MINUTES
Planning and Engineering Services Committee Meeting
Held on Monday 14 May 2018 at 4:00pm
City of Rockingham Boardroom
## City of Rockingham
### Planning and Engineering Services Committee
#### Meeting Minutes
##### Monday 14 May 2018

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### 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
- Cr Matthew Whitfield
- Cr Barry Sammels (Mayor)
- Cr Deb Hamblin (Deputy Mayor)
- Cr Katherine Summers
- Cr Joy Stewart (Observer)

#### 2.2 Executive
- Mr Bob Jeans
- Mr Peter Ricci
- Mr Peter Doherty
- Mr Sam Assaad
- Mr Brett Ashby
- Mr Mike Ross
- Ms Erica Scott
- Mr David Caporn
- Mr Om Gupta
- Mr Kelton Hincks
- Mr James Henson
- Mr Adam Johnston
- Ms Melinda Wellburn

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<thead>
<tr>
<th>Position</th>
<th>Name</th>
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<tr>
<td>A/Chief Executive Officer</td>
<td>Mr Bob Jeans</td>
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<tr>
<td>A/Director Planning and Development Services</td>
<td>Mr Peter Ricci</td>
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<td>Director Legal Services and General Counsel</td>
<td>Mr Peter Doherty</td>
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<tr>
<td>Director Engineering and Parks Services</td>
<td>Mr Sam Assaad</td>
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<tr>
<td>Manager Strategic Planning and Environment</td>
<td>Mr Brett Ashby</td>
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<td>Manager Statutory Planning</td>
<td>Mr Mike Ross</td>
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<td>A/Manager Health and Building Services</td>
<td>Ms Erica Scott</td>
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<td>Manager Compliance and Emergency Liaison</td>
<td>Mr David Caporn</td>
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<tr>
<td>A/Manager Engineering Services</td>
<td>Mr Om Gupta</td>
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<td>Manager Asset Services</td>
<td>Mr Kelton Hincks</td>
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<td>Manager Land and Development Infrastructure</td>
<td>Mr James Henson</td>
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<tr>
<td>Manager Parks Services</td>
<td>Mr Adam Johnston</td>
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<td>PA to Director Planning and Development Services</td>
<td>Ms Melinda Wellburn</td>
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</table>

#### 2.3 Members of the Gallery:
- **9**

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

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

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

#### 3.1 Mr James Mumme, 36 Gloucester Avenue, Shoalwater - PD-014/18 - Notice of Motion - Point Peron

At the Planning and Engineering Services Committee meeting held on 16 April 2018, Mr Mumme asked the following questions that were taken on notice and the Acting Director, Planning and Development Services provided a response in a letter dated 27 April 2018 as follows:
(Preamble to question) The City’s Community Aspirations say under Sustainable Environment: "Coastal and Bushland Reserves that are well used and sustainably managed preserving them for future generations to enjoy …a city renowned for… natural beauty and world class coastal and marine environments." Strategic Community Plan 2015-2025 pages 9, 11.

However the wording of the officers’ recommendation that a … process be urgently initiated to determine the most sustainable long-term use of the Point Peron peninsula omits any reference to the above community aspiration.

Question
1. Why are these community aspirations not the starting point for Council’s position in either a) considering Cr Summers’ motion and b) any meeting with the Premier?

Response (provided at meeting)
The Chairperson advised that this is an item contained in the Committee agenda and will be considered later in the meeting with a recommendation to next Tuesday’s Council meeting.

(Preamble to question) One of the reasons given for this motion is the aspiration for Coastal Facilities including “a “major brand” hotel, marinas, … foreshore parks that contribute to the City’s reputation as the premier metropolitan coastal tourism destination.

Question
2. Does this statement show that Council sees tourists as attracted mainly by major brand hotels and marinas and not interested in coming to Rockingham to experience nature in Bush Forever sites?

Response
No, the reference to ‘a major brand hotel, marinas’ etc is not a reason for the Notice of Motion but a quote from Aspiration A – Coastal Facilities within the City’s Strategic Community Plan 2015 – 2025.

(Preamble to question) The Premier initiated the inland marina proposal and is on record as supporting anything that generates jobs and tourism. His Minister for Planning said “The State Government looks forward to working on alternative projects to boost jobs, and create new places for people to live and visit.” As well the Motion refers to Coastal facilities including a major brand hotel, marinas.

Question
3. Therefore can Council give the community any reason to believe that the wording “the most sustainable long-term use” does not leave open the possibility of a) housing, b) hotel? c) a marina on the Bush Forever site 355 at Cape Peron?

Response
The decision on what long-term use is progressed for Cape Peron will be made by the State Government in its capacity as landowner and not by the City.

(Preamble to question) The motion quotes our community as aspiring to An engaged and informed community that participates in local decision making and can rely upon the Council to advocate on its behalf when important issues challenge the best interests of the City and its residents.

Question
4. How does Council see its role in advocating for a Coastal Park on behalf of the engaged and informed community that wants a world class coastal park at Cape Peron?

Response (provided at meeting)
The Chairperson advised that the motion will be considered by this Committee and then the Council and during those discussions, that question may be addressed.
(Preamble to question) The Officer’s recommendation is to ask the Premier for “discussions to request … a transparent and collaborative process”.

**Question**

5. Will minutes or outcomes be published of any discussions between the Premier and the Mayor?

**Response (provided at meeting)**

The Chairperson advised that he was not in a position to answer on behalf of the Premier or Mayor, however, it may well be that the discussions they have will remain in camera, so that the planning can take place without any public statement which may lead to people drawing an incorrect conclusion.

As soon as a government body makes a statement, it is considered by many people that it is going to happen. It is certainly his view that a public statement will be made or a decision has been made and a direction set.

Further to the above, the Officer Recommendation was suggesting that the process to establish the long-term use be open and transparent, not the discussions between the City and the Premier.

