworks and loss of vegetation required to facilitate the development will significantly alter the existing landform of the site;
- Development is located within the setback areas; and
- The proposed development is not considered to be of a scale that minimises intrusion into the landscape as a result of the extent of earthworks and loss of vegetation required to facilitate the development.

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

SPP2 defines the principles and considerations that represent good and responsible planning in terms of environment and natural resource issues within the framework of the State Planning Strategy. The objectives of SPP2 are:

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

The proposed revised development is not considered to meet the objectives of SPP2 as it does not protect, conserve or enhance the natural environment, as outlined in the assessment against the policy measures of SPP2 below.
General Measures
The general measures of SPP2 require the decision maker to consider how the implementation of development decisions can affect the environment and other natural resources. In this respect, SPP2 seeks to avoid development that may result in unacceptable damage, and to protect significant natural features, including significant habitats and their visual values.

SPP2 also supports the conservation, protection and management of native remnant vegetation where possible, to enhance soil and land quality, water quality, biodiversity, fauna habitat, landscape, amenity values and ecosystem function.

The proposed development is not considered to comply with the general measures of SPP2, as it does not protect the natural features of the land by virtue of vegetation clearing and earthworks required to accommodate the development. The clearing of vegetation required to facilitate the development also removes fauna habitat and adversely impacts the landscape and amenity value of the site.

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

The applicant has modified the proposal to provide a connection to the reticulated potable water supply. The applicant has not provided information as to where the water mains infrastructure will be extended to service the subject site. No information has been provided with respect to groundwater use requirements, including irrigation of school ovals and gardens, construction requirements and any other usages requiring groundwater. The Department of Water has advised that there is no further groundwater allocation available in the area.

Should the application be approved, it will be the responsibility of the applicant to ensure that the existing Munja Gardens groundwater licence be transferred to the school, and to ensure the use of water does not exceed the allocation provided for in the licence.

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

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

The applicant has not adequately demonstrated the extent of cut and fill which will be required to facilitate the development. The City is therefore unable to assess the impact of earthworks in respect to erosion, slope stability and dune migration. The City is concerned that the amount of cut and fill required to construct buildings and access across the steep and varied topography of the land will adversely impact the existing dune system.

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

SPP2 also outlines that considerations should be given to land that is degraded or contaminated, or has the potential to become so, and facilitate its rehabilitation or remediation for appropriate future use.

The applicant's revised environmental figures detail that portions of the subject site contain degraded vegetation that will be cleared to facilitate the development. Whilst it is noted that the applicant proposes some rehabilitation of degraded areas of vegetation, areas of good quality vegetation are still proposed to be cleared to facilitate the development. The City considers the clearing of vegetation to facilitate the development will further degrade the site, which is inconsistent with SPP2's objectives to rehabilitate land.
Biodiversity

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

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

1. Mechanism to protect areas of high biodiversity and conservation, including:
   (i) Land containing Threatened Flora or Threatened Ecological Communities, or that which is habitat to Threatened Fauna;
   (ii) Regionally significant vegetation within the Swan Coastal Plain area of the Perth Metropolitan Region; and

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

Unless a targeted spring survey is undertaken, it cannot be determined whether threatened flora or ecological communities exist on the site, however, regionally significant Cottesloe Complex flora and endangered Carnaby's Black Cockatoo habitat is found on the site. Whilst the loss of this habitat vegetation is unlikely to result in the extinction of these species, the cumulative effect of consistent removal of habitat and significant vegetation due to the development is further adversely impacting the species and in the absence of complete information, is not supported by the City. This has been further discussed below.

Whilst the site is not considered to be an area of high biodiversity, the existence of Cottesloe Complex on the site renders the site to have conservation value. A total of 35.22% of the pre-European extent of the Cottesloe Complex remains on the Swan Coastal Plain.

The EPA's Position Statement 2 – Clearing of Native Vegetation 2000, states that:

- "The ‘threshold level’ below which species loss appears to accelerate exponentially at an ecosystem level is regarded as being at a level of 30% of the pre-clearing extent of the vegetation type; and
- Clearing which would put the coverage below this threshold level should be avoided."

The existence of Cottesloe Complex is only 5.22% above the threshold level where species loss accelerates and any further clearing should therefore be avoided. The City considers that the proposal fails to comply with SPP2 as it does not minimise adverse impacts on areas of conservation value by virtue of vegetation clearing required to facilitate the development.

Flora

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

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

The applicant will be required to obtain a clearing permit from the Department of Environment Regulation for the removal of any native vegetation and a referral to the Commonwealth Department of Environment if it is likely to have a significant impact on a matter of National Environmental Significance. These assessments will determine the requirement for protection of these species on site.

Fauna

The revised Environmental Assessment Report provided by the applicant detailed the location of vegetation on-site which has been identified as potential Carnaby's Black-Cockatoo habitat (see Figure 19). The Carnaby's Black Cockatoo is listed as 'Endangered' under the EPBC Act. Approximately 5.54ha of Lot 11 (approximately 71% of the site area) and approximately 854m² of Lot 700 contains Carnaby's Black Cockatoo Habitat, which is likely to be compromised as a result of the proposed development. This has been further discussed in the Comments section of this report.
As a listed threatened species, it is likely that a referral to the Commonwealth Department of Environment will be required. The Commonwealth Department of Environment assessment will determine the requirement for protection of these species on site.

The site also provides habitat to a number of native species, such as kangaroos. Should the development be approved, the City recommends that a Fauna Relocation Plan be provided and implemented prior to development of the site.

**Landscape**

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

SPP2 recommends decision-making should:

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

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

One of the primary objectives for this site, as outlined in Planning Policy 3.1.1 - Rural Land Strategy (further discussed in the Local Policies section of this report), is to provide a natural viewshed from Mandurah Road. The subject site is considered to have significant aesthetic value, as it forms part of a network of dune systems extending further north and south which are highly visible from Mandurah Road.

The applicant has not adequately demonstrated the extent of cut and fill required to facilitate the development. The City is therefore unable to assess the impact of earthworks which could significantly alter the natural topography of the land. Given the steep and varied topography of the land, a significant amount of cut and fill would be required which would compromise the visual integrity and natural form of the dune system. The vegetation required to be cleared to facilitate the development will also adversely impact the aesthetic value of the site and compromise the natural viewshed to Mandurah Road. This has been further discussed in the Comments section of this report.

**Draft State Planning Policy 2.5 - Rural Planning Policy (SPP2.5)**

The purpose of SPP2.5 is to:

*To protect and preserve Western Australia’s rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is inherent in this approach.*

The objectives of SPP2.5 relevant to the proposed development are to:

(d) provide a planning framework that considers rural land and land uses comprehensively, and facilitates consistent and timely decision-making;

(e) avoid and minimise land use conflicts;

(g) protect and improve environmental and landscape assets.

The proposed development is considered to be inappropriate for the subject site. It results in extensive vegetation clearing and requires extensive earthworks to facilitate it. This results in adverse environmental and visual impacts and consequentially the amenity and landscape values of the locality. The proposed development is therefore contrary to the objectives of SPP2.5.


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

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

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

Generally, the FMP is consistent with the PBFP Guidelines, however, this is further discussed in the Comments section of this report.

e. Financial
Nil

f. Legal and Statutory

State Administrative Tribunal Act 2004

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

Metropolitan Region Scheme (MRS)

Clause 32 Resolution

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

Resolution (RES 2014/01) published in 9 May 2014 Government Gazette, requires that any use, in the opinion of the Local Government, that may not be consistent with the Rural zone be referred to the WAPC for its determination. The proposed Educational Establishment is not considered consistent with the rural zoning of Lot 11. In this regard, this application has been referred to the WAPC. Separate MRS approval is therefore required, with a separate RAR being provided to the SWJDAP by the WAPC.

Planning and Development (Local Planning Scheme) Regulations 2015 (Regulations)

Schedule 2

Clause 63 - Accompanying Material

Clause 63(1) of Schedule 2 of the Regulations outlines material that must accompany an application for development approval. The following information has not been provided by the applicant, which is considered necessary to adequately assess the application:

(a) a plan or plans in a form approved by the local government showing the following:
   (ii) the existing and proposed ground levels over the whole of the land the subject of the application;
   (iii) the location, height and type of all existing structures and environmental features, including watercourses, wetlands and native vegetation on the site;
   (iv) the structures and environmental features that are proposed to be removed;
   (v) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
   (vi) the existing and proposed means of access for pedestrian and vehicles to and from the site;
(vii) the location, number, dimensions and layout of all car parking spaces intended to be provided; and

(b) plans, elevations and sections of any building proposed to be erected or altered and of any building that is intended to be retained; and

(d) any other plan or information that the local government reasonably requires.

Specifically, the applicant has failed to provide details of:

- The existing and proposed ground levels over the site and specifically the finished levels of the car park and how the land will be shaped around all of the buildings to enable access;
- Details of the proposed modifications to the existing dwelling to provide the Environmental Centre;
- Details of the levels of cut and fill required to accommodate the proposed buildings, carparking, internal and external roads;
- The extent of vegetation to be removed to facilitate earthworks and the Building Protection Zone;
- The proposed deceleration and acceleration lanes to provide access and egress to the site, and the proposed 'U' turn facility; and
- Dimensions of carparking spaces.

Given the absence of this information, the City is therefore unable to assess:

- whether the environmental and visual impacts associated with the development are acceptable;
- if the means of access and egress to the site are safe; or
- if the carparking spaces can comply with the relevant Australian Standard.

This has been further discussed in this section and the Comments section of this report.

Clause 67 - Matters to be considered by local government

Clause 67 of Schedule 2 of the Regulations outlines the matters to which the Local Government is to have due regard when considering an application for development approval. Where relevant, these matters have been discussed in the Comments section of this report.

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

Clause 3.2 - Zoning Table

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

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

Despite an 'Educational Establishment' being an 'X' use in the Special Rural Zone, Clause 7.3 of TPS2 permits a change of an existing non-conforming use under certain circumstances. This is further considered below.

Given the subject site contains two different zones, the following is an assessment against the TPS2 provisions relating to both Lot 11 (zoned Rural under TPS2) and Lots 700 & 701 (zoned Special Rural under TPS2).

Rural Zone

Clause 4.11.1 - Objectives

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

"to preserve land for farming and foster semi-rural development which is sympathetic to the particular characteristics of the area in which it is located, having due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the Council may adopt from time to time as a guide to future development within the Zone."
The area in which the proposed development is located is characterised by low density rural residential style development, with a number of low intensity rural and semi-rural land uses such as horse agistment facilities, a cattery and a plant nursery. The eastern side of Mandurah Road, where the subject site is located, is highly vegetated with remnant native vegetation on a steep and undulating dune network. There is an extensive chain of wetlands and significant landscape amenity extending north and south of the subject site. In general, the area provides a rural transition to urban development to the east and west.

Semi-rural development is considered to be typically low density in scale, and non-urban in nature or operation. The proposed development is of a large scale, affecting approximately 50% of Lot 11. The operation of the development is also not rural or semi-rural in purpose or operation and is therefore not considered to be consistent or sympathetic to the character of the locality.

The scale of the development, and the general intensity associated with the activity and traffic generation of the number of students and teachers proposed, is not considered to be consistent with the character of the locality.

An assessment of the proposed development against the principles of the Rural Land Strategy (RLS) is contained within the Local Policies section of this report. This assessment concluded that the proposed development does not comply with the objectives and principles of the RLS, as it is not considered to be of a scale that minimises intrusion into the landscape and it is considered to adversely impact the landscape attributes of the site.

The proposed development is therefore considered to be inconsistent with the objectives of the Rural Zone.

Clause 4.11.2 - General Provisions

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

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<tr>
<th>Provision</th>
<th>Provided</th>
<th>Compliance</th>
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<tbody>
<tr>
<td>Setbacks: All development, including the clearing of land, shall be setback a minimum of 30 metres from the primary street and 10 metres from all other boundaries, other than for the purpose of providing a fire break or vehicular accessway.</td>
<td>30m Primary Street Setback With the exception of emergency vehicle access, the applicant has removed all development on the revised site layout plan within the 40m setback to Mandurah Road.</td>
<td>No</td>
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<tr>
<td>It appears that clearing for the Building Protection Zone (BPZ) will be required in this setback area, however, it is not clear as the BPZ has not been denoted on any of the plans provided.</td>
<td>10m Boundary Setback Carparking and access between Lot 700 and Lot 11 extends across the lot boundaries, and therefore fails to achieve the required 10m setback. It appears that clearing for the Building Protection Zone (BPZ) will be required in this setback area, however, it is not clear as the BPZ has not been denoted on any of the plans provided.</td>
<td>No</td>
</tr>
</tbody>
</table>
Clearing of Vegetation:
No native or remnant vegetation shall be removed or cleared unless approved by the Council, and other than for the purpose of a fire break, fire protection within a building protection zone, dwelling, outbuilding, fence and vehicular access or where such vegetation is dead, diseased or dangerous.

Clearing of vegetation to enable the construction of buildings and carparking will be required to facilitate the development.
Insufficient information has been provided as to the extent of earthworks required to accommodate the development, and therefore the City is unable to adequately assess the overall extent of vegetation removal to accommodate earthworks.
Should the SWJDAP approve this application, the approval will constitute as compliance with this provision.

The proposed development is not compliant with Clause 4.11.2 as the proposed development includes a car park and vegetation clearing within the required 10m boundary setback.

Clause 4.11.3 - Precinct Planning
Clause 4.11.3 provides the following with respect to the assessment of applications against the Rural Planning Precincts of the RLS:

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

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

An assessment of the proposed development against the requirements and performance standards of the RLS is contained in the Local Policies section of this report. This assessment concludes that the proposed development fails to comply with the requirements and standards of the Rural Zone as the development is not considered to be of a scale that minimises intrusion into the landscape.

Clause 4.11.4 - Planning Control
Clause 4.11.4 of TPS2 provides the following with respect to Planning Controls in the Rural Zone:

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

The assessment of the proposed development against the objectives of the Rural Zone is contained in Clause 4.11.1 above.

An assessment of the proposed development against the principles and policies of the Rural Land Strategy is contained in the Local Policies section of this report, which concludes that the proposed development fails to comply with the objective of the Rural Zone and the principles and policies as set out in the RLS.

Special Rural Zone
Clause 4.12.1 - Objectives
Lots 700 & 701 are zoned ‘Special Rural’ under TPS2. The objectives of the Special Rural Zone are as follows:
(a) To identify areas within which co-ordinated subdivision can occur for the purposes of providing a rural lifestyle that is not associated with large scale, intensive rural activities, whilst also allowing for the effective management of the land to ensure the retention of the rural landscape and amenity and conserve and enhance the natural environment.

(b) To ensure that all development within Special Rural zones is in accordance with the Provisions Relating to Specified Areas as set out in Schedule No.4 of the Scheme that has due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the Council may adopt from time to time as a guide to future development within the Zone.

Whilst much of Lot 701 and the access to Lot 700 contain vegetation of introduced species, it still provides for heavily landscaped environment with glimpses of built form development. This provides for a high level of amenity which is reflected in the zone objectives. The importance of the retention of this visual amenity, as a buffer to the higher density development to the east and west, is reflected in the principles and objectives of the RLS.

The proposed development will require removal of a substantial area of vegetation. For Lot 701, half of the area of existing vegetation will need to be cleared to facilitate play areas, bushfire Building Protection Zones, and vehicular access. Whilst specific details have not been provided, additional clearing would be required along the access handle of Lot 700 to facilitate the upgraded intersection and driveway to the proposed development. The removal of the vegetation will erode the existing amenity of the area through the loss of vegetation and increased visibility of development.

The intensity of use of the development will be far greater than anticipated by the objectives of the area. This combined with the vegetation removal will adversely impact the rural landscape and amenity of the area. Whilst the development includes some revegetation, it is not considered on balance to result in an enhancement of the natural environment.

A full assessment of the proposed development against the relevant provisions of Schedule No.4 of TPS2 is provided in the table below. It concludes that the proposed development does not comply with the provisions set out in Schedule No.4.

From the above, it can be seen that the development is not consistent with the objectives of the Special Rural Zone.

Clause 4.12.3 - Planning Control

Clause 4.12.3 requires Council to consider the following:

In assessing applications for development approval and formulating comments and recommendations on applications for the subdivision of land, the Council shall take into account the objectives of the Special Rural Zone, the principles and policies as set out in the Rural Land Strategy and the Provisions Relating to Specified Areas as identified on Plan No’s 3 and 4 and set out in Schedule No.4.

The assessment of the proposed development against the objectives of the Special Rural Zone is provided above.

An assessment of the proposed development against the principles and policies of the RLS is contained in the Local Policies section of this report. It concludes that the proposed development is not consistent with the objectives of the RLS as it fails to protect and conserve landscape values and it is not considered to be of a scale that minimises intrusion into the landscape.

An assessment of the proposal against the Provisions set out in Schedule No.4 of TPS2 is contained below. It concludes that the proposed development does not comply with the provisions set out in Schedule No.4.

Clause 4.12.4 - Special Provisions

Clause 4.12.4 requires consideration of the provisions set out in Schedule No.4 of TPS2.

An assessment of the proposal against the provisions of Planning Unit 4C set out in Schedule No.4 of TPS2 is as follows:
## Schedule 4 Provisions

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<th>Provision</th>
<th>Provided</th>
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<tr>
<td>3. (a) The following use is permitted ('P'):</td>
<td>The proposed use is classed as an ‘Educational Establishment’, which is a Prohibited ‘X’ use in the zone. The Munja Gardens Reception Centre on Lot 700 Mandurah Road is an existing non-confirming use. Clause 7.3 of TPS2 provides the ability to change an existing non-conforming use to another non-conforming use. By accepting the existing non-conforming use, the proposed use may become a discretionary use in accordance with clause 7.3. This change of non-conforming use has been further discussed under Clause 7.1 and 7.3 of the in the Legislation section of this report. The proposed non-conforming use does not comply with the two prerequisites for a change of non-conforming use. This has been further discussed under Clause 7.3 below.</td>
<td>No</td>
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<td>(i) Residential - Single house (maximum of one (1) per lot only)</td>
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<td>(ii) Communications Antennae - Domestic</td>
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<td>(b) The following uses are not permitted unless approval is granted by the Council ('D'):</td>
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<tr>
<td>(i) Home Occupation</td>
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<td>(ii) Residential Building</td>
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<td>(iii) Rural Pursuit</td>
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<td>(iv) Caretakers Dwelling as an incidental use</td>
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<td>(v) Communications Antennae - Commercial</td>
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<td>(c) The following uses are not permitted, unless the Council, at its discretion, permit the use after notice of application has been given in accordance with Clause 6.3 ('A'):</td>
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<tr>
<td>(i) Bed and Breakfast</td>
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<td>(ii) Home Business</td>
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<td>(iii) Industry - Cottage</td>
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<td>(iv) Agriculture - Intensive</td>
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<td>(v) Telecommunications Infrastructure</td>
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<td>(d) The following use is not permitted, unless the use is incidental to the predominant use of the land as determined by the Council ('IP'):</td>
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<tr>
<td>(i) Ancillary Accommodation</td>
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<td>(e) All other uses listed in Table No. 1 not listed above shall be treated as Prohibited ('X') uses.</td>
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<td>(f) Uses not listed are subject to Clause 3.2.4 of the Scheme.</td>
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<td>5. In addition to a building license, the Council's prior approval to commence development shall be consistent with Clause 6.1.2 of the Scheme.</td>
<td>The applicant has submitted an application for Development Approval in accordance with the requirements of Part 7, Clause 60 of the Planning and Development (Local Planning Scheme) Regulations 2015, which replaces Clause 6.1.2 of TPS2.</td>
<td>Noted</td>
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<td>6.  At the time of applying for development approval, a plan of the site shall be submitted by the applicant to the satisfaction and specification of the Council, which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting.</td>
<td>The applicant has provided additional information that details which trees are to be retained and removed. A plan detailing the site contours is provided in the Fire Management Plan.</td>
<td>Yes</td>
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<td>7.  For Location 4(iii) land uses other than a single residence that are permitted or may be permitted by the Council pursuant to the Scheme shall only be permitted when the Council is satisfied following consultation with the Department of Environment and Conservation that the land use does not involve excessive nutrient application or the clearing of the land.</td>
<td>The Department of Parks and Wildlife (formerly Department of Environment and Conservation) noted that the development will involve the clearing of vegetation. DPaW advised that clearing of native vegetation is prohibited, unless the clearing is authorised by a clearing permit obtained from the Department of Environmental Regulation (DER), or is of a kind that is except in accordance with Schedule 6 of the Environmental Protection Act 1986 or Environmental Protection (Clearing of Native Vegetation) Regulations 2004. The applicant has not obtained a clearing permit, and will need to liaise with the DER in this respect. A total 5.13ha will be cleared (see Figure 24), which is considered excessive clearing of the land. The applicant has advised that no fertilisers are proposed to be used. The wastewater system proposed is a closed system (i.e. will treat water prior to any discharge).</td>
<td>No</td>
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<tr>
<td>8.  Where the Council considers that local environmental conditions are significant enough to warrant restriction to development and vegetation clearing, the Council require a person to submit for the Council’s approval a plan identifying the location of building envelopes on each lot at the time of subdivision. The location and size of the building envelopes must be to the satisfaction of the Council.</td>
<td>There are no building envelopes on the subject site. No building envelopes were deemed necessary as the Munja Gardens Reception Centre and single house were existing at the time the land was rezoned to ‘Special Rural’.</td>
<td>Not applicable</td>
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<td>Provision</td>
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<td>(b) Where building envelopes are approved in relation to any lot, no clearing or development, other than for fire management purposes or to construct a vehicle accessway that has received the prior written approval of the Council, shall be approved outside the designated building envelope.</td>
<td>40m Mandurah Road Setback</td>
<td>No</td>
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<td>(c) The size and location of an approved building envelope may be varied with the approval of the Council.</td>
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<td>9. Where no building envelopes are required, all development, including the clearing of land (except for firebreaks), shall comply with the following setbacks unless otherwise specified by the Council:</td>
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<td>(a) Forty (40) metres from Mandurah Road</td>
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<td>(b) Thirty (30) metres from other subdivisional roads (primary setback)</td>
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<td>(c) Ten (10) metres from all other boundaries unless otherwise specified in the Rural Land Strategy.</td>
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<tr>
<td>10m Boundary Setbacks</td>
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<tr>
<td>40m Mandurah Road Setback</td>
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<td>No new development, apart from the access road included in this setback area.</td>
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<td>It appears that clearing for the Building Protection Zone (BPZ) will be required in this setback area of Lot 701, however, it is not clear as the BPZ has not been denoted on any of the plans provided.</td>
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<tr>
<td>10m Boundary Setbacks</td>
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<td>Car parking is proposed within the setback areas for both Lot 11 and Lot 701.</td>
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<tr>
<td>It appears that clearing for the Building Protection Zone (BPZ) will be required in this setback area of Lot 11 and Lot 701, however, it is not clear as the BPZ has not been denoted on any of the plans provided.</td>
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<tr>
<td>12. All bores for the purpose of groundwater extraction shall require the prior approval of the Department of Water, having regard to the location of any effluent disposal system, water bodies, drains and neighbouring bores.</td>
<td>The advice from the Department of Water in relation to licensing for groundwater abstraction is contained within the Consultation with other Agencies or Consultants section of this report.</td>
<td>Noted</td>
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<tr>
<td>13. On-site effluent disposal servicing development on the lots shall be to the satisfaction of the Council. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected an effluent disposal system that:</td>
<td>Approval must be obtained from the City and the Department of Health for any on-site effluent disposal. The applicant has yet to make an application to the City for on-site effluent disposal. The applicant has previously advised that a Biomax C80 wastewater treatment system will be installed on-</td>
<td>Noted</td>
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<td>(a) has a vertical separation of 2 or more metres between the base of the effluent disposal system or the irrigation area, and the highest recorded groundwater level;</td>
<td>site to service proposed development. No specific details of the vertical separation of this system to the highest recorded groundwater have been provided. The proposed location of the wastewater treatment system is greater than 100m from existing drains, water courses and water bodies. The Department of Water has previously advised that a Works Approval may be required by the Department of Environment Regulation with respect to the installation of wastewater treatment system.</td>
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<td>(b) has at least a 100 metre horizontal separation between the effluent disposal system and the existing drains, water courses and water bodies; and</td>
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<td>(c) has been approved in writing by the Council.</td>
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<td>14. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the Council.</td>
<td>Should the application be approved, a condition of Development Approval requiring the retention of all stormwater on site is recommended.</td>
<td>Noted</td>
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<tr>
<td>15. With the intention of preserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the amenity of the locality, the approval of the Council is required for any use or development of land.</td>
<td>No stocking of animals is proposed. An assessment of the proposed development in relation to tree and vegetation preservation, the effects on the environment of the locality, and the residents of the estate is contained within the Comments section of this report.</td>
<td>Noted</td>
</tr>
<tr>
<td>The Council will have regard to limits on stocking, the limited groundwater resources, tree and vegetation preservation and the effects on the environment of the locality and residents of the estate when considering the application and may, should approval be granted, impose any conditions as practical and may modify or vary such conditions to take account of seasonal changes.</td>
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<td>17. No indigenous trees or substantial vegetation shall be removed, including from within a building envelope, where applicable, without the prior approval of the Council, except where: (a) The trees are dead, diseased or dangerous; (b) The establishment of a fire break as required under regulation or local law; (c) Fire protection within a building protection zone as defined in the Western Australian Planning Commission publication “Planning for Bushfire Protection”; (d) Access to an approved development site is required; (e) Subdivisional works require the removal of vegetation.</td>
<td>Should the SWJDAP approve this application, which includes the removal of vegetation, the approval will constitute as compliance with this provision.</td>
<td>Noted</td>
</tr>
<tr>
<td>18. Firebreaks shall be constructed and maintained to the satisfaction of the Fire and Emergency Services Authority and the Council. In order to preserve the amenity of the area, Council may, at its discretion, vary the position of any required firebreak to avoid destruction of vegetation or to address the physical features of the subject land.</td>
<td>Firebreaks are required on the subject site by virtue of the City’s Fire Control Notice.</td>
<td>Noted</td>
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<tr>
<td>19. The developer shall, within the Strategic Revegetation Areas depicted on the Subdivision Guide Plan, plant trees and shrubs of a species, density and distribution to be determined by the Council. Tree planting shall be undertaken to the satisfaction of the Council prior to clearance of the Deposited Plans.</td>
<td>The Subdivision Guide Plan for Lots 700 &amp; 701 did not contain a Strategic Vegetation Areas and therefore this provision is not applicable.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Provision</td>
<td>Provided</td>
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<td>The developer shall maintain the trees and shrubs planted and vegetation to be retained on each lot, to the satisfaction of the Council until the land as a whole or in lots is sold. Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Council. The developer shall notify in writing any prospective purchase of the requirement for the continued maintenance of Strategic Revegetation Areas.</td>
<td>The applicant has not provided details of fencing, however, the applicant would be required to comply with the Council's Local Laws in this respect.</td>
<td>Noted</td>
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<td>20. All fencing shall be in accordance with the Council's Local Laws.</td>
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<td>25. With respect to maintaining Stakehill Swamp, the following Wetland Management Provisions shall apply:</td>
<td>The subject site is located more than 800m away from Stakehill Swamp.</td>
<td>Not applicable</td>
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<td>(a) No new dams, artificial retention of water, pumping, diversion of water or modification to the natural form of the wetland shall be undertaken without the prior approval of Council;</td>
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<td>(b) A no-spray (pesticide/herbicide), non-cultivation and non-nitrogenous fertiliser us fertiliser application buffer of 50 metres from the foreshore of the wetlands shall apply.</td>
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<td>Provision</td>
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<td>The no spray requirement does not preclude the carrying out of noxious weed control in accordance with Agriculture WA requirements or pest control as authorised by Council; (c) The developer shall prepare and implement a Wetland Management Plan to the specification and satisfaction of the Department of Environment and Conservation and Council, at the time of subdivision.</td>
<td>The proposed buildings will be rammed limestone construction, and will be finished with reverse block veneer comprising of timberlap or metal sheet cladding. The buildings are coloured in earthy tones. Paths and ramps will be in-situ coloured concrete with reconstituted limestone or laterite block retaining walls.</td>
<td>Partial Compliance</td>
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26. All buildings and outbuildings are to be sympathetic in design, materials and colour to compliment surrounding landscape elements and be sited away from focal points and located where screening vegetation or landform can be utilised. The proposed buildings will be rammed limestone construction, and will be finished with reverse block veneer comprising of timberlap or metal sheet cladding. The buildings are coloured in earthy tones. Paths and ramps will be in-situ coloured concrete with reconstituted limestone or laterite block retaining walls. | The design of the proposed buildings are considered to be sympathetic in design, materials and colour to compliment the surrounding rural landscape. The buildings will be visible from Mandurah Road and adjacent properties (see Figures 16 and 17) and are not sited away from focal points or in a location where the existing landform or vegetative screening is likely to impede the view to the buildings. The proposal therefore does not comply with this part of the provision. This has been further discussed in the Comments section of this report. | Partial Compliance |

**Clause 4.15 - Carparking**

TPS2 does not specify car parking provision requirements for Educational Establishments. In these circumstances, TPS2 requires that the minimum number of car parking spaces required for the proposed development shall be determined having regard to:

(i) the nature of the proposed development;  
(ii) the number of employees likely to be employed on the site;  
(iii) the anticipated demand for parking; and  
(iv) the orderly and proper planning for the locality.
The applicant has advised that the ultimate development will accommodate 516 students and 42 staff. Parents would also be on site as part of the Children’s House/Playgroup component. No specific numbers of parents have been provided.