### 4. Public Question Time

**4:01pm** The Chairperson invited members of the Public Gallery to ask questions.

**4.1 Mr James Mumme, 36 Gloucester Avenue, Shoalwater - PD-022/18 - Notice of Motion - Cape Peron**

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

1. The Community aspires to see "coastal and bushland reserves are well used and sustainably managed preserving them for future generations to enjoy". How many future generations does this Committee or the Officers consider this aspiration to refer to - two, ten, a hundred or indefinitely?

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

2. How long does the Committee consider "sustainably managed" means - ten years, 25, 100, or indefinitely?

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

3. The Macquarie Dictionary defines perpetuity as "endless or indefinitely long duration or existence." Does the City have any objection to proposing Cape Peron to be a Reserve indefinitely?

   The Chairperson advised that the question will be taken on notice, however, this is an item contained in tonight’s Committee agenda and will be considered later in the meeting.

4. The Officer’s Report says "The decision on the MRS Amendment substantially alters the planning settings for Cape Peron and creates uncertainty about its future use and management." But the Environment Minister says DBC "will continue to manage Cape Peron as part of the Rockingham Lakes Regional Park… I am supportive of the Cape Peron Reserve being converted to Class A… Conservation Park is an appropriate purpose to enable proper management of tourism and facilities while protecting the natural and cultural values of this special area."

   Given the Minister’s stance, does Council believe the Officers' opinion that the decision on the MRS Amendment decision "alters the planning settings and creates uncertainty about its future use and management? If so in what way does it create uncertainty?

   The Chairperson advised that the question will be taken on notice.
5. The Officers say with respect to conserving Cape Peron in perpetuity for the community, “the City notes the intent but recognises that it could undermine the State Government process which the Notice of Motion is advocating.” Given what the Minister for Environment has written, in what way could the perpetuity part of the Motion undermine the State Government process? Councillors have long argued that Government do what they will regardless of Council.

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

4:08pm There being no further questions the Chairperson closed Public Question Time.

5. Confirmation of Minutes of the Previous Meeting

Moved Cr Sammels, seconded Cr Whitfield:
That Committee CONFIRMS the Minutes of the Planning and Engineering Services Committee Meeting held on 16 April 2018, as a true and accurate record.

Committee Voting – 5/0

6. Matters Arising from the Previous Minutes

Nil

7. Announcement by the Presiding Person without Discussion

4:09pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.

8. Declarations of Members and Officers Interests

4:09pm The Chairperson asked if there were any interests to declare.
There were none.

9. Petitions/Deputations/Presentations/Submissions

9.1 Deputation

9.1.1 Ms Michelle Brooks, Environmental Compliance Lead (Acting) Nickel West (BHP) - PD-021/18 Joint Development Assessment Panel Application - Proposed Extension to Existing Nickel Refinery

4:10pm The Chairperson welcomed Ms Brooks and invited her to present a deputation to the Committee. Ms Brooks advised that BHP is changing its operations at Nickel West to include a Nickel Sulphate Plant that will produce nickel sulphate which is used for nickel plating in batteries, that is expected to be in growing demand. Ms Brooks indicated this change in production will extend the life of the Nickel West Plant with only a small change to production. She advised the output of the plant will have minimal environmental impact and will employ an additional five people. Ms Brooks invited questions and asked the Committee to support the application.

4:12pm The Chairperson thanked Ms Brooks and advised the matter is to be considered by the Committee as an item on the Agenda.

9.1.2 Mr Aaron Lohman, Manager Planning (Rowegroup) and Mr Steve Wood (BGC) - PD-020/18 Joint Development Assessment Panel Application - Proposed Lime Manufacturing Plant
4:13pm The Chairperson welcomed Mr Lohman and invited him to present a deputation to the Committee. Mr Lohman advised the Committee on plant operations and emphasised the proposal is a lime hydration plant and that lime will not be manufactured on-site. He explained an application has also been made for a separate Works Approval. Mr Lohman also discussed how the location, layout and operation of the plant would not adversely affect the adjacent industrial land uses, where an objection was received to the proposal. In response to a question from the Committee, Mr Steve Wood (BGC), discussed the process for receiving and processing lime in a closed system to mitigate against any dust impacts. Mr Lohman asked the Committee to support the application and advised the City’s recommended conditions were supported.

4:20pm The Chairperson thanked Mr Lohman and Mr Wood and advised the matter is to be considered by the Committee as an item on the Agenda.

10. Matters for which the Meeting may be Closed

Nil

11. Bulletin Items

Planning and Development Services Information Bulletin – May 2018

Health Services
1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial and Commercial Waste Monitoring
   3.3 Mosquito Control Program
   3.4 Environmental Waters Sampling
   3.5 Food Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls
   4.3 Food Premises Inspections
   4.4 Public Building Inspections
   4.5 Outdoor Public Event Approvals
   4.6 Permit Approvals
   4.7 After Hours Noise and Smoke Nuisance Complaint Service
   4.8 Complaint - Information
   4.9 Noise Complaints - Detailed Information
   4.10 Animal Exemptions
   4.11 Building Plan Assessments
   4.12 Septic Tank Applications
   4.13 Demolitions
   4.14 Swimming Pool and Drinking Water Samples
   4.15 Rabbit Processing
   4.16 Hairdressing and Skin Penetration Premises
   4.17 Caravan Park and Camping Ground Inspections

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

1. Compliance and Emergency Liaison Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   - 4.1 Ranger Services Action Reports
   - 4.2 Private Swimming Pool and Spa Inspection Program
   - 4.3 Emergency Management and Fire Prevention
   - 4.4 Restricted Burning
   - 4.5 CRM
   - 4.6 Singleton Volunteer Bush Fire Brigade – Community Engagement
   - 4.7 Accredited Training
   - 4.8 SmartWatch Key Result Area: Visibility
   - 4.9 SmartWatch Key Result Area: Engagement with Community
   - 4.10 Key Result Area: Increasing perception of Safety
   - 4.11 Notable Statistics

**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 Waterwise Council Program (EVM/56-02)
   - 3.3 Wetland Management Plan
   - 3.4 Lake Richmond Management Plan Review
   - 3.5 Coastal Hazard Risk Management and Adaption Plan
4. Information Items
   - 4.1 Proposed MRS Amendment - Karnup 'KA5' Precinct