The Western Australian Local Government Association’s ‘Road Safety Around Schools’ Guidelines require one bay per staff member and seven pickup and set down bays per 100 students for high schools. Using this guideline, 79 carparking bays would be required for the proposed development (42 bays for staff and 37 pickup and set down bays).

A minimum of one accessible carparking space for every 100 carparking spaces or part thereof is required for people with disability, which equates to the requirement for one bay for people with disability.

A total of 16 ‘drop off’ bays and 74 carparking bays are proposed. No bays have been provided for people with disability.

Due the curvature of the road in the area denoted for ‘drop off’ bays, the City estimates that a maximum of 15 bays can be accommodated to ensure the design requirements of AS2890.1:2014. As the applicant has failed to provide dimensions of the carparking spaces, the City cannot accurately determine the exact number of bays that would fit on the curved area of the road denoted for drop-off bays.

Notwithstanding the above, assuming the City’s calculations are correct, a total of 89 carparking bays would be available, which, with the exception of the provision of the required bay for people with disability, is considered sufficient to meet the anticipated demand for parking to service the proposed development.

As part of the revised development, the applicant has removed the formal carparking on Lot 700, with the exception of seven bays which straddle boundary between Lot 11 and Lot 700. No carparking has been provided adjacent the Senior Specialist Centre or the Children’s House, and no access has been provided for pedestrians or people with disability linking the Senior Specialist Centre and the Children’s House to the proposed development on Lot 11. No access for pedestrians and people with disability has been provided to the Senior Specialist Centre and the Children’s House from the car park or other development on Lot 11. This is not considered acceptable.

The revised development includes a ramped access to the main administration building. The City has concerns that the location of the carparking area in proximity to the buildings has not been designed to accommodate persons with disability. Furthermore, no parking spaces have been designated for persons with a disability nor do any appear to comply with the required dimensions for such a space.

Insufficient information has been provided to determine whether the proposed access from the carparking area to buildings on Lot 11 is functional due to the steep topography of the land. The City is concerned that the development will not be able to comply with AS1428.1 - General requirements for access - New building work with respect to providing a walkway gradient not steeper than 1 in 20, due to the street topography of the land.

Should the application be approved, the applicant will be required to provide one carparking space for people with disability.

**Clause 7.1 - Non-Conforming Use Rights**

The Munja Gardens Reception Centre on Lot 700 Mandurah Road is an existing non-conforming use. Clause 7.1 outlines the situations in which an existing use can continue to operate. Essentially, the use must be lawful immediately prior to the gazettal date of the current Scheme, including any approvals required to authorise the development to be carried out were obtained and are current. Development Approval for the Munja Gardens Reception Centre was initially granted in 1997.

**Clause 7.3 - Change of Non-Conforming Use**

Clause 7.3 provides the ability to change an existing non-conforming use to another non-conforming use under the following circumstances:

Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the Council is not to grant its development approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the Council, closer to the intended purpose of the zone.
To enable consideration of a change of a non-conforming use to another non-conforming use, two tests must be satisfied:

- the proposed use must be less detrimental to the amenity of the locality than the existing use; and
- the proposed use must be closer to the intended purpose of the zone.

A complete assessment of the proposed development in relation to these two tests has been provided in the Comments section of this report. It concludes that the proposed use meets neither test and therefore, pursuant to Clause 7.3 of TPS2, the SWJDAP is not to grant its development approval to the use.

g. Risk (High/Extreme)

Nil

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<th>Comments</th>
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<td>Land Use Permissibility</td>
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When considering applications for a change of an existing non-confirming use to another non-confirming use, Clause 7.3 of TPS2 requires Council to consider:

(i) if the proposed use is less detrimental to the amenity of the locality than the existing non-confirming use; and

(ii) if the proposed use is closer to the intended purpose of the zone.

These matters have been further discussed below.

Impact on Amenity

The City does not believe the proposed development would be less detrimental to the amenity of the locality in which the subject site is located for the following reasons:

*Increase in hours of operation*

The overall/cumulative hours of operation for an Educational Establishment greatly exceed the hours of operation for the existing Reception Centre. The Munja Gardens Reception Centre operates on an appointment only basis, with functions only being held at the centre when bookings are made. Functions are typically held on weekends only. The Educational Establishment will operate a minimum of 5 days per week for all school terms throughout the year. It is expected that some functions also would occur on weekends.

Therefore the cumulative hours of operation for an Educational Establishment greatly exceed the hours of operation for the existing Reception Centre.

*Increase in peak hour traffic volumes*

The hours of operation for an Educational Establishment correlate to peak traffic periods (i.e. 9:00am and 3:00pm) on Mandurah Road. This will increase congestion on Mandurah Road, otherwise not experienced by the Reception Centre, which whilst having a high peak, the peak demand typically occur outside of peak traffic periods on Mandurah Road.

The applicant has advised that staggered school starting and finishing times could be utilised to reduce the impact on traffic volumes during peak traffic periods. Whilst this approach may reduce the intensity of the peak traffic periods, the varied starting and finishing times will result in vehicles attending the site over a greater time period, which is considered to add to the intensity of the proposed development. It may also have the impact of adding additional vehicle trips if parents have children with different starting and finishing times.

*Increase in overall traffic volumes*

The volume of traffic associated with the proposed development exceeds that of the existing Reception Centre. The Munja Gardens reception hall has the capacity to seat 150 guests. At ultimate development completion, the proposed Educational Establishment will accommodate 516 students and 42 staff members.
The applicant proposes to address the issue of overall traffic volumes by requiring up to 75% of students to be transported to and from the school via a designated bus service; unless there are extenuating circumstances that require drop off/pick up by private vehicle.

There is no way to ensure that the development operates with the majority of students arriving and departing by bus. Furthermore, a different school operator other than Montessori could utilise the Development Approval which may not incorporate bus travel. Therefore the traffic generation should be assessed on the basis of worst case scenario.

If it is determined that the overall traffic generation is unacceptable and therefore requires bussing of students, this would indicate that the site is not suitable for the development.

If the development was conditioned to require that 75% of students arrive and depart the site via bus, ensuring compliance is considered to be both unrealistic and place an unreasonable burden on the City.

Overall, the proposed development will increase the volume of traffic to and from the site and is therefore not considered to be less detrimental to the amenity of the locality.

**Increase in overall development**

The overall development footprint is greater than the existing Reception Centre due to the need to provide vehicular accessways, carparking and vehicle circulation areas which were not required for the operation of the Reception Centre.

**Intended purpose of the zone**

The objectives of the Special Rural Zone under TPS2 are:

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

(b) To ensure that all development within Special Rural zones is in accordance with the Provisions Relating to Specified Areas as set out in Schedule No.4 of the Scheme that has due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the Council may adopt from time to time as a guide to future development within the Zone.

From the objectives of the Special Rural Zone, the intended purpose of the zone can be taken to be an area that provides for a rural lifestyle that is not associated with more intense and larger scale rural activities. Developments should retain the rural landscape and amenity of the area and conserve and enhance the natural environment. In this particular area, the RLS identifies the importance of retaining the visual buffer between development to the east and west.

Given this, the proposed development is not considered to be closer to the intended purpose of the Special Rural zone for the following reasons:

- The proposal does not foster semi-rural development which is sympathetic to the characteristics of the area in which it is located.
- The proposal does not result in the effective management of the land or conserve or enhance the natural environment, due to the loss of vegetation and modification to the natural topography of the land;
- The proposed development is considered to adversely impact on the existing rural landscape and amenity, due to the extent of development and impacts associated with the operation of the development, such as loss of vegetation and traffic, which are not associated with a rural lifestyle; and
- The proposal development is not consistent with the objectives of the RLS as it fails to protect and conserve landscape values and areas of environmental significance.

The City considers that the proposed development has a greater impact on the amenity of the locality than the existing non-conforming use based on visual and environment impacts, hours of operation and increased peak hour and overall traffic volumes.
It can be seen that the proposed change of non-conforming use would not have a less detrimental impact on the amenity of the locality when compared to the existing non-conforming use and is not closer to the intended purpose of the zone. In this regard the development cannot be considered as a change to a non-conforming use and is therefore not permissible in the Special Rural Zone.

As the proposed Educational Establishment is not considered to meet the prerequisites of change to a non-conforming use, by virtue of Clause 7.3 of TPS2, the SWJDAP is not to grant Development Approval for an Educational Establishment on Lots 700 and 701 Mandurah Road.

Compatibility of Development

Clause 67(m) of the Regulations requires the Council, in considering the application, to have due regard to:

The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

The following comments are provided in relation to the compatibility of the proposed development with its setting.

Scale of Development

The locality has a distinctly rural character, exemplified by small scale rural and semi-rural land uses such as horse agistment facilities, plant nurseries and hobby farming and low density rural residential development. These developments typically occupy a small area of the site in comparison to their lot size.

With the exception of the removal of the early childhood centre and formal carparking from Lot 700, the scale of the development remains unchanged from that originally proposed. The proposed development, including clearing, will impact approximately 40% of the area of Lots 11 and 701.

The steeply undulating topography of the site and the bushfire hazard exacerbates the scale of the development as additional earthworks and vegetation removal are required to facilitate the development along with vegetation removal to provide the Bushfire Building Protection Zone.

For these reasons, the scale of the proposed development is considered inconsistent with the existing and desired future character of the locality and therefore is considered to be incompatible with its setting.

Visual Impacts

The applicant has submitted a Viewshed Analysis (see Figure 16) and Line of Sight Plan (see Figure 17) to illustrate the visual impacts the proposed development will have on Mandurah Road and surrounding properties. No assessment has been undertaken to determine the impact of the vegetation removal from Lot 700.

The Plans show that a large portion of the proposed development on Lot 11 will be visible from Mandurah Road and from the adjacent Lot 302 and 303 Olive Hill Close. The existing building forming the environmental centre and existing sheds are visible from Lot 812 Greenham Place.

The City requested the applicant provide a Viewshed Analysis from Lot 701 Mandurah Road, which has not been provided. The City has been unable to assess the visual impacts to this property associated with the proposed development.

No Visual Analysis has been undertaken for Lot 301 Olive Hill Close, which is directly to the south of the subject site. From the information provided, it appears that it would not have sightlines to the development.

The scale of the development, extent of earthworks and the removal of vegetation required to facilitate the construction of buildings, access and carparking areas and the BPZ is considered to be visually intrusive in the existing low density highly vegetated rural landscape. The location and design of the carpark is considered to have a detrimental visual impact from Mandurah Road.

In summary, a large portion of the proposed development on Lot 11 will be visible either directly from Mandurah Road or from the adjacent Lot 302 Olive Hill Close, and insufficient information has been provided to determine if the development will have visual impacts on Lot 701 Mandurah Road and the extent of the visual impact from the clearing on Lot 700.
The proposed development is therefore considered to result in a detrimental visual impact for both users of Mandurah Road and adjacent residential development. The proposed development is therefore not considered to be compatible with its setting.

16. Viewshed Analysis
17. Line of Sight Analysis
Amenity
Clause 67(n) of the Regulations requires the Council, in considering the application, to have due regard to the amenity of the locality including the following:

(i) environmental impacts of the development;
(ii) the character of the locality; and
(iii) social impacts of the development.

The area is considered to be rural in nature, characterised by rural and semi-rural development, large lot sizes with low density development and areas of significant vegetation.

Factors likely to impact the amenity of the locality in relation to the proposed development are considered below.

Environmental impacts of the development
The environmental impacts of the development have been considered extensively in the following section below. In summary:

- The development will result in extensive clearing of the site, including both native vegetation and introduced species, to facilitate the buildings, car park and access roads, and the required bushfire Building Protection Zones.
- To facilitate the development on the steeply undulating site, large areas of cut and fill will be required, consequently changing the landform.

The amenity of the locality is considered to be adversely affected as a result of the environmental impacts resulting from the proposed development.

Character of the Locality
The locality is characterised by rural lifestyle and semi-rural developments. The land to the east of Mandurah Road contains highly vegetated steeply undulating dune system. This area provides an important visual interlude to the urban land to the west.

The scale and nature of the development along with its physical impacts, due to the site constraints, would result in an adverse impact on the character of the locality.

Environmental Impacts
Clause 67(o) of the Regulations requires consideration be given to:

the likely effect of the proposal on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.

The subject site has a highly varied topography made up of parabolic dune structures with significantly steep slopes. Lot 11 is largely covered by Cottesloe vegetation complex, with mainly introduced species on Lot 700. The following environmental impacts have been considered.