**Land and Development Infrastructure**

1. Land and Development Infrastructure Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   - 4.1 Structure Plan Approval Referrals
   - 4.2 Subdivision Approval Referrals
   - 4.3 Urban Water Management Referrals
   - 4.4 Traffic Report Referrals
   - 4.5 Delegated Land and Development Infrastructure Assets Approvals
   - 4.6 Subdivision Clearance Requests
   - 4.7 Handover of Subdivisional Roads
   - 4.8 Development Application Referrals
   - 4.9 Delegated Subdivision Engineering & Public Open Space Practical Completions
   - 4.10 Delegated Authority to approve the release of Bonds for private subdivisional works

**Statutory Planning**

1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Land Use - Planning Enforcement
   4.2 Subdivision/Development Approval and Refusals by the WAPC
   4.3 Notifications and Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Subdivision Lot Production
   4.7 Delegated Development Approvals
   4.8 Delegated Development Refusals
   4.9 Delegated Building Envelope Variations
   4.10 Subdivision/Amalgamation Approved
   4.11 Strata Plans
   4.12 Subdivision/Amalgamation Refused
   4.13 Proposed Peel Harvey Main Drain On Line Water Treatment Project

Planning and Development Directorate
1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08)
   3.2 Northern Smart Village Sector - Masterplan, Development Policy Plan and Proposed Amendment No’s 161 and 162 to Town Planning Scheme No.2
   3.3 Leeuwin Sector – Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
   3.4 Northern Gateway Sector - Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
   3.5 Improvements to City Square and Civic Plaza (LUP/1933)
   3.6 Design Review Panel (LUP/2094)
   3.7 Safety Bay/Shoalwater Foreshore Revitalisation Master Plan
4. Information Items
   Advisory Committee Minutes

Committee Recommendation

Moved Cr Hamblin, seconded Cr Sammels:
That Councillors acknowledge having read the Planning Services Information Bulletin – May 2018 and the content be accepted.

Committee Voting – 5/0

Engineering and Parks Services Information Bulletin – May 2018

Engineering and Parks Services Directorate
1. Engineering and Parks Services Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Bushfire Risk
   4.2 Sea Grass Deposits in Warnbro Sound

Asset Services
1. Asset Services Team Overview
2. Human Resource Update
3. Project Status Reports
| 3.1  | Facilities and Reserve Accessibility Audits  |
| 3.2  | Footpath Condition Audit                  |
| 3.3  | Facility Security Plan                    |

**4. Information Items**

| 4.1  | Asset Maintenance Team                    |
| 4.2  | Asset Maintenance – Buildings             |
| 4.3  | Asset Maintenance – Reserves              |
| 4.4  | Asset Management                          |

**Infrastructure Project Delivery**

1. Infrastructure Project Delivery Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Beach Foreshore Masterplan – Stage One Construction

**4. Information Items**

| 4.1  | Buildings and Facilities Construction Program |
| 4.2  | Lighting Construction Program               |
| 4.3  | Park Infrastructure and Construction Program |

**Parks Services**

1. Parks Services Team Overview
2. Human Resource Update
3. Project Status Reports

4. Information Items

| 4.1  | Delegated Public Open Space Handovers      |
| 4.2  | 2017/2018 Parks Services Projects Summary  |
| 4.3  | 2017/2018 Parks Services Project Information |
| 4.4  | Parks Maintenance Program 2017/2018        |

**Engineering Services**

1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Future Traffic Modelling

4. Information Items

| 4.1  | Delegated Authority for Temporary Thoroughfare Closure |
| 4.2  | Delegated Authority for approval of Directional Signage |
| 4.3  | Delegated Authority for approval of Heavy Haulage |
| 4.4  | Authorised Traffic Management Plans for Works on City Controlled Roads |
| 4.5  | Civil Works Program 2017/2018                  |
| 4.6  | Civil Maintenance Program 2017/2018           |
| 4.7  | Road Rehabilitation Program Main Roads Grant 2017/2018 |
| 4.8  | Road Resurfacing Program Municipal Works 2017/2018 |
| 4.9  | Road Renewal Program Municipal Works 2017/2018 |
| 4.10 | Drainage Renewal Program Municipal Works 2017/2018 |
| 4.11 | Delegated Authority pursuant to Part 3 of the Graffiti Vandalism Act 2016 |
| 4.12 | Litter and Street Sweeping Program 2017/2018 |
| 4.13 | Graffiti Program 2017/2018                   |
| 4.14 | Delegated Authority for the payment of crossover subsidies |
| 4.15 | Third Party works within the City           |
| 4.16 | Asset Inspections                           |
| 4.17 | Verge Treatment Applications                |
| 4.18 | Verge Issues                                |
4.19 Coastal Infrastructure
4.20 Coastal Management

Advisory Committee Minutes

Committee Recommendation

Moved Cr Hamblin, seconded Cr Sammels:
That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – May 2018 and the content be accepted.

Committee Voting – 5/0
12. Agenda Items

Planning and Development Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-015/18 Participation in the Cities Power Partnership</th>
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<tbody>
<tr>
<td>File No:</td>
<td>EVM/185</td>
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<tr>
<td>Applicant:</td>
<td>Ms Emma Saikovski, Sustainability Officer</td>
</tr>
<tr>
<td>Owner:</td>
<td>Ms Natalie Elliott, Coordinator Sustainability and Environment</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>14 May 2018</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>Executive</td>
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<td>Previously before Council:</td>
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<td>Disclosure of Interest:</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<td>Site:</td>
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<td>Lot Area:</td>
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<td>LA Zoning:</td>
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<td>MRS Zoning:</td>
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Purpose of Report

To consider participating in the Cities Power Partnership in support of the City’s ongoing sustainability actions.

Background

The Cities Power Partnership (CPP) is a free national program run by Climate Council Australia that engages with local governments across Australia to encourage environmental sustainability initiatives and provide a platform for collaboration.

The CPP is Australia’s largest sustainability program aimed at local governments. It was launched in July 2017 and currently has 70 member Councils, including the Cities of Fremantle, Melville, Armadale and Kwinana in Western Australia.
Councils participating in the CPP are required to pledge their commitment to delivering five key actions from a defined list in the areas of renewable energy, energy efficiency, transport and collaboration.

If the Council decides to participate in the CPP, the following suggested actions could be committed to:

**Renewable Energy**
1. Install renewable energy (solar PV and battery storage) on council buildings for example childcare facilities, libraries, street lighting, recreation centre, sporting grounds and council offices

**Energy Efficiency**
2. Adopt best practice energy efficiency measures across all council buildings, and support community facilities to adopt these measures
3. Roll out energy efficient lighting across the municipality (particularly street lighting)

**Sustainable transport**
4. Ensure Council fleet purchases meet strict greenhouse gas emissions requirements and support the uptake of electric vehicles

**Collaboration**
5. Set up meetings and attend events such as the Community Energy Congress or the Cities Power Partnership Summit, where like-minded cities can address common concerns and learn from others' experience

These actions were selected on the basis of aligning with the City’s current sustainability focus areas and works, as identified in the Sustainability Snapshot Report 2017.

Once these actions have been pledged to, the City will be connected with other local governments working on similar projects in order to collaborate and share information. The City will also have access to the Power Analytics tool where specific projects can be input to track emissions, energy and cost savings. This information can then be shared with other member councils, at the City’s discretion.

The City will be required to complete a 6 monthly online survey that provides Climate Council Australia with basic information on how the City is progressing towards the five pledged actions.

In terms of promotion, the City would be profiled as a new ‘Power Partner’ by the CPP to its national online media network of over 200,000 members and supporters.

### Implications to Consider

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

b. **Consultation with Government Agencies**
   - Nil

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

     **Aspiration C:** A Sustainable Environment

     **Strategic Objective:** Climate Change – Planning systems, infrastructure standards and community awareness programs that acknowledge, mitigate and adapt to the impacts of climate change.
Aspiration C: A Sustainable Environment

Strategic Objective: Carbon Footprint and Waste Reduction – Carbon footprint reduction and waste minimisation programs focused on community education and awareness, and the use of new technologies proven to be environmentally acceptable and financially sustainable

d. Policy
Nil

e. Financial
The CPP is free to join. The costs associated with delivering the pledged actions will be met through existing operating budgets. No additional funding will be required as a result of the City’s involvement.

f. Legal and Statutory
Nil

g. Risk
All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks

Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The City is committed to working towards environmental sustainability, with a range of best practice actions undertaken across the organisation and in the community. Participation in the CPP will primarily provide an opportunity to showcase the City’s achievements and commitment to a national audience, while also facilitating collaboration and networking with other local governments.

This dedicated platform for knowledge sharing will be invaluable to inform future actions or accelerate practices already in place, particularly through connecting with interstate local governments that have already delivered projects in similar focus areas. The CPP tools will also enable the City’s sustainability initiatives to be monitored, measured and improved in a manner which is streamlined and consistent with best practice.

The partnership is expected to complement the City’s existing sustainability works, with additional future actions across a range of focus areas to be identified in the Community Plan Strategy – Sustainability, which is currently under development.

Voting Requirements

Simple Majority

Officer Recommendation

That Council SUPPORTS participation in the Cities Power Partnership.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin:

That Council SUPPORTS participation in the Cities Power Partnership.

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

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 18 JUNE 2018
Planning and Development Services
Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-016/18 Final Approval of Scheme Amendment No.171 – Cash-in-Lieu of Carparking in the Primary Centre - Waterfront Village Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/2087</td>
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<tr>
<td>Applicant:</td>
<td></td>
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<tr>
<td>Owner:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr David Waller, Co-ordinator Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14 May 2018</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>July 2004 (PD15/7/04); November 2009 (PD77/6/09); April 2012 (DPD-002/12), October 2017 (PDS-059-017)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Site:</td>
<td></td>
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<tr>
<td>Lot Area:</td>
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<tr>
<td>LA Zoning:</td>
<td>Primary Centre Waterfront Village Zone</td>
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<tr>
<td>MRS Zoning:</td>
<td>Central City Area Zone</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Amendment No.171 - Scheme Amendment Report</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. TPS2 Zoning Map - Primary Centre - Waterfront Village Zone</td>
</tr>
<tr>
<td></td>
<td>2. Area A of the Primary Centre Waterfront Village Zone</td>
</tr>
<tr>
<td></td>
<td>3. Consultation Plan</td>
</tr>
</tbody>
</table>
Purpose of Report

To consider granting Final Approval to Amendment No.171, to Town Planning Scheme No.2 (TPS2), to modify the method of calculation for cash-in-lieu of carparking within ‘Area A’ of the Primary Centre Waterfront Village Zone.

Background

In October 2017, Council resolved that it:

1. **ADOPTS** (initiate) Amendment No.171 to Town Planning Scheme No.2 for the purposes of modifying Clause 4.15.6.1 sub-paragraph (3) as follows (changes in bold and red):

   "(3)In the case of development on land within Area A - the cash-in-lieu payment shall not be less than the estimated cost of providing and constructing the parking bays (and all necessary vehicular and pedestrian access areas and manoeuvring areas) in the form of a multi-decked structure, where the cost of providing and constructing a multi-decked structure is the sum of:

   (a) the estimated value of the land upon which the multi-decked structure is likely to be constructed, as determined by a licenced valuer, approved by the Council; and

   (b) the estimated cost of constructing a multi-decked structure (including full civil works, lighting, signage, lifts and lift shafts, line marking, decorative cladding/screening, landscaping, security and vehicle monitoring equipment as estimated by a qualified Quantity Surveyor, approved by the Council, acting in accordance with the principles and costings set out in the then current edition of Rawlinsons Australian Construction Handbook, insofar as those principles and costings apply to those items."
2. **CONSIDERS** the proposed Scheme Amendment as a ‘Standard Amendment’ in accordance with Regulation 34(e) of the Planning and Development (*Local Planning Schemes*) *Regulations 2015*, as it is consistent with the Scheme objectives and has no significant environmental, social, economic or governance impacts.