Earthworks
The applicant has not adequately demonstrated the extent of cut and fill which will be required to facilitate the entirety of the development. Therefore there is inadequate information available to properly assess the impacts of the proposed development. The City remains concerned that the significant earthworks required to construct the development, particularly the large carpark, roads travelling directly up slopes, and required minimal grade footpaths for accessible buildings, will have a detrimental environmental impact.

Apart from the extent of built form on the site that would require earthworks, the topography of the site will also require significant battering to facilitate it. This results in more earthworks than just the building footprints.

As the site is subject to a bushfire risk, the area surrounding the development needs to have vegetation provided in a minimal fuel condition to provide an adequate Building Protection Zone. Whilst the applicant has proposed revegetation of the site, the City remains concerned as to how the land will be stabilised given the low fuel conditions required.
Vegetation Removal

The proposed development will impact an area of 5.13ha (see Figure 18). This equates to 50% of the site. Of this development footprint, 1.4ha is already cleared and 3.72ha would need to be cleared.

Vegetation clearing is required to facilitate:
- The overall footprint of the proposed development;
- Earthworks to facilitate the proposed development, which could extend beyond the building footprint;
- Bushfire mitigation measures, including reducing the overall fuel load on the site and to facilitate the Building Protection Zone;
- The area required to facilitate the on-site effluent disposal system; and
- Clearing of vegetation within the road reserve to accommodate the required acceleration and deceleration lanes and 'U' turn facility.

The applicant has assessed the condition of the vegetation on site in accordance with the Bush Forever Classification Scale (see Figure 18). The assessment determined that:
- 0.62ha is good condition;
- 1.35ha is degraded; and
- 1.75ha is completely degraded.

It should be noted that this classification system relates to ecological integrity and does not reflect the importance of the vegetation from a visual or amenity point of view. For example, the "completely degraded" classification is defined as:

The structure of the vegetation is no longer intact and the area is completely or almost completely without native species. These areas are often described as 'parkland cleared' with the flora comprising weed or crop species with isolated native trees or shrubs.

Whilst the applicant's assessment indicates that a large portion of the proposed clearing is completely degraded vegetation, the vegetation still holds important values in terms of amenity and cannot be discounted given the intent of the planning controls for this specific area.

Indigenous Fauna and Rare Flora

The subject site contains a large area of Carnaby's and Forest Red-tailed Black Cockatoo Habitat. Figure 19 shows the location of the habitat and significant trees. Approximately 2.35ha of the habitat will be cleared as part of the development. None of the significant trees will be removed.

The site also potentially provides habitat for the Rainbow Bee-eater, Perth Slider Lined Skink and Quenda Southern Brown Bandicoot. The assessment determined the clearing would have a negligible impact on these species.
18. Vegetation Clearing and Condition
19. Black Cockatoo Habitat
During the vegetation surveys undertaken, there was no rare or priority flora identified. The surveys were, however, undertaken outside of the detectable period for the Grand Spider Orchid and *Drakaea micrantha*. The assessment concludes that it is unlikely that these species would occur on site based on their preferred habitat and closest recorded occurrences.

An application for a Clearing Permit to the Department of Environment Regulation would be required for the proposed clearing. The proposal for clearing of the Black Cockatoo habitat would need to be referred to the Commonwealth Department of the Environment under the *Environment Protection and Biodiversity Conservation Act 1999*.

It is acknowledged that the applicant has proposed to take environmental characteristics of the site into consideration in the design of the development to retain areas of best quality vegetation, however, the net loss of vegetation across the site results in adverse impacts to the natural environment and amenity of the locality which is inconsistent with planning intent of the area.

**Landscaping**

Clause 67(p) of the Regulations requires consideration of:

> whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.

The applicant has provided a detailed landscaping and revegetation plan (Figure 20). It can be seen that the applicant proposes an extensive amount of revegetation throughout the site.

The net loss and disturbance to the existing vegetation on the site to facilitate the development is, however, considered greater than what could adequately be offset by revegetation, given the extent of the development, reduced fuel load requirements of the BPZ. Despite proposed revegetation, the clearing required to facilitate the development is still considered to adversely impact on the site and its surrounds.

The applicant has not adequately demonstrated the extent of earthworks required to facilitate the development. The City is therefore unable to accurately assess the impact of earthworks on vegetation retention or landscaping.

Overall, the development requires an excessive level of clearing. Even with the proposed landscaping, the rehabilitation proposed is not considered to sufficiently replace the lost vegetation.
20. Landscaping and Revegetation
Bushfire Risk

Clause 67(q) of the Regulations requires the Council, in considering the application, to have due regard to the

*the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk.*

The subject site and its surrounds are subject to a bushfire risk. The applicant has provided a revised Fire Management Plan to address the risk and has adopted a 'Shelter in Place' approach to provide safety to occupants in the event of a bushfire.

Bushfire Attack Level Assessment

The applicant has advised that all new buildings used for administration, sporting or teaching purposes will be constructed to the requirements of *Australian Standard 3959 - Construction of Buildings in Bushfire Prone Areas* (AS3659) as detailed in the Bushfire Attack Level (BAL) Assessment provided as part of the assessment. The BAL Assessment demonstrates that a maximum construction standard of BAL-29 would be required, which is consistent with the *Planning for Bush Fire Protection Guidelines* (PBFP Guidelines).

Bushfire Protection Criteria

Element 1 - Location

Development would comply with the relevant Acceptable Solution as it would be located within an area which requires construction standards less than BAL-FZ or BAL-40, once hazard separation measures were in place.

Element 2 - Vehicular Access

The applicant has proposed compliance with the Performance Criteria for this Element, which states:

*The internal layout, design and construction of public and private vehicular access in the subdivision/development allows emergency and other vehicles to move through it easily and safely at all times.*

The applicant's engineers have certified that the internal access roads will be designed to ensure emergency vehicles can move through the site easily and safely at all times. Thus Element 2 is considered to be satisfied.

Element 3 - Water

The development would comply with the relevant Acceptable Solution as the site would be connected to a reticulated water supply and including a fire hydrant system in accordance with Water Corporation, DFES and City of Rockingham requirements.

Element 4 - Siting of Development

The development would be consistent with Acceptable Solution A4.1 as, whilst it would have a separation distance of less than 100m from a moderate/extreme hazard, AS3959 Construction Standards would be applied to the buildings.

The applicant proposes to use the Performance Criteria to comply with the BPZ requirement. The proposed development proposes that the BPZ would be designed to achieve a maximum radiant heat level of 29kW/m² on buildings, and the general fuel load (2 tonnes per hectare) and vegetation maintenance requirements of the Acceptable Solution would be achieved. This performance solution is considered to be acceptable. Mapping to identify the location of the BPZ on site does however need to be provided as it is not included in Figure i of the report.

The Hazard Separation Zone has not been provided as the hazard separation distance has been reduced consistent with Acceptable Solution A4.1.

Element 5 - Design of Development

Whilst the development does not comply with all the Acceptable Solutions of A4.1, A4.2, A4.3 and A4.4, it is considered to meet the equivalent of the Acceptable Solutions and thus meets the Performance Criteria of the Element, being that
The design of the development is appropriate to the level of bushfire hazard that applies to the development site.

Summary

The proposed development and associated Fire Management Plan is considered to be consistent with the requirements of the PfBP Guidelines, subject to the extent of the BPZ being illustrated in accordance with the description provided in the report.

Access and Egress

Clause 67(s) of the Planning and Development (Local Planning Scheme) Regulations 2015 requires consideration of

the adequacy of:

(i) the proposed means of access to and egress from the site; and

(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles.

Site Access

The revised application proposes one ‘left in left out’ access point to Lot 700 from Mandurah Road. The existing driveway on Lot 11 Mandurah Road is to be used for emergency access only.

The ‘left turn’ only movement to enter and exit the site is expected to receive long delays on the site, due to the high egress traffic volumes and school bus movements, which would require larger ‘gaps’ in the traffic to accommodate egress of buses. Whilst it is acknowledged that a large circular turn-around area on site has been provided, should vehicles exiting the site be required to queue to wait for a ‘break’ in traffic on Mandurah Road, there is concern that the functionality of car parking and manoeuvrability on the site would be compromised, particularly where buses are involved.

The revised application includes deceleration and acceleration lanes for the access to the site. The applicant has, however, failed to provide details as to the length and exact location of the acceleration and deceleration lanes and the extent of works required to facilitate them.

Based on the current 100km/hr speed environment (110km/hr design speed), the deceleration lane would need to extend 150m north of the site and the acceleration lane 235m south of the Olive Hill Close intersection. This would mean significant works to the intersection of Olive Hill Close and blocking of access to Lot 13 (No.1857) and Lot 14 (No.1859) Mandurah Road.

If the speed limit on Mandurah Road was reduced to 80km/hr, the deceleration lane would need to extend 120m north of the site and the acceleration lane 315m south of the site. This would be able to be accommodated with only minor modifications to the Olive Hill Close intersection. It is, however, important to note that MRWA has not approved any change to the current 100km/hr speed limit, nor has the City received any advice from MRWA that it would support such a reduction. In any case, such an approval is separate to the planning process and in the absence of an approval existing, the City can only consider what is currently in place.

The resultant intersection design for the 110km/h design speed would result in unacceptable impacts, through the blocking of access for Lot 13 (No.1857) and Lot 14 (No.1859) Mandurah Road. The design changes required to Olive Hill Close intersection would need to be borne by the applicant. Any lesser design, being a shorter acceleration lane to avoid blocking property access, would be unsafe given the speed environment. Therefore safe access cannot be provided to the subject site.
21. Length of acceleration/deceleration lanes
U-Turn Bay

The revised Transport Assessment recommends the existing median break to the west of the proposed entry be closed to traffic to prohibit the right turn into and out of the site. The Assessment also recommends the installation of a U-turn facility located north of Surf Drive. Details of the design and exact location of the proposed U-turn facility have not been provided.

There are significant level differences between the northbound and southbound carriageways along this portion of Mandurah Road. Along with the camber of each of the carriageways, the City has significant concerns as to whether a U-turn facility could in fact be achieved given the level differences.

To ensure the functionality of Mandurah Road is not compromised, acceleration and deceleration lanes must be provided to the ‘U’ turn facility, to allow free flowing turning of traffic. It is not clear whether, given the spacing between the carriageways and the height differences, the additional acceleration and deceleration lanes could be achieved. If not, then turning traffic would be required to perch before entering traffic on the northbound lane. This would require the inclusion of storage into the deceleration lane, consequentially lengthening the lane. Further assessment would be required to determine then whether sufficient distance is available between the site and U-turn deceleration lane in order to allow accelerating vehicles from the site to cross two lanes of traffic before reaching the U-turn facility.

In addition to this, it is not clear that there is sufficient sight distance to the south of the U-turn facility, particularly relating to the bend in the road and the intersection of Surf Drive. A Safety Audit is recommended by MRWA to address this.

It should also be noted that Mandurah Road is to be widened to six lanes in the future, which may compromise the ability to provide the U-turn facility.

The U-turn facility is fundamental to the safe functioning of the proposed development given the absence of a full movement intersection. Until, and unless, it can be adequately demonstrated that both the site intersection and the U-turn facility can be designed and provided to an acceptable MRWA standard, the application cannot be supported as safe access cannot be provided for the development.

Carparking

Carparking provision has been discussed in the Legislation section of this report. The amount of carparking provided is deemed adequate to service the proposed development. It is not clear from the information provided whether the carparking bays will comply with User Class 1 (for staff parking) and User Class 3 (for short term parking) of Australian Standard AS2890.1:2014 - Parking facilities Part 1: Off-street car parking.

Traffic Generation, Flow & Safety

Clause 67(t) of the Regulations requires the Council to consider:

*the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.*

The traffic report provided by the applicant has demonstrated that sufficient capacity exists within Mandurah Road to accommodate the additional traffic generated by the development.

Access to and from the site is, however, problematic as outlined above. It has not been demonstrated that, given the current environment, safe access can be provided for the development.

Consequentially it is concluded that the development would compromise the functioning of Mandurah Road as a result of the intensification of development and subsequent modifications required to the road to facilitate the development.

Public Transport, Servicing, Waste and Pedestrian and Cyclist Access and Access for the Aged and People with Disability

Clause 67(u) of the Regulations requires consideration of

*The availability and adequacy for the development of the following:*
(i) public transport services;
(ii) public utility services;
(iii) storage, management and collection of waste;
(iv) access for pedestrian and cyclist (including end of trip, toilet and shower facilities);
(v) access by older people and people with disability.

Each of these issues has been discussed below:

Public Transport
The applicant has advised that approximately 75% of arrivals and departures to and from the school would likely be via a bus operated by the school. The enforcement of this is problematic as outlined above.

The nearest public transport route (a bus service) is located approximately 1.2km from the subject site. There are no Transperth bus services along Mandurah Road in this location. The subject site is considered to be a poor location for an Educational Establishment due to the lack of available public transport.

Public Utility Services
The applicant has advised that it intends to extend the reticulated water supply available from Surf Drive (approximately 1.3km to the south west of the subject site) to service the proposed development. This approach is supported by the City.

The applicant will be required to liaise with relevant service authorities for the provision of power and telecommunications.

Waste
The applicant has not provided details of waste storage, management or collection. Should the application be approved, a condition should be imposed requiring the submission of a detailed Waste Management Plan to the City's for approval and implementation throughout the operation of the development.

Pedestrian and Cyclist Access
The site only has access from Mandurah Road. There is no public footpath network or pedestrian crossings across Mandurah Road in the vicinity of the site. Given the high speed traffic environment of Mandurah Road (100km/hr), pedestrian access via Mandurah Road is not considered safe.

There are also no designated cycle lanes or cycle paths on or adjacent to Mandurah Road. Given the high speed traffic environment of Mandurah Road (100km/hr), access for student cyclists via Mandurah Road is not considered safe. There are no requirements for bicycle parking and end-of-trip facilities under the City's Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities.

The subject site is not considered a suitable location for an Educational Establishment due to the lack of pedestrian and cycling facilities. This arrangement is unlikely to change given Mandurah Road is classed as a Primary Distributor road for the purposes of providing movement of inter-regional traffic.

Access for the Aged and People with Disability
No detail has been provided as to the grades of the footpath network around the site, and whether it is adequate to enable access for the aged and people with disability. No parking spaces have been identified on site for the aged or people with disability.

Submissions
Clause 67(y) of the Regulations require consideration of any submissions received on the application.

The City received 147 public submissions (of which 139 were pro forma) objecting to the proposal. All of which contained relevant issues on the proposed development application. The following issues which were raised within submissions objecting to the proposal are still not considered to be resolved:
Planning and Engineering Services Committee Minutes
Monday 7 December 2015
PDS-085/15 PAGE 168

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 18 JANUARY 2015

- Access, Traffic and Parking;
- Traffic Generation;
- Loss of Flora and Fauna;
- Loss of Amenity;
- Inappropriate Location; and
- Policy Compliance.

These issues have been discussed throughout this report. Despite the additional information provided by the applicant, the City still considers there are outstanding matters that must be addressed by the applicant to enable the City to resolve the concerns raised by submissioners, and on this basis, is unable to recommend the application for approval.

Conclusion
From the above assessment it has been clearly demonstrated that:

- The proposed development does not comply with the objectives or provisions of the Regulations, TPS2, State Planning Policy 2 - Environment and Natural Resources Policy, Planning Policy 3.1.1 - Rural Land Strategy, and Development Control Policy 5.1 - Regional Roads (Vehicular Access).

- The proposed use is prohibited on Lot 700 as it does not meet the prerequisites of a change of non-conforming use required by Clause 7.3 of TPS2 as the development is not less detrimental to the amenity of the locality nor closer to the intended purpose of the zone.

- Insufficient information has been provided by the applicant to enable full and proper assessment of the impacts of the development relating to vehicular access, U-turn facilities, parking provision, and the extent of earthworks required.

- It has not been adequately demonstrated whether the site can achieve safe and functional access and whether providing access to the site will compromise the functioning and safety of Mandurah Road. Furthermore, the absence of sufficient information prohibits the complete understanding of the environmental impacts of the development.

- The proposed development is considered to detrimentally impact the amenity of the locality, the existing landscape quality of the site and have adverse visual impacts from the vegetation. This is a result of the clearing and significant earthworks required to facilitate development due to the steep topography of the site, and bushfire hazard separation requirements.

- The proposed development is considered to result in adverse environmental impacts as a result of modifying the existing landscape through loss and modification of vegetation and earthworks required to facilitate the development.

- The site is not considered suitable for the development due to the lack of safe access to the site, the extensive amount of earthworks and clearing required to facilitate the development and provide a suitable level of protection from bushfire.

It is therefore recommended that the Council recommend refusal of the application.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPT the Responsible Authority Report for the application for an Educational Establishment at Lot 11 (No.1809) and Lots 700 and 701 (No.1791) Mandurah Road, Karnup contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 17 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:
That the Metro South-West Joint Development Assessment Panel, pursuant to section 31 and 32 of the State Administrative Tribunal Act 2004 in respect of SAT application DR 126 of 2015, resolves to:

1. **Reconsider** its decision dated 10th March 2015; and

2. **Affirm** its decision to **Refuse** DAP Application reference DAP/14/00687 and accompanying:
   - Masterplan, Drawing SK01, Rev D, dated 22 October 2015;
   - Site Sections, Drawing No.SK02, no Rev, dated 26 November 2014;
   - Site Sections, Drawing No.SK03, Rev A, dated 26 November 2014;
   - Typical Classroom Block, Drawing No.SK04, Rev B, dated 26 November 2014;
   - Typical Classroom Block, Drawing No.SK05, Rev A, dated 26 November 2014;
   - Administration/Sports Centre, Drawing No.SK07, Rev A, dated 26 November 2014;
   - Administration/Sports Centre, Drawing No.SK08, Rev A, dated 26 November 2014;
   - Administration/Sports Centre Elevations, Drawing No.SK09, Rev A, dated 26 November 2014;
   - Administration/Sports Centre Elevations, Drawing No.SK10, Rev A, dated 27 November 2014;
   - Senior Specialist Block, Drawing No.SK11, Rev A, dated 26 November 2014;
   - Senior Specialist Block, Drawing No.SK12, Rev A, dated 26 November 2014;
   - Childrens House, Drawing No.SK 13, Rev B, dated 26 November 2014;

in accordance with Clause 68(2)(c) of the Planning and Development (Local Planning Schemes) Regulations 2015 for the proposed Educational Establishment at Lot 11 (No.1809) and Lots 700 & 701 (No.1791) Mandurah Road, Karnup.

**Reasons**

1. The proposed development is inconsistent with Schedule 2 Clause 63(1)(a)(ii),(iv),(vi), (vii),(b) and (d) of the Planning and Development (Local Planning Schemes) Regulations 2015, as the applicant has failed to provide sufficient information in order to adequately assess the impacts of the development.

2. An 'Educational Establishment' is not permitted on Lots 700 and 701 Mandurah Road by virtue of not meeting the prerequisites of Clause 7.3 of Town Planning Scheme No.2 for a change of non-conforming use, as the development would not be less detrimental to the amenity of the locality than the existing non-conforming use, and it would not be closer to the intended purpose of the zone than the existing non-conforming use.

3. The proposed development is inconsistent with Clause 4.11.1 of Town Planning Scheme No.2, being the objectives of the Rural Zone, as the proposal does not foster semi-rural development which is sympathetic to the characteristics of the area in which it is located by virtue of the scale of the development and extensive earthworks and clearing required to facilitate the development.

4. The proposed development is inconsistent with Clause 4.12.1 of Town Planning Scheme No.2, being the objectives of the Special Rural Zone, as the loss of vegetation and modification to the natural topography of the land does not result in retention of the rural landscape and amenity, or conserve or enhance the natural environment.

5. Safe access cannot be provided to the development from Mandurah Road.

6. The proposed development is inconsistent with the objectives of Planning Unit No.4C of Planning Policy 3.1.1 - Rural Land Strategy, as the scale of the development is considered to adversely impact the landscape as a result of modifying the existing landscape through loss and modification of vegetation and earthworks required to facilitate the development.

7. The proposed development is inconsistent with Clause 1.6.2(b) of Town Planning Scheme No.2, being an objective of the Scheme, as it is not considered to secure the amenity of the Scheme Area and the inhabitants thereof as a result of the substantial vegetation removal and earthworks required to facilitate the development on the site.
8. The proposed development is inconsistent with Clause 1.6.2(e) of Town Planning Scheme No.2, being an objective of the Scheme, as it does not protect and enhance the environmental values and natural resources of the Scheme Area nor does it promote ecologically and environmentally sustainable land use and development through the extensive vegetation clearing earthworks and lack of available public transport.

9. The site is unsuitable for the proposed development given the impact of the scale of the development on the natural landscape, the extent of earthworks required to accommodate the development, the extent of vegetation removal required to facilitate the construction of buildings, access and carparking areas and the Building Protection Zone, and the unsafe access and egress to the site.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin:

That Council **ADOPT** the Responsible Authority Report for the application for an Educational Establishment at Lot 11 (No.1809) and Lots 700 and 701 (No.1791) Mandurah Road, Karnup contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 17 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

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   - Senior Specialist Block, Drawing No.SK12, Rev A, dated 26 November 2014;
   - Childrens House, Drawing No.SK 13, Rev B, dated 26 November 2014;
   - Environment Centre, Drawing No.SK 14, Rev A, dated November 2014

in accordance with Clause 68(2)(c) of the Planning and Development (Local Planning Schemes) Regulations 2015 for the proposed Educational Establishment at Lot 11 (No.1809) and Lots 700 & 701 (No.1791) Mandurah Road, Karnup.

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1. The proposed development is inconsistent with Schedule 2 Clause 63(1)(a)(ii),(iv),(vi), (vii),(b) and (d) of the Planning and Development (Local Planning Schemes) Regulations 2015, as the applicant has failed to provide sufficient information in order to adequately assess the impacts of the development.

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Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
# Planning and Development Services

## Directorate, Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-086/15 Urban Potential within South Baldivis - 'Baldivis Landowners Group'</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/757-04</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td>Various</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Peter Ricci, Manager Major Planning Projects</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Bob Jeans, Director Planning &amp; Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>7 December 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Advocacy</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
</tbody>
</table>

## Site:
- Land Bounded by Sixty Eight Road, Kwinana Freeway, Stakehill Road and Eighty Road, Baldivis

## Lot Area:
- Approximately 815 hectares

## LA Zoning:
- 'Special Rural', 'Rural', 'Parks and Recreation'

## MRS Zoning:
- 'Rural', 'Parks and Recreation'

## Attachments:
1. City of Rockingham Correspondence to M Gasper dated 28 August 2009
2. Correspondence from members of the ‘Baldivis Landowners Group’

## Maps/Diagrams:
1. Extent of Precinct
2. Extract from Metropolitan Region Scheme
3. Extract from Town Planning Scheme No. 2
4. Karnup District Structure Plan Study Area
5. Extract from Draft South Metropolitan and Peel Sub-Regional Planning Framework
6. Extract from Perth Biodiversity Program
7. Extract from City’s Submission of Draft Framework
**Purpose of Report**

To respond to the matters raised by the ‘Baldivis Landowners Group’ with respect to the urban potential of land within the precinct bounded by Sixty Eight Road, Kwinana Freeway, Stakehill Road and Eighty Road, Baldivis (‘the subject precinct’).

**Background**

Nil

**Details**

Various landowners within the precinct, as shown in Figure 1 below, have formed the ‘Baldivis Landowners Group’ (‘the Group’). The primary aim of the Group is to transfer the development potential of their landholding from ‘Special Rural’ and ‘Rural’ to urban so that residential development can be achieved.

1. Extent of Precinct

The Group has advised that of the 227 properties within the subject precinct, it represents 40.

The precinct is located immediately south of the existing ‘Baldivis South District Structure Plan’ area where urban development has progressed over recent years. It is characterised by a number of ‘Special Rural’ subdivisions together with larger ‘Rural’ lots that accommodate a variety of rural activities. Classified wetlands exist in the precinct along with the southern section of the Baldivis Tramway Reserve and other conservation based ‘Parks and Recreation’ Reserves.

The extract from the Metropolitan Region Scheme in Figure 2 shows that the precinct has a predominant ‘Rural’ zoning with a series of ‘Parks and Recreation’ Reservations and ‘Bush Forever’ sites (black hatching).
2. Extract from Metropolitan Region Scheme

The extract from Town Planning Scheme No. 2, contained within Figure 3, depicts the various ‘Special Rural’ subdivisions (yellow border).

3. Extract from Town Planning Scheme No. 2

In the various regional and sub-regional strategic planning initiatives prepared by the Western Australian Planning Commission (‘WAPC’), the precinct has been allocated different landuse classifications.

The only adopted initiative is the South West Corridor Structure Plan (1993) which allocated a ‘Rural Living – Ultimate Urban’ classification over the majority of the precinct.
Since 2007/08, the WAPC has been preparing a strategic landuse plan for the Perth and Peel regions to supersede the *South West Corridor Structure Plan*. A number of draft documents have been released which have assigned different landuse classification over the precinct, as shown in the Table below:

<table>
<thead>
<tr>
<th>Year</th>
<th>WAPC Document</th>
<th>Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>Draft <em>South Metropolitan Sub-Regional Structure Plan</em> (not adopted)</td>
<td>‘Future Urban’</td>
</tr>
<tr>
<td>2012</td>
<td>Draft <em>Southern Metropolitan and Peel Structure Plan</em> (not adopted)</td>
<td>‘Urban Investigation’</td>
</tr>
</tbody>
</table>

The Council considered the draft *South Metropolitan Sub-Regional Structure Plan* (2009) at its ordinary Meeting held in August 2009. The Council resolved to lodge a submission with the WAPC which stated that the subject precinct is ‘considered logical for urban development’ noting that ‘the land has been identified as ‘Rural Living - Ultimate Urban’ since 1993, when the South West Corridor Structure Plan was released’.

The City’s submission also stated as follows:

“It is noted, however, that the Precinct is significantly constrained by wetlands, a large Bush Forever site, and remnant bushland.

The City has recently commenced the preparation of a report into Local Biodiversity, which has included on-site assessment of bushland areas to determine its quality and importance. Whilst not yet complete, this work has identified bushland that is of high local ecological and biodiversity value, with the most significant bushland located through the southern half of the Precinct. The land is well located to provide a green link between the Port Kennedy Scientific Reserve, remnant bushland in the Larkhill Precinct and Stakehill Swamp. As such, the extent of land suitable for urban development must be considered in this context.

It is also noted that the land is fragmented into numerous small landholdings, which may affect the ability to facilitate appropriate development.

It is considered that the ‘Future Urban’ designation should be retained, however, the need to consider the conservation of significant remnant bushland, and the retention of a green link, should be noted on the plan.”

In November 2010, the Council endorsed the content of a submission on the *Outer Metropolitan Perth and Peel Sub-Regional Strategy* (2010) which supported the proposed allocation of ‘Urban Expansion’ and ‘Urban Investigation’ (which included the subject precinct), within the City. The Council’s submission noted, however, that the document does not adequately explain the basis for areas being identified as ‘Urban Expansion’ or ‘Urban Investigation’.

Within the above draft documents, the WAPC has indicated that the ability or otherwise of land to support the designated landuses would be subject to further detailed investigation and that rezoning is not ‘as-of-right’. As an example, the following statement is contained within the draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy*:

> It should not be assumed that urban expansion areas and investigation areas indicated in the draft urban expansion plan will be rezoned for urban or industrial development at anytime.
Karnup District Structure Plan

In mid-2012, the WAPC advised that then draft Southern Metropolitan and Peel Structure Plan would likely be adopted later that year.

In order to develop the district planning framework, and enable coordinated and integrated development, the City commenced the Karnup District Structure Plan (DSP) process. The DSP study area generally coincided with the ‘Urban Investigation’ allocation within the draft Southern Metropolitan and Peel Structure Plan between Sixty Eight Road and Paganoni Road, with the Study Area shown in Figure 4.

4. Karnup District Structure Plan Study Area

A DSP is a more refined strategic plan, than the sub-regional plans prepared by the WAPC, and allocates ‘district level’ uses and functions (such as district distributor roads, high schools, district open space, activity centers) to enable the preparation of local structure plans to have context.