### Details

The intent of the Scheme Amendment is to clarify the wording of Clause 4.15.6.2(3) of TPS2 to appropriately reflect the City’s intentions for the calculation of Cash-in-Lieu parking payments to be based on a multi-decked car parking structure.

The City's Planning Policy No.3.2.5 - Development Policy Plan - *Waterfront Village Sector* (PP3.2.5) nominates locations in the Waterfront Village where multi-decked car parks may be constructed. The nominated sites for public car parks are depicted on the ‘Indicative Development Plan’, within PP3.2.5, as having potential for multi-level decked car parks.

### Implications to Consider

a. **Consultation with the Community**

This Scheme Amendment was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), initially for a period of 42 days, commencing on 12 January 2018 to 1 March 2018, which was then extended for a further 30 days, until 31 March 2018. Public advertising was carried out in the following manner:

- A notice appeared in the Public Notices section of the Weekend Courier on the 12 January 2018;
- 519 landowners were advised of the proposal in writing and invited to comment, as shown in Figure 2 below; and
- Copies of the Amendment and supporting documentation were made available for inspection at the City’s Administration Offices and on the City’s website.
At the conclusion of the advertising period, 14 submissions were received (inclusive of one later submission).

3. Consultation Plan

The substantive matters raised in submissions have been further discussed below.

<table>
<thead>
<tr>
<th>Cash-in-Lieu (CIL) Land Area Component</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission:</td>
</tr>
<tr>
<td>(i)</td>
</tr>
<tr>
<td>It is unreasonable to require the cash-in-lieu of car parking amount to include the value of land upon which the multi-decked structure is likely to be constructed on City owned land.</td>
</tr>
<tr>
<td>City's Comment:</td>
</tr>
<tr>
<td>It is agreed that the inclusion of the land component of CIL of parking is not appropriate, given that the majority sites where decked parking is to be developed are owned by the City and therefore land acquisition is unlikely.</td>
</tr>
</tbody>
</table>

**Recommendation**

Proposed clause (a), relating to the estimated value of the land upon which the multi-decked structure, be deleted. In doing so, the land cost component will not be included in CIL calculations for Area A.

**Incorrect Clause Numbering**

| Submission:                          |
| (i)                                  |
| The advertised Amendment incorrectly referred to 4.15.6.1 (3) rather than 4.15.6.2 (3) |
### Incorrect Clause Numbering (cont…)

**City's Comment:**
The City considers that it is clear in the Agenda item to Council and the Scheme Amendment Report, that the intent of the amendment was to replace clause 4.15.6.2 (3) relating to the Primary Centre Waterfront Village Zone rather than 4.15.6.1 (3), which relates to all other Primary Centre zones. TPS2 currently does not contain a clause numbered 4.15.6.1(3) as 4.15.6.1 only has paragraphs (1) and (2), but no (3). As a submitter has pointed out, the clause number is incorrect, which would indicate that the intent of the amendment was clear and a modification to correct the typographical error is not considered significant enough to warrant readvertising the Scheme Amendment.

As this issue has been raised in a submission, the Regulations enables the local government to recommend a modification to refer to the correct clause number.

**Recommendation**

*The Amendment be modified to refer to correctly refer to Clause 4.15.6.2 (3).*

### Scheme Amendment Classification

**Submission:**

(i) Scheme Amendment No. 171 has been incorrectly classified as a Standard Amendment and should be processed as a Complex Amendment

**City's Comment:**

For the amendment to be considered a Complex Amendment it would need to be consistent with the definition provided under the Regulations. The definitions are provided in the Legal and Statutory section.

Generally, textual amendments are considered to be Basic Amendments. Given there is some financial implication to Scheme Amendment No.171, it was considered appropriate to categorise it as a Standard Amendment, recognising that it seeks to clarify an existing CIL of parking clause.

The amendment is not considered to meet the definition of a Complex Amendment as it is not significantly altering the intention of the clause and does not meet any of the criteria provided under the definition.

### Cost Estimate

**Submission:**

(i) Amendment 171 requires a development proponent to undertake a cost estimate for a multi-decked carpark structure. There are, however, no design standards or guidelines for the carpark structure upon which a cost estimate should be based.

**City's Comment:**

The estimated cost of constructing parking bays has previously varied on differing estimates by civil engineers, and it is considered that a more consistent and appropriate method of calculating CIL, is by applying building cost indicators compiled by the Rawlinsons Australian Construction Handbook, which is regularly updated.

Rawlinsons Australian Construction Handbook is an Australia wide recognised construction handbook which provides a cost information for medium and large projects. The inclusion of reference to ‘Rawlinson’s’ will ensure up to date building indicators are used to accurately determine the estimated cost of each component of the car parking structure, and the associated amount of CIL required.

### Deterrent to Future Development

**Submission:**

(i) An excessive and punitive approach to Cash in Lieu will inhibit investment and development in the area and we will be left with old and outdated properties such as those along Railway Terrace, Flinders Lane and Kent Streets.
Deterrent to Future Development (cont…)

City’s Comment:
It is not considered that the modification to the CIL provisions will have a significant impact to inhibit future developments in the Waterfront Village, given several recent development which are under construction, or have been completed in recent years. In essence, these developments have been subject to similar statutory requirements, although the basis of the payment has been modified further under this proposed Scheme Amendment. It is acknowledge that there is always an economic impact to the requirement to pay CIL, but the planning basis and orderly and proper planning, need to be considered. In this regard there two main benefits. Firstly, it allows landowners/developers to construct a greater amount of commercial floor space and/or number of units on their land than would otherwise be provided by not having to provide these additional bays on-site. Secondly, the provision of less parking bays on-site means that a better built form outcome is achieved, with sites not being dominated by oversupply of car parking. It should also be noted that the parking ratios in the Primary Centre - Waterfront Village Zone are generally less than other locations within the City. To achieve a balance between providing appropriate level of CIL, versus inhibiting development is a fine balance, however, the City’s proposed approach is considered reasonable from both perspectives.