The City undertook the task of preparing the DSP, rather than it be prepared by landowner representatives, to ensure that it remained impartial and has good planning outcomes at its core.
The City corresponded with all landowners within the DSP area, including those within the subject precinct. The following Table identifies the correspondence that has been issued by the City along with relevant quotes regarding urban potential.

<table>
<thead>
<tr>
<th>Date</th>
<th>Purpose</th>
<th>Quote from Letter</th>
</tr>
</thead>
<tbody>
<tr>
<td>29 June 2012</td>
<td>To advise landowners of the DSP process and invite participation.</td>
<td>The City expects the Strategy to be finalised later this year and an associated Sub-Regional Structure Plan to be advertised for public comment next year, which will confirm a potential urban footprint for the area.</td>
</tr>
<tr>
<td>6 March 2013</td>
<td>Project update and to advise of the appointment of a Consultant.</td>
<td>The project team has commenced consultation with government stakeholders and is reviewing all the environmental and land use implications that exist in the Study Area. In this regard, the City has been closely liaising with State and Federal environmental agencies to understand the strategic environmental and planning studies being undertaken which will determine the areas with potential for urban development.</td>
</tr>
<tr>
<td>6 August 2013</td>
<td>Project update and to advise that the State Government’s has changed of process to carry out Strategic Environment Assessment.</td>
<td>It is also the intent of the SEA to identify land that can and cannot be used for urban purposes or required for infrastructure, both of which will be the subject of sub-regional structure plans. Given the SEA is still being prepared, the future urban footprint within the Study Area, including both the BA11 and KA5 areas, is yet to be confirmed.</td>
</tr>
</tbody>
</table>

Draft Southern Metropolitan and Peel Sub-Regional Planning Framework (2015)

In 2013, the State Government made the decision to not adopt the advertised Southern Metropolitan and Peel Structure Plan (2012). Rather, it decided to conduct a Strategic Environmental Assessment (now referred to as Strategic Assessment of Perth and Peel Regions or ‘SAPPR’) to ensure that significant environmental assets, as listed under the Commonwealth and State environmental legislation, are identified and managed in a holistic and integrated sense.

The Strategic Environmental Assessment, which is coordinated by the Department of Premier and Cabinet, is intended to address the significant environmental issues confronting Perth and Peel through the sub-regional planning framework rather than through individual proposal which has traditionally been the case. The approach was intended to provide certainty of development outcomes and allow the urban development footprint to be better defined.

In May 2015, the WAPC released the draft South Metropolitan and Peel Sub-Regional Planning Framework (‘the Framework’) which identified the subject precinct as a combination of ‘Rural Residential’ and ‘Urban Expansion’, as shown in Figure 3 below.
5. Extract from Draft *South Metropolitan and Peel Sub-Regional Planning Framework*

Contrary to previous commitments by the WAPC, the SAPPR documentation was not released with the *draft Framework*. As a result, the City (like other parties) was left to assume the basis to the various landuse classifications within the draft *Framework*.

**Ecological Linkage**

There has been recognition that the subject precinct contains significant vegetation; a combination of natural (pre-existing) and introduced.

It is also relevant that the Environmental Protection Authority has set a target to retain at least 30% of pre-existing vegetation across all complexes. The EPA set this 30% target as it was considered to be the threshold below which species loss is accelerated.

Through WALGA’s *Local Biodiversity Program* (2013) is has been established that eight (8) vegetation complexes are located within the City of Rockingham that are unique to the Swan Coastal Plain. Two of these complexes, ‘Karrakatta’ and ‘Serpentine River’, are located within the subject precinct and are below the 30% retention target across the region. In this regard, the *Local Biodiversity Program* identifies that ‘Karrakatta’ is at 23.19% and ‘Serpentine River’ 10.82%.

The *Local Biodiversity Program* also recommends regional ecological linkages, as shown in Figure 4 below. One such east-west ecological linkage extends from the Port Kennedy Scientific Park, Lark Hill, Stakehill Swamp, the subject precinct, and east of the Kwinana Freeway.
6. Extract from Perth Biodiversity Program

The draft Framework documentation also identifies this ecological linkage. Further, the Council's adopted Bushland Management Strategy (2011) and the Rockingham Lakes Regional Park Management Plan (2010) depict the subject ecological link.

The regional significance of the vegetation in this precinct and the benefits derived from maintaining an ecological linkage will become clearer when SAPPR is released. As stated in the draft Framework, ‘SAPPR has assisted in the preparation of the spatial plan’.

Against this background, the City was not in a position to challenge the extent of proposed ‘Rural Residential’ classification within the subject precinct.

The City, in its submission on the draft Framework (contained in the Information Bulletin to the September 2015 Planning & Engineering Services Committee), did not recommend that the extent of ‘Urban Expansion’ within the subject precinct be increased as there was not a sufficient basis to do so. An extract from the City’s submission is provided below:

‘Sixty Eight Road South-East’ (Area 2)

The land bounded by Baldivis Road, Kwinana Freeway, Karnup Road, and Sixty Eight Road is isolated from potential high frequency public transport route along Nairn Drive, is relatively small in area (~25ha), and constrained by bushfire hazard, freeway noise and drainage. The City is not satisfied that this area meets the ‘Key Principle’ for sustainable development.

‘Baldivis South Special Rural Precinct’ (Area 3)

The land identified for ‘Urban Expansion’ south of Sixty Eight Road, and west of Baldivis Road, is located over 1.2km from potential high frequency public transport route along Nairn Drive. The land features significant vegetation within the Karrakatta Complex, and would be constrained by fire hazard. Given the limited area of land available (~70ha) it is unlikely that the proposed urban cell could achieve the desired level of self-containment.

The majority of land between Sixty Eight Road and Stakehill Road features significant vegetation within the Karakatta complex. As noted in section 3.2, this vegetation is regionally significant, with less than 30% of the original extent of this vegetation complex remaining in the Perth Metropolitan area.
Recommendation
That ‘Urban Expansion’ south of Sixty Eight Road (‘Area 2’ and ‘Area 3’) be removed for the following reasons:

i. the land is isolated from the proposed high frequency public transport route on Nairn Drive;

ii. vegetation within the area (west of Baldivis Road) is significant and under-represented in the Perth Metropolitan Region;

iii. the land is within an area of high bushfire risk; and

iv. the limited size of the urban cells are unlikely to result in the desired levels of self-containment.

7. Extract from City’s Submission of Draft Framework

It was also acknowledged that the ability of the two discrete parcels shown to be ‘Urban Expansion’ (‘Areas 2 and 3’ above) to contain sustainable urban development is limited by virtue of their size and relative isolation.

The City’s submission also questioned the process associated with the draft Framework and SAPPR, as follows:

“All stakeholders were previously advised that SAPPR and the sub-regional planning documentation would be released concurrently to enable the respective outcomes to be reconciled.

The decision to release PP@3.5M and the Planning Frameworks in advance of SAPPR is clearly influenced by extenuating circumstances, but it erodes the credibility of the process. The complexities of SAPPR, including the off-set package which is being resolved, is such that there is likely to be a reluctance to significantly alter the urban footprint or infrastructure proposals within the Planning Frameworks.
The City has formed the view that this consultation process could merely be procedural and superficial given that the State Government is unlikely to entertain a significant departure from the advertised document given its links to SAPPR.

Even if the above assertion is without basis, given that the Planning Frameworks will be approved around the same time that SAPPR is released, a lack of certainty will exist. In this regard, should the SAPPR outcomes be amended following consultation, the Planning Frameworks will need to be re-visited to ensure alignment. The WAPC should articulate how changes to the SAPPR outcomes will be integrated with the Planning Frameworks.

The decision to exclude local government from playing a meaningful role with the SAPPR process, and by extension the Planning Framework process, has not only created scepticism but resulted in less resolved outcomes. In many cases, the City has been left to assume the basis to a recommendation within the Planning Frameworks, and adopt adversarial positions, which could have been averted through ongoing collaboration."

Recent advice from the Department of Planning has suggested that SAPPR will likely be released in 2016 for comment prior to the adoption of the draft Framework.

Concerns of Baldivis Landowners Group

Various members of the Group have expressed concern that the ‘Urban Expansion’ within the draft Framework does not include their landholding; others feel aggrieved that the City’s submission recommended that the removal of the two portion of proposed ‘Urban Expansion’.

It has also been suggested that the City’s submission on the draft Framework should have recommended that the ‘Urban Expansion’ be increased given the Council’s ‘previous commitment’ to support the development potential of the precinct transferring to ‘Urban’.

Many of the landowners have criticised the City for its apparent “about face” on the rezoning of the subject precinct. The owners allege that the City previously supported the rezoning of this land to urban, and then in its submission on the draft Framework, did not support urban for this area (noting the majority of this area was shown as remaining rural by the draft Framework).

In support of this claim, a letter from the City to Mrs M Gaspar of 291 Hamilton Road, Coogee WA, dated 28 August 2009, has been circulated to all Councillors and various City Officers. A copy of this letter is attached (refer to Attachment 1).

The letter relates to questions posed by Mrs Gaspar at the ordinary Meeting of Council held on 25 August 2009 in respect of the draft South Metropolitan Sub-Regional Structure Plan (2009), specifically:

‘Question:

“And will the Council take this (ie that a large number of owners fully support the rezoning of the land to urban) into consideration when submitting their response to the WAPC regarding this report”

Response:

The Council has not opposed the land being shown as ‘Future Urban’ in the draft Sub-Regional Structure Plan.”

This response has been interpreted by some landowners as an ongoing, unequivocal commitment by the Council to support the rezoning of this land. This interpretation is falsely based.

As cited earlier in this Report, the City’s full submission on the draft South Metropolitan Sub-Regional Structure Plan (2009) stated:

“It is noted, however, that the Precinct is significantly constrained by wetlands, a large Bush Forever site, and remnant bushland.

The City has recently commenced the preparation of a report into Local Biodiversity, which has included on-site assessment of bushland areas to determine its quality and importance. Whilst not yet complete, this work has identified bushland that is of high local ecological and biodiversity value, with the most significant bushland located through the southern half of the Precinct. The land is well located to provide a green link between the Port Kennedy Scientific Reserve, remnant bushland in the Larkhill Precinct and Stakehill Swamp. As such, the extent of land suitable for urban development must be considered in this context.
It is also noted that the land is fragmented into numerous small landholdings, which may affect the ability to facilitate appropriate development.

It is considered that the 'Future Urban' designation should be retained, however, the need to consider the conservation of significant remnant bushland, and the retention of a green link, should be noted on the plan.” (Emphasis added)

It should also be noted that the WAPC did not adopt the draft Plan.

It is against this full context that the City’s letter to Mrs Gaspar must be viewed.

Furthermore, it has been expressed that the Council should have sought the views of its community in preparing its submission.

The submission lodged by the Group to WAPC on the draft Framework, along with copies of the technical planning and environmental reports, has been provided to the City.

Copies of the letters received on this matter are contained in Attachment 2.

### Implications to Consider

**a. Consultation with the Community**

The community consultation associated with the draft Framework was carried out by the Department of Planning on behalf of the WAPC. The consultation period was approximately three months in duration closing on 31 July 2015.

As detailed above, some members of the Group have suggested that the City should have sought the views of the community prior to it preparing its submission.

The process to conduct a consultation process within the consultation process being run by the WAPC is difficult to manage and problematic. For example, how should the City represent the views of adjacent landowners that have different development intentions?

The City’s submission did not consider landowner intention but was based on a technical, strategic planning assessment.

The Department of Planning has advised that it received a larger number of submissions from landowners within the subject precinct.

**b. Consultation with Government Agencies**

The WAPC consulted with Government Agencies as part of its consultation process.

**c. Strategic Community Plan**

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

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

**d. Policy**

- **Rural Land Strategy**

  The subject precinct is contained within Planning Unit No. 2 of the City of Rockingham Rural Land Strategy (Planning Policy No. 3.1.1).

  Planning Unit No. 2 is titled ‘Special Rural – Ultimate Urban’.

  The text of Planning Unit No. 2 states that ‘it comprises special rural areas designated as ‘ultimate urban’ in the South West Corridor Structure Plan’. It is also acknowledged, under the heading of ‘Planning Context’, that ‘the South West Corridor Structure Plan’ identifies a majority of the precinct as being suitable for long term (i.e. 20 years plus) urban development.'
The content of the Rural Land Strategy reflects the classification of the land under the prevailing sub-regional planning initiative of the WAPC, being the South West Corridor Structure Plan.

If and when the South West Corridor Structure Plan is superseded by a WAPC endorsed document (such as the draft Framework), the Rural Land Strategy will be revised to reflect the new classification and status of the Planning Unit.

e. Financial
   Nil
f. Legal and Statutory
   Nil
g. Risk (High/Extreme)
   Nil

Comments

The allocation of land for urban and other purposes is dictated and ultimately approved by the State Government through the WAPC. The City’s planning framework is required to be consistent with that of the State Government.

In general terms, the City works within the regional planning boundaries provided by the WAPC and applies a local and more detailed planning response.

In 2012, following advice from the WAPC that its previous Southern Metropolitan and Peel Structure Plan would be adopted in the short term, the City commenced the process of preparing a District Structure Plan for Karnup to assist in facilitating urban development.

Within its various communications with landowners within the Karnup DSP area, the City advised that the WAPC’s sub-regional planning processes will assist in confirming the extent of urban land and that the Karnup DSP will work within that footprint.

At no time did the City express that the entire Karnup DSP area would or could support urban development. Further, the City has never requested that the WAPC allocate land for urban development.

In its submissions to the various draft sub-regional planning initiatives released by the WAPC, the Council has responded to the content within the documents against the information that has been made available by the WAPC.

Importantly, the submission on the South Metropolitan Sub-Regional Structure Plan (2009) clearly identified that the subject precinct contains vegetation that is of high local ecological and biodiversity value. It is also stated that the subject precinct is well located to provide an ‘east-west’ green link and the ‘extent of land suitable for urban development must be considered in this context’.