Other Matters

Submission:

(i) Paid Ticket Parking will have an impact on visitors to the area.
City Comment
This matter is not relevant to the Scheme Amendment.

(ii) As the marina is proposed to be constructed primarily on land located outside of the City's district local government boundaries within Cockburn Sound CIL requirements don’t apply.
City Comment
This issue relates to the current Joint Development Assessment Panel application being considered and there is no direct correlation to the Scheme Amendment.

(iii) Replacing the old and tired commercial properties and residential properties in and around the Waterfront Village is necessary to create a pleasing aesthetic, upon visiting Rockingham.
City Comment
The purpose of this Scheme Amendment only seeks to review the CIL provisions and not other development requirements. Whilst the City would like to see redevelopment occur, the City cannot mandate such.

(iv) Reduction of car parking bays along Railway Terrace outside restaurants.
City Comment
This matter is not relevant to the Scheme Amendment proposed, given it does not relate to how CIL funds are calculated. Noting this, the City has supported some applications for parklets to create vibrancy and activity, especially along Rockingham Beach Road. The City recognises that some food premises are not able to have alfresco dining areas in the adjoining verge due to the location of on-street parking bays. As such, applications have been supported in limited circumstances. The use of CIL funds from future development is intended to be used for multi-storey car parking facilities and not on-street parking.
b. **Consultation with Government Agencies**

All Standard 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 Act, and that it was not necessary to provide any environmental advice or recommendations on the Amendment.

The Western Australian Planning Commission (WAPC) was also consulted. Following the close of the advertising period, no submissions were received from either the WAPC or Department of Planning, Land and Heritage.

c. **Strategic Community Plan**

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

- **Aspiration B:** Strong Community
  - **Strategic Objective:** Mobility and Inclusion - Community services, programs and infrastructure that effectively cater for all residents including seniors, youth and vulnerable populations.

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

d. **Policy**

Nil

e. **Financial**

Not Applicable

f. **Legal and Statutory**

**Town Planning Scheme No.2**

The current relevant provision relating to cash-in-lieu payment for development in the Primary Centre Waterfront Village zone (highlighted red) is as follows:

4.15.6.2 (1) This clause applies to development in the Primary Centre Waterfront Village Zone.

(2) In this clause:

(a) “Area A” means the land shown as “Area A” on Plan No.8; and

(b) “Area B” means the land shown as “Area B” on Plan No.8.

(3) In the case of development on land within Area A – the cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking bays in the form of a decked structure (including full civil works, lighting, signage, line marking and landscaping), for that area of land which would have been occupied by the parking spaces and manoeuvring area as estimated by a qualified civil engineer approved by the Local Government....

...(5) Payments made under subclause (3) shall be paid into a parking fund to be used for the provision of public car parking facilities within Area A of the Primary Centre Waterfront Village Zone.

...(7) All costs incurred in obtaining the estimate shall be borne by the developer proposing the development.”
Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

The procedures for dealing with an application to amend TPS2, as per the Planning and Development Act 2005, are set out in the Regulations. Regulation 50 (3) sets out the process for consideration of submissions and the process for supporting, supporting with modifications or not supporting a standard amendment.

Regulation 50 provides:

(3) Before the end of the consideration period for a standard amendment to a local planning scheme, 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."

Amendment Types

Regulation 34 provides the definitions for Basic, Standard and Complex Amendments:

**Basic Amendment** means any of the following amendments to a local planning scheme —

(a) an amendment to correct an administrative error;

(b) an amendment to the scheme so that it is consistent with the model provisions in Schedule 1 or with another provision of the local planning scheme;

(c) an amendment to the scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2;

(d) an amendment to the scheme so that it is consistent with any other Act that applies to the scheme or the scheme area;

(e) an amendment to the scheme so that it is consistent with a State planning policy;

(f) an amendment to the scheme map to include a boundary to show the land covered by an improvement scheme or a planning control area;

(g) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan;

(h) an amendment that results from a consolidation of the scheme in accordance with section 92(1) of the Act;

(i) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area if the amendment will have minimal effect on the scheme or landowners in the scheme area;

**Complex Amendment** means any of the following amendments to a local planning scheme

(a) an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;

(b) an amendment that is not addressed by any local planning strategy;

(c) an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;

(d) an amendment made to comply with an order made by the Minister under section 76 or 77A of the Act;

(e) an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan;

**Standard Amendment** means any of the following amendments to a local planning scheme —

(a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;

(b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
(c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;

(d) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;

(e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;

(f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;

(g) any other amendment that is not a complex or basic amendment.

Risk

All Council decisions are subject to risk assessment according to the City’s Risk Framework. Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks

Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The purpose of the Scheme Amendment is to clarify the wording of existing Clause 4.15.6.2(3) of TPS2, by including reference to a multi-decked car parking structure and provide a universal method of calculating the cost using ‘Rawlinson’s Australian Construction Handbook’.

The inclusion of the land component, which was raised in submissions as a concern, should be deleted from the Scheme Amendment on the basis that additional land is unlikely to be needed as the City has tenure over various sites to build multi-storey car parks.

The clause numbering is also proposed to be modified to ensure it is correctly referenced in TPS2 as raised in submissions.

It is recommended that the Council grant Final Approval to adopt Scheme Amendment No.171, with modifications.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ADOPTS** for Final Approval. Amendment No.171 to Town Planning Scheme No.2, modifying Clause 4.15.6.2 sub-paragraph (3), as follows (changes in bold and red):

   "(3) In the case of development on land within Area A - the cash-in-lieu payment shall not be less than the estimated cost of providing and constructing the parking bays (and all necessary vehicular and pedestrian access areas and manoeuvring areas) in the form of a multi-decked structure, where the cost of providing and constructing a multi-decked structure is the sum of the estimated cost of constructing a multi-decked structure (including full civil works, lighting, signage, lifts and lift shafts, line marking, decorative cladding/screening, landscaping, security and vehicle monitoring equipment as estimated by a qualified Quantity Surveyor, approved by the Council, acting in accordance with the principles and costings set out in the then current edition of Rawlinson’s Australian Construction Handbook, insofar as those principles and costings apply to those items."