Also, the Council’s November 2010 submission on the Outer Metropolitan Perth and Peel Sub-Regional Strategy supported the classification of ‘Urban Investigation’ over the subject precinct as there was no basis to object upon considering the information that was made available. The City logically expected that the ‘investigation’ required to move the classification of the land to ‘Urban Expansion’ and ultimately to rezoning, would resolve the various opportunities and constraints with the urbanisation, such as the environmental imperatives.

In its consideration of the draft Framework, the City noted the predominant ‘Rural Residential’ classification of the precinct and assumed that this responded to the findings of the unreleased Strategic Assessment of Perth Peel Regions to retain regionally significant environmental attributes and habitat. In drawing these conclusions, the City was mindful that the precinct contains significant and regionally under-represented vegetation and that various publications have identified the precinct as forming part of an ecological linkage.

Without having the opportunity to assess the findings of SAPPR against the recommendations within the draft Framework, the City is not able to determine whether the extent of ‘Rural Residential’ or ‘Urban Expansion’ in the precinct strikes the right balance.

As such, the City was not in a position to form a view on the matter and there is no basis to modify the submission that was lodged with the WAPC.
The City will be in a position, however, to determine whether the extent of ‘Rural Residential’ and ‘Urban Expansion’ represents a desirable outcome, against the key principles of the draft Framework, when SAPPR is released.

It is therefore recommended that the City further review the matter, following consideration of SAPPR when it is released for comment.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **RE-AFFIRMS** the content of the City’s submission on the draft *Southern Metropolitan Peel Sub-Regional Planning Framework*, as it relates to the land bounded by Sixty Eight Road, Kwinana Freeway, Stakehill Road and Eighty Road, Baldivis, subject to consideration of the findings of the *Strategic Assessment of Perth and Peel Region*, following its release in 2016.

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Hamblin:

That Council **SUPPORTS** the concept of the land bounded by Sixty-Eight Road, Kwinana Freeway, Stakehill Road and Eighty Road, Baldivis being classified as land suitable for Urban Investigation.

Committee Voting -1/4

(Crs Hamblin, Stewart, McManus and Elliott voted against)

**Motion Lost**

Moved Cr McManus, seconded Cr Hamblin:

That Council **RE-AFFIRMS** the content of the City’s submission on the draft *Southern Metropolitan Peel Sub-Regional Planning Framework*, as it relates to the land bounded by Sixty Eight Road, Kwinana Freeway, Stakehill Road and Eighty Road, Baldivis, subject to consideration of the findings of the *Strategic Assessment of Perth and Peel Region*, following its release in 2016.

Committee Voting – 3/2

(Crs Whitfield and Stewart 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
# Planning and Engineering Services Committee Minutes

**Monday 7 December 2015**

**PDS-087/15 PAGE 185**

**CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 18 JANUARY 2015**

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**Reference No & Subject:**

<table>
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<tr>
<th>File No:</th>
<th>DD020.2014.00000411.003</th>
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</thead>
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<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Greg Rowe Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Perpetual Limited</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mrs Erika Dawson, Projects Officer</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>7 December 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>February 2005 (PD16/2/05), September 2005 (PD137/9/05), September 2007 (PD183/9/07), February 2008 (PD23/2/08), January 2015 (PDS 008/15) September 2015 (PDS064/15)</td>
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<td>Disclosure of Interest:</td>
<td>Executive</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>Lot 2003 = 30,580m²</td>
</tr>
<tr>
<td></td>
<td>Lot 2010 = 27,493m²</td>
</tr>
<tr>
<td></td>
<td>Lot 2013 = 3,522m²</td>
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<tr>
<td>LA Zoning:</td>
<td>District Town Centre</td>
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<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Responsible Authority Report</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
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<td></td>
<td>3. Site Plan</td>
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<td></td>
<td>4. Inclusion of Gate at Oasis Drive Crossover (Elevation)</td>
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<tr>
<td></td>
<td>5. Inclusion of Gate at Oasis Drive Crossover (Site Plan)</td>
</tr>
<tr>
<td></td>
<td>6. Secret Harbour IDP</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial Photo
**Purpose of Report**

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

**Background**

**History of Approvals**

The following outlines the history of Development Approvals on site:

- **February 2005** - Development Approval issued - Stage 1 Shopping Centre
- **September 2005** - Development Approval issued - Tavern and Drive Thru Bottle shop
- **September 2006** - Subdivision Approval issued - to excise the Tavern from the Shopping Centre Site
- **May 2007** - Development Approval issued - Service Station
- **September 2007** - Development Approval issued - Two (2) pylon signs and associated signage (Caltex)
- **October 2007** - Development Approval issued - revised Tavern design
- **May 2009** - Modification to Development Approval issued - Alfresco Area of Tavern
- **February 2015** - JDAP Development Approval issued - Extension to Secret Harbour Shopping Centre
- **May 2015** - JDAP Development Approval issued - Fast Food Outlet (McDonalds)
- **October 2015** - Modification to JDAP Development Approval issued - Extension to Secret Harbour Shopping Centre
- **November 2015** - Modification to JDAP Development Approval issued - Fast Food Outlet (McDonalds)
- **November 2015** - JDAP Development Approval issued - Shop (Liquor Store)

**Existing Site Improvements**

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

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

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

The adjacent Lot 2002 contains the Whistling Kite Tavern and drive thru bottle shop.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 18 JANUARY 2015

PRESIDING MEMBER
Details

The application proposes to amend the JDAP Development Approval as outlined below and by modifying a condition.

Modified Design

(a) Inclusion of Gate and Signage at Oasis Drive Crossover (Elevation)

4. Inclusion of Gate at Oasis Drive Crossover (Elevation)
### (b) Inclusion of Gate at Oasis Drive Crossover (Site Plan)

<table>
<thead>
<tr>
<th>Approved Crossover</th>
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<tr>
<td><img src="image" alt="Approved Crossover Diagram" /></td>
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<table>
<thead>
<tr>
<th>Proposed Crossover</th>
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<tbody>
<tr>
<td><img src="image" alt="Proposed Crossover Diagram" /></td>
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</tbody>
</table>

5. Inclusion of Gate at Oasis Drive Crossover (Site Plan)
Modified Condition

Condition 21

The approved condition states:

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

The applicant proposes to amend the condition to read:

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

Implications to Consider

a. Consultation with the Community

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

b. Consultation with Government Agencies

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

c. Strategic

Community Plan

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

Aspiration D: Sustainable Environment

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

d. Policy

State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP4.2)

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

Clause 5.3 - Movement

The subject site was chosen as the location for the District Centre given its proximity to Warnbro Sound Avenue (Other Regional Road). It is considered that the Other Regional Road is the appropriate location for heavy vehicles to access the site rather than the lower order Oasis Drive Main Street.

Clause 5.4 - Urban Form

The amended proposal is contrary to the urban form requirements of SPP4.2 by virtue of the fact that it will impact amenity of the main street character by eroding the end of the Main Street by removing the median. The pedestrian environment will also be impacted by allowing heavy vehicles to access the Main Street.

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

PP3.2.3 provides guidance on development of land within the Secret Harbour Town Centre.
Clause 3 - Policy Objectives

The objectives of PP3.2.3 are:

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

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

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

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

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

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

The proposed development is not considered to be consistent with the objectives of PP3.2.3 as it will erode the ultimate design of the Oasis Drive Main Street. Although the trees planted in the median, at this southern end of Oasis Drive, are relatively young, they will ultimately play an important role by completing the Main Street. Consequently any erosion of this Main Street is contrary to the objectives of PP3.2.3.

Indicative Development Plan (IDP)

Clause 5 of PP3.2.5 requires the Council to have regard to the IDP in applying PP3.2.3. The IDP is contained within Figure 6.

The proposed is inconsistent with the IDP which identifies a landscaped median along the extent of the Oasis Drive Main Street.
6. Indicative Development Plan
General Requirements

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

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Comment</th>
<th>Compliance</th>
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<tbody>
<tr>
<td>Development Guidelines</td>
<td></td>
<td></td>
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<tr>
<td>Generally</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(xv) Service access, including refuse and bin storage for all commercial buildings, should be from the rear of street front premises.</td>
<td>The revised proposal seeks access from Oasis Drive for Coles service vehicles. This is inconsistent with this Policy provision which requires service access from the rear of the street front premises. The intent of this provision is to maintain the Main Street character of Oasis Drive.</td>
<td>No</td>
</tr>
</tbody>
</table>

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

The application seeks approval for one information sign at the proposed boom gate.

Clause 3 - Objectives

The objectives of PP3.3.1 are to:

(a) Ensure that advertisements are appropriate for their location;
(b) Minimise the proliferation of advertisements;
(c) Ensure that advertisements do not adversely impact on traffic circulation and management, or pedestrian safety;
(d) Protect the amenity of residential areas, townscape areas and areas of environmental significance;
(e) Protect the significance of heritage places or buildings;
(f) Ensure that advertisements are constructed with quality materials;
(g) Encourage advertisements located within the Rural or Special Rural Zone or in areas of environmental significance to be sympathetic with the natural environment in terms of materials and colours;
(h) Ensure advertisements are generally erected on land where the advertised business, sale of goods or service is being carried out; and
(i) Ensure that advertisements are maintained to a high standard.

The proposed sign is considered to be generally consistent with the objectives of PP3.1.1. It is, however, considered to be unnecessary as the modified proposal is not supported.

e. Financial

Nil

f. Legal and Statutory

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 Deemed Provision

Clause 67 outlines the matters to which the Local Government is to give due regard when considered relevant to an application. Where relevant, these have been discussed in the Planning Assessment.
Clause 77 permits the Local Government to consider a modification to the approved development including:

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

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

Town Planning Scheme No.2 (TPS2)

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

Clause 4.5 - District Town Centre Zone

The proposal is considered to be contrary to the District Town Centre Zone’s objective of achieving a ‘Main Street’ Town Centre, as outlined in Clause 4.5.1 of TPS2. The proposal also fails to comply with the relevant provision of the City's PP3.2.3, which is addressed in the Policy Section of this report.

Clause 4.5.3 - Planning Principles

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

g. Risk (High/Extreme)

Nil

Comments

The proposed works will compromise the existing and long established streetscape works undertaken in the Oasis Drive Main Street. The City has invested heavily in the works to facilitate the creation of a vibrant pedestrian environment. Both the modified median and the associated heavy vehicles will erode the character of the Main Street.

For these reasons PP3.2.2 specifically requires service access, for all commercial buildings, to be from the rear of street front premises.

The applicant has offered the following comments on the modified condition and associated works:

<table>
<thead>
<tr>
<th>Applicant Comment:</th>
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<tbody>
<tr>
<td>The loading area to be one-way only. It will include appropriate signage to direct traffic that access is only to be from the west, heading east.</td>
</tr>
<tr>
<td>The loading area to be only available for staff and service vehicles and will include linemarking that indicates staff and service vehicles only.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City Response:</th>
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<tbody>
<tr>
<td>Internal operational procedures such as these are at the discretion of the developer. It is the City's responsibility to ensure that the operation and safety of the wider road network is maintained.</td>
</tr>
<tr>
<td>While these procedures may assist the functionality of the internal site, they do not address the fundamental issues that the City has with the proposal.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant Comment:</th>
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</thead>
<tbody>
<tr>
<td>The loading area to be gated from Oasis Drive. The gate can only be raised by staff with a swipe key or from within the supermarket when the drivers of the service vehicle call ahead of arrival.</td>
</tr>
</tbody>
</table>
**City Response:**
The fact that the gate may only be raised by staff on site is a legitimate concern. In the event that a staff member is not available to raise the gate, the heavy vehicle(s) will be required to remain within the wider road network. This has the potential the impact the safety of motorists and pedestrians as well as impacting the operation of the roads.

The City is particularly concerned that the heavy vehicles may stop in Oasis Drive waiting for the gate to be opened. This is unacceptable as it will block Oasis Drive and the adjacent intersections. In this regard, the gating of the access is not supported by the City.

**Applicant Comment:**
It is important to note that the crossover has been modified to ensure that trucks are able to access the subject site from the northern portion of Oasis Drive.

**City Response:**
This comment is confusing as it is contrary to the existing and proposed condition 21. It is, however, a concern that service vehicles will access the site from the northern portion of Oasis Drive due to the fact that the crossover has been designed to accommodate it.

**Applicant Comment:**
These operational procedures will remove any possible conflict between trucks and cars at this intersection and will ensure that no vehicles access Oasis drive from the east.

**City Response:**
Noted, however, these procedures do not address the fundamental issues that the City has with the proposal.

**Conclusion**
In order for heavy vehicles to access the site from the Oasis Drive Main Street, the modification of the central median necessary. This median forms part of the streetscape works undertaken by the City and along with the tree to be removed, it forms an integral part of those works by providing the “end” to the street. By removing these components, the Main Street is effectively eroded as it will not extend to the actual end of the street.

The proposed gate, whilst allowing control of access, will result in adverse impacts for the functioning of the local road network through vehicles waiting in the street to turn into the site when it is not open. If this access is not controlled, the removal of the median will provide for an unsafe intersection by virtue of creating a “rat run” from Clarkshill Road.

For these reasons, the modified condition and associated works are not supported. Condition 21 should remain as currently approved.

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

**Voting Requirements**
Simple Majority

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

1. **Accept** that the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 dated 3rd December 2015 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;

2. **Refuse** the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 dated 3rd December 2015 and accompanying plans:
   - Ground Floor Plan, Drawing No. DA02 Issue M, dated 28.10.15
   - Elevation Plan, Drawing No. DA08 Issue H, dated 28.10.15

in accordance with the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Metropolitan Region Scheme, for the proposed minor amendment to the approved mixed use commercial development for the following reason:

(a) The proposed development, which is inconsistent with City of Rockingham Town Planning Scheme Number 2 and Local Planning Policy No. 3.2.3 - Secret Harbour Town Centre, will have an adverse impact on the function and amenity of the Oasis Drive Main Street and will result in safety issues for users of the wider road network."

---

**Committee Recommendation**

Moved Cr Hamblin, seconded Cr Whitfield:

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

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(a) The proposed development, which is inconsistent with City of Rockingham Town Planning Scheme Number 2 and Local Planning Policy No. 3.2.3 - Secret Harbour Town Centre, will have an adverse impact on the function and amenity of the Oasis Drive Main Street and will result in safety issues for users of the wider road network."

Committee Voting – 5/0

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**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

Provide Council with details of the tenders received for T15/16-53 - Period provision of greenwaste shredding and downsizing, document the results of the tender assessment and make recommendations regarding award of the tender.

### Background

T15/16-53 - Period provision of greenwaste shredding and downsizing was advertised in the West Australian on Saturday, 24 October 2015. The Tender closed at 2.00pm, Wednesday, 11 November 2015 and was publicly opened immediately after the closing time.

### Details

The scope of work for this contract comprises greenwaste shredding, downsizing and the option for the contractor to provide offsite removal of excess processed greenwaste.

---

**Reference No & Subject:**
- File No: EP-048/15
- Risk Register No: T15/16-53
- Proponent/s: Mr Allan Moles, Manager Integrated Waste Services
- Author: EP-048/15 - T15/16-53 - Period provision of greenwaste shredding and downsizing

**Date of Committee Meeting:**
- 7 December 2015

**Attachment:**
- Schedule of Rates for Tender T15/16-53

**Maps/Diagrams:**
- None

---

**Site:**

**Lot Area:**

**LA Zoning:**

**MRS Zoning:**

**Attachments:**
- Schedule of Rates for Tender T15/16-53

---

**Purpose of Report**

Provide Council with details of the tenders received for T15/16-53 - Period provision of greenwaste shredding and downsizing, document the results of the tender assessment and make recommendations regarding award of the tender.

**Background**

T15/16-53 - Period provision of greenwaste shredding and downsizing was advertised in the West Australian on Saturday, 24 October 2015. The Tender closed at 2.00pm, Wednesday, 11 November 2015 and was publicly opened immediately after the closing time.

**Details**

The scope of work for this contract comprises greenwaste shredding, downsizing and the option for the contractor to provide offsite removal of excess processed greenwaste.
The City generates greenwaste through its own operations, collects greenwaste from residents through the bulk verge waste service and accepts greenwaste at the Millar Road Landfill Facility.

Most of this greenwaste is processed into mulch at the Millar Road Landfill however there may be occasions where it is more practicable to process greenwaste at other locations within the City.

Currently some mulch processed at the Millar Road Landfill Facility is retained and made available to the general public free of charge with the bulk being removed offsite by the contractor, at no cost to the City, to be further processed into a higher quality mulch and/or compost material.

Generally the greenwaste is processed as unscreened mulch and only if being used for a specific purpose, it is processed as a 70mm screened product.

If greenwaste is processed and removed from the Millar Road Landfill Facility the City is not liable for the State Landfill Levy which is currently $55 per tonne and will increase to $60 per tonne on 1 July 2016.

The period of the contract shall be from the date of award for a period of 48 months.

Tender submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Greenwaste Recycling Pty Ltd</td>
</tr>
<tr>
<td>Community Greenwaste Recycling Pty Ltd – (Alternative Tender)</td>
</tr>
<tr>
<td>Timberden Pty Ltd trading as Timberden Plant Hire</td>
</tr>
<tr>
<td>Ausshredding Pty Ltd</td>
</tr>
<tr>
<td>JRM Resources Pty Ltd</td>
</tr>
<tr>
<td>Craneswest (WA) Pty Ltd trading as Western Tree Recyclers</td>
</tr>
</tbody>
</table>

A panel comprising of the City’s Manager Integrated Waste Services, Millar Road Landfill Coordinator and Senior Landfill Services Officer undertook tender evaluations.

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

**Separable Portion ‘One’ – Greenwaste shredding, downsizing and waste reduction**

<table>
<thead>
<tr>
<th>Assessment Criteria Portion One</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Prices</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Max. Points</strong></td>
<td>32</td>
<td>18</td>
<td>50</td>
<td>100</td>
</tr>
<tr>
<td>Craneswest (WA) Pty Ltd trading as Western Tree Recyclers</td>
<td>31.3</td>
<td>18.0</td>
<td>35.9</td>
<td>85.2</td>
</tr>
<tr>
<td>Community Greenwaste Recycling Pty Ltd – (Alternative Tender)</td>
<td>21.7</td>
<td>15.0</td>
<td>40.0</td>
<td>76.7</td>
</tr>
<tr>
<td>Community Greenwaste Recycling Pty Ltd</td>
<td>21.7</td>
<td>15.0</td>
<td>38.9</td>
<td>75.6</td>
</tr>
<tr>
<td>Ausshredding Pty Ltd</td>
<td>11.3</td>
<td>5.5</td>
<td>48.2</td>
<td>65.0</td>
</tr>
<tr>
<td>Timberden Pty Ltd trading as Timberden Plant Hire</td>
<td>18.3</td>
<td>9.0</td>
<td>25.3</td>
<td>52.6</td>
</tr>
<tr>
<td>JRM Resources Pty Ltd</td>
<td>8.0</td>
<td>4.7</td>
<td>28.6</td>
<td>41.3</td>
</tr>
</tbody>
</table>
Separable Portion ‘Two’ – Removal of excess greenwaste from site

<table>
<thead>
<tr>
<th>Assessment Criteria Portion Two</th>
<th>Max. Points</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Prices</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Craneswest (WA) Pty Ltd trading as Western Tree Recyclers</td>
<td>31.3</td>
<td>18.0</td>
<td>50.0</td>
<td>99.3</td>
<td></td>
</tr>
<tr>
<td>Community Greenwaste Recycling Pty Ltd – (Alternative Tender)</td>
<td>21.7</td>
<td>15.0</td>
<td>50.0</td>
<td>86.7</td>
<td></td>
</tr>
<tr>
<td>Community Greenwaste Recycling Pty Ltd</td>
<td>21.7</td>
<td>15.0</td>
<td>50.0</td>
<td>86.7</td>
<td></td>
</tr>
<tr>
<td>JRM Resources Pty Ltd</td>
<td>8.0</td>
<td>4.7</td>
<td>4.5</td>
<td>17.2</td>
<td></td>
</tr>
</tbody>
</table>

The Alternative Tender submitted by Community Greenwaste Recycling Pty Ltd proposes a lower processing charge if they process the greenwaste to their specifications onsite and remove all of the product for use in their facilities. The City could purchase “landscape” quality mulch for $13.00 per cubic metre or retain any required product which would be processed in accordance with the tender specifications. This option would not provide for free mulch to the public and the feedback from the Manager Parks Operations is that the mulch offered does not offer any significant benefit to the City’s operations.

Implications to Consider

a. Consultation with the Community
   Not Applicable

b. Consultation with Government Agencies
   Not Applicable

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

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

d. Policy
   In accordance with the City’s Purchasing Policy, for purchases above $100,000, a public tender process is to be conducted in accordance with the provision of section 3.57 of the Local Government Act 1995; and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11A(1).

e. Financial
   Expenditure will be approximately $250,000 - $300,000 per annum and is allocated in the operating account for greenwaste site operations in the 2015/2016 budget and future team plans. Expenditure over the term of the contract is expected to exceed $1,000,000.

f. Legal and Statutory
   'Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than $150,000 unless sub regulation (2) states otherwise'.
g. Risk (High/Extreme)
   Nil

Comments

Three tenderers provided an option to remove excess greenwaste from site with only Craneswest (WA) Pty Ltd trading as Western Tree Recyclers and Community Greenwaste Recycling Pty Ltd providing this at no cost to the City.

Following consideration of the tenders received, the submission from Craneswest (WA) Pty Ltd trading as Western Tree Recyclers is considered the best value to the City and therefore recommended as the preferred tenderer for both Separable Portion ‘One’ and Separable Portion ‘Two’ of the tender.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ACCEPT the tender submitted from Craneswest (WA) Pty Ltd trading as Western Tree Recyclers, PO Box 4537, Canning Vale East for Separable Portion ‘One’ – Greenwaste shredding, downsizing and waste reduction and Separable Portion ‘Two’ – Removal of excess greenwaste from site, for Tender T15/16-53 - Period provision of greenwaste shredding and downsizing in accordance with the tender documentation for a contract period of 48 months from the date of award.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin:

That Council ACCEPT the tender submitted from Craneswest (WA) Pty Ltd trading as Western Tree Recyclers, PO Box 4537, Canning Vale East for Separable Portion ‘One’ – Greenwaste shredding, downsizing and waste reduction and Separable Portion ‘Two’ – Removal of excess greenwaste from site, for Tender T15/16-53 - Period provision of greenwaste shredding and downsizing in accordance with the tender documentation for a contract period of 48 months from the date of award.

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></th>
<th>Reports of Councillors</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Addendum Agenda</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
</tbody>
</table>
15. **Motions of which Previous Notice has been given**

**Engineering and Parks Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-049/15 Notice of Motion – Investigate need for additional traffic signals on Warnbro Sound Avenue between Safety Bay Road and Palm Springs Boulevard</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>WAR9-07</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Cr Leigh Liley</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Scott Lambie, Coordinator Traffic Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>7 December 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
</tr>
<tr>
<td>Site:</td>
<td>Warnbro Sound Avenue – SLK 0.0 to SLK 2.12</td>
</tr>
<tr>
<td>Lot Area:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Locality Plan</td>
</tr>
</tbody>
</table>

![Locality Plan](image-url)
### Purpose of Report

To provide Officer comment and advice on Cr Leigh Liley's Notice of Motion to determine if there is a need for an additional set of traffic lights along Warnbro Sound Avenue between Safety Bay Road and Palm Springs Boulevard, Warnbro.

### Background

Cr Liley submitted the following motion for consideration at the November 2015 Council Meeting:

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

### Details

Warnbro Sound Avenue is a four lane carriageway classified as a District Distributor Road under the Main Roads Metropolitan Road Hierarchy and carries a traffic volume of around 26,000 vehicles per day (two way flow).

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

The section of Warnbro Sound Avenue referred to within the notice of motion is located between Safety Bay Road and Palm Springs Boulevard. The identified section has a length of approximately 2.05 km and contains eight intersections along the length, excluding the intersections at both ends. All of the midblock intersections are three legged T intersections.

Main Roads crash data notes that for the five years ending December 2014, there were 74 reported crashes within the identified section of road which, on average, is 1.85 crashes per intersection per year. No recent speed monitoring data is available; however classifier equipment has been installed to record traffic operating conditions until early December 2015.

### Implications to Consider

#### a. Consultation with the Community

Nil

#### b. Consultation with Government Agencies

Authorisation to install traffic signals lies with the Commissioner of Main Roads WA. As a result, the City will require in-principle approval from Main Roads in order to begin the process of installing traffic signals at any particular intersection. Main Roads traffic officers will therefore be liaised with closely during the investigation process.

#### c. Strategic Community Plan

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

- **Aspiration C:** Quality Leadership
- **Strategic Objective:** Infrastructure – Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis.

#### d. Policy

Nil
e. **Financial**

No location or concept plan has currently been prepared for traffic signals within the identified section of Warnbro Sound Avenue however as a guide, it would be expected that expenditure of approximately $400,000 would be required to appropriately reconstruct an intersection and install traffic signals. No funds are currently identified in the business plan for this project.

f. **Legal and Statutory**

Road Traffic Act 1974 (Regulations) Section 111 (2) (a) (iii) allows for the Governor of Western Australia to make regulations empowering Main Roads to erect traffic signs and traffic control devices.

Main Roads Act 1930 section 16 (1b) and (1c) The Commissioner is deemed to always having the authorization to operate traffic signs and traffic control signals and similar devices.

Local Government Act 1995 Section 9.46 (1) provides that roads vested under the control and management of a local government are to be considered property of the local government.

g. **Risk (High/Extreme)**

Nil

<table>
<thead>
<tr>
<th>Comments</th>
</tr>
</thead>
</table>
| Traffic signals are an intersection control system generally used on space constrained sites that are able to assist in providing an acceptable level of service for each road connection at the intersection. Level of Service (LoS) is defined as an index of the operational performance of traffic on a given traffic lane, carriageway, road or intersection, based on service measures such as time delay, ratio of actual traffic volume versus capacity, traffic density and speed during a given flow period. 

During an investigation for future traffic signals, an assessment of the LoS would be undertaken to determine if the LoS on the minor roads require action. If action is required, a detailed assessment using specially designed computer software (SIDRA) would be undertaken. This would allow different intersection configurations to be modelled based on cost or efficiency. It should be noted that by installing traffic signals in order to improve the LoS on a minor road, the LoS on the major road is likely to be reduced; however the modelling will provide details on the level of that reduction.

With regard to traffic speeds along Warnbro Sound Avenue, traffic signals are generally not considered to be an effective speed moderating device on their own. If it is found that there is an existing operating speed issue within Warnbro Sound Avenue, alternative actions and treatments will also need to be considered and investigated. |

<table>
<thead>
<tr>
<th>Voting Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simple Majority</td>
</tr>
</tbody>
</table>

<table>
<thead>
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<th>Officer Recommendation</th>
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<tbody>
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<td>That Council <strong>DIRECT</strong> the Chief Executive Officer to undertake an investigation to determine if there is a need for an additional set of traffic lights along Warnbro Sound Avenue between Safety Bay Road and Palm Springs Boulevard, Warnbro.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Notice of Motion from Cr Liley</th>
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</thead>
<tbody>
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</tr>
<tr>
<td><strong>Committee Recommendation</strong></td>
</tr>
<tr>
<td>-----------------------------</td>
</tr>
<tr>
<td>Moved Cr Hamblin, seconded Cr Stewart:</td>
</tr>
<tr>
<td>That Council <strong>DIRECT</strong> the Chief Executive Officer to undertake an investigation to determine if there is a need for an additional set of traffic lights along Warnbro Sound Avenue between Safety Bay Road and Palm Springs Boulevard, Warnbro.</td>
</tr>
<tr>
<td>Committee Voting – 5/0</td>
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</tbody>
</table>

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

<table>
<thead>
<tr>
<th><strong>Implications of the Changes to the Officer’s Recommendation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
### 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 18 January 2016** 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 wished all Councillors, staff and their families compliments of the season and a Happy New Year, thanked them for their contribution over the past year and declared the meeting closed at **6.03pm**.