2. **ADOPTS** the recommendations contained within the Schedule of Submissions.
Committee Recommendation

Moved Cr Whitfield, seconded Cr Sammels

That Council:

1. **ADOPTS** for Final Approval. Amendment No.171 to Town Planning Scheme No.2, modifying Clause 4.15.6.2 sub-paragraph (3), as follows (changes in bold and red):

   "(3) In the case of development on land within Area A - the cash-in-lieu payment shall not be less than the estimated cost of providing and constructing the parking bays (and all necessary vehicular and pedestrian access areas and manoeuvring areas) in the form of a multi-decked structure, where the cost of providing and constructing a multi-decked structure is the sum of the estimated cost of constructing a multi-decked structure (including full civil works, lighting, signage, lifts and lift shafts, line marking, decorative cladding/screening, landscaping, security and vehicle monitoring equipment as estimated by a qualified Quantity Surveyor, approved by the Council, acting in accordance with the principles and costings set out in the then current edition of Rawlinsons Australian Construction Handbook, insofar as those principles and costings apply to those items."

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

### CITY OF ROCKINGHAM
**AMENDMENT NO.171 TO TOWN PLANNING SCHEME NO.2**
**SCHEDULE OF SUBMISSIONS**

<table>
<thead>
<tr>
<th>Submission</th>
<th>Comment</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Ms Lisa Cole &amp; Mr Chris Felvvs, 23 Roscoe Turn, Rockingham WA 6168</td>
<td>We feel Rockingham is only just becoming a well-known (positively) place to come as a family for more than just the beach. We would hate to see charging for parking to do what it did to many areas of Fremantle. We have a great range of businesses now and more to come, without making restrictions that aren't really necessary. The Rocky Hotel charge to help cover costs to maintain but also give to the community by letting sporting clubs man for a cut. I would hate for our visitors and family to not stop to visit because they don't have spare change to park.</td>
<td>This submission relates to paid ticket parking, which is not relevant to the Scheme Amendment. This submission not be upheld.</td>
</tr>
<tr>
<td>2. Mr Peter Higgins, 8 Roscoe Turn, Rockingham WA 6168</td>
<td>The existing schedule para 4.15.6.1 does NOT have a sub paragraph (3) to be REPLACED by the text mentioned in the amendment. Therefore, is the online text of the schedule out of date or is the amendment to ADD sub paragraph (3) to the text? There are a number of spelling mistakes in the original text and also the amendments. The original schedule contains corrupted text in the pdf process. I recommend that both documents be repaired and the process of consultation reintiated. This is very sloppy administration for a government process.</td>
<td>It is acknowledged that there was error in numbering. It is evident that the advertisement Scheme Amendment intended modification of the CIL calculation for the Primary Centre Waterfront Village zone, which was understood by the submitter. The submission be upheld in part. The clause numbering for the Scheme Amendment is recommended to be modified to correctly refer to 4.15.6.2 sub-paragraph (3).</td>
</tr>
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</table>
### Submission

<table>
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<tr>
<th>Submission</th>
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<th>Recommendation</th>
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<tbody>
<tr>
<td><strong>Regulation 50 (3) (b) of the Regulations enables the Council to support the amendment with proposed modifications to address issues raised in submissions.</strong></td>
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</tr>
</tbody>
</table>

#### 3. Ms Sharon Dorrain 90 Hobart Street, Mount Hawthorn

If you are proposing any payment for parking in this zone I strongly object. I base my objections on my own experience. I prefer to shop with my toddler. One hour parking is free, however one is under pressure to park unload and once they reach shopping precinct they feel pressure to leave, therefore taking revenue elsewhere where there is no time constraints.

This submission relates to paid ticket parking, which is not relevant to the Scheme Amendment.

This submission not be upheld.

#### 4. Mr Paul Ogilvie, Aureus Commercial Pty Ltd, 15 Crompton Road, Rockingham

This submission in response to the City of Rockingham Amendment No.171 to Town Planning Scheme No 2 has been prepared by Aureus Commercial Pty Ltd, the proponent for the proposed marina development. The marina is proposed to be developed over land parcels including Wanliss Street road reserve, Lot 150 on Plan 223083, and Lot 4556 on Deposited Plan 220689 (the subject site).

The proposed marina development, including associated public car parking to be constructed is to occur on portions of the following land parcels.

The marina is proposed to be constructed primarily on land located outside of the City’s district local government boundaries within Cockburn Sound. Access to this land has been granted by way of a seabed lease issued by the Department of Transport, being the management authority responsible for this Crown land. Therefore, the development incorporating boat pens, short stay accommodation and commercial tenancies are all located outside of the City’s local government jurisdiction.

This information relates to the current Joint Development Assessment Panel (JDAP) Application currently being considered by the City and is not relevant to the Scheme Amendment.

This part of the submission be not upheld.
<table>
<thead>
<tr>
<th>Submission</th>
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</tr>
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<tbody>
<tr>
<td>The marina is proposed to be constructed primarily on land located outside of the City's district local government boundaries within Cockburn Sound. Access to this land has been granted by way of a seabed lease issued by the Department of Transport, being the management authority responsible for this Crown land. Therefore, the development incorporating boat pens, short stay accommodation and commercial tenancies are all located outside of the City's local government jurisdiction. The marina proposal will include the construction of 759 public car parking bays at no cost to the City. It is proposed to extend the Wanliss Street Public Car Park generally in accordance with the City's Rockingham Beach Foreshore Management Plan with the remainder of bays to be constructed within the Rockingham Beach Road Reserve. These additional public car parking bays will improve car parking availability in proximity to Rockingham Beach and will also be able to accommodate overflow parking on peak demand days. Aureus Commercial Pty Ltd provide the following comments in relation to Scheme Amendment No.171: Marina Development not subject to the City's Local Planning Scheme The commercial component of the proposed marina at Wanliss Street is located outside of the City of Rockingham Local Government District boundaries and the remainder of the proposal (public car parking and associated infrastructure) is located on land reserved under the Metropolitan Region Scheme. The proposed development is therefore located outside of the scheme area and is not subject to the City's LPS 2 and Scheme Amendment No.171. Calculation of Land Value The method of calculation for the land component for a decked parking facility needs to be further defined. As an example, the methodology does not contemplate or clarify the need to apportion the cost of the land over the number of levels provided within the planned multi decked structure.</td>
<td>Applicability of CIL of Parking to Port Rockingham Marina This issue relates to the current JDAP application and is not relevant to the Scheme Amendment being considered. CIL Land Component Calculation It is agreed that the CIL component for the land component would need to be further clarified, if it was to remain included as part of the Amendment. Given, however, that the City has tenure over the sites to be developed, it is not considered appropriate to charge for the land component.</td>
<td>Applicability of CIL of Parking to Port Rockingham Marina This part of the submission be not upheld. CIL Land Component Calculation This part of the submission be upheld. The CIL payment for the Land Component be removed from the Scheme Amendment.</td>
</tr>
<tr>
<td>Submission</td>
<td>Comment</td>
<td>Recommendation</td>
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</tr>
<tr>
<td><strong>Type of amendment</strong></td>
<td>Amendment Type</td>
<td>Amendment Type</td>
</tr>
<tr>
<td>Scheme Amendment No. 171 has been incorrectly classified as a standard amendment and should be processed as a complex amendment in accordance with that defined in the Planning and Development (Local Planning Schemes) Regulations 2015. We also note Scheme Amendment No. 171 makes no reference to the timing of the delivery of public car parking bays to be provided by the City. The risk is that developers will be required to pay contributions towards public parking facilities and not realise any benefits for some time into the future.</td>
<td>Given the amendment seeks to modify an existing clause within TPS2, which already requires a CIL payment, and on the basis it does not meet the definition of a Complex Amendment, it is not considered appropriate for it to be re-classified from a Standard Amendment.</td>
<td>This part of the submission be not upheld.</td>
</tr>
</tbody>
</table>

5. **Mr Craig Sanford, 65/24 Flinders Lane, Rockingham Beach WA 6168**

The estimated value of land should include a Quantity Surveyor verification of all fair and reasonable estimate of costs associated with securing a suitable land parcel, including but not limited to:
1. Survey;
2. Administration, transfer and application fees;
3. Environmental (Contamination, flora and fauna) clearances;
4. Geotechnical report; and
5. Heritage investigations.

The estimated value of land should also consider:
(a) The timeliness of the future provision of car parking facilities including any market fluctuation likely to affect land values. For example, the developer would be required to provide the car parking 2020, however opts to seek Cash in Lieu (CIL) determination in 2018 where the market is currently at 0% to 0.5% growth.
(b) Where a developer applies for a CIL determination by the City and there are no suitable land parcels available at the time of the application/development. The City would be required to source suitable parcels, generally at higher market rates.

For example, a development is located 150m from the foreshore and the developer seeks to value the CIL land price on this location - however there are no available land parcels.

The City is required to purchase beach front land (or other premium land) to provide the parking capacity required by and generated by the development. This is important as the development would otherwise strain the parking allocation provisioned from nearby third party development (such as strata visitor's bays).
Estimated costs of detailed design (suitable for construction tender) should be included or the developer to undertake such design at its own cost, to the satisfaction of the City.

The estimated construction costs should be based upon the detailed design (where available) or an alternative design to the satisfaction of the City. The construction costs are to be determined by an independent Quantity Surveyor, appointed by and at the cost of the developer, to the satisfaction of the City.

6. Mr Ross Underwood, Planning Solutions, (On behalf of Flinders Rockingham Pty Ltd), GPO Box 2709, Cloisters Square PO WA 6850

Planning Solutions acts on behalf of Flinders Rockingham Pty Ltd, the registered proprietor of Lot 302 Empress Corner, Rockingham.

Thank you for the opportunity to comment on Amendment 171 to the City’s Town Planning Scheme No.2 (TPS2). We understand Amendment 171 proposes to modify the clause 4.15.6.1(3) of TPS2 to clarify and expand on the method for calculating cash-in-lieu of car parking in Area A of the Primary Centre Waterfront Village zone. We object to the proposal on the grounds it is not appropriate for the following costs to be included in the calculation:

- land area costs.
- cladding/decorative screening.
- security and vehicle monitoring equipment.

Further, the method for arriving at a cost estimate is not transparent or certain.

**Land area component**

Amendment 171 proposes to amend TPS2 by requiring the cash-in-lieu of car parking amount to include the value of land upon which the multi-decked structure is likely to be constructed. It is considered this requirement is unreasonable for the reasons which follow.

In the officers’ report to the 24 October 2017 Council meeting it was noted the City’s Planning Policy 3.2.5 – Development Policy Plan – Waterfront Village Sector (PP3.2.5) nominates three sites for public carparks: adjacent to Patterson Road; Kent Street between the museum and tennis club; and on the corner of Harrison and Val Street.

Of these three sites, two are already owned or are under the control of the City:

- Lot 303 Kent Street is owned in freehold by the City. Further, we understand the land itself has been owned by the City for several decades (i.e. prior to the cash-in-lieu provisions of TPS2 coming into effect) for activities in association with the adjacent Roads Board offices.
- Lot 500 (Village Green) is under the care and control of the City, and has been for several decades.

Land Area Component

Agreed. The City has tenure over several of the sites to be developed and doesn’t need to pay for the land, and therefore it is not considered appropriate to retain this clause.

Land Component Value

This part of the submission be upheld on the basis that land component value is proposed to be removed.
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<td>• Lots 24 and 25 (106-108) Harrison Street is the only nominated carpark site out of the three which is not owned by or under the control of the City. Simply put, it is not reasonable for the City to require a cash contribution for land which the City already controls, as it is not necessary for the City to purchase the land to construct a carpark. Further, the land value contribution is not appropriate as it does not reflect the proportional contribution of cash-in-lieu of car parking to the land area required. Specifically, the proposed requirement: • Does not reflect the proportion of the privately-owned land identified for a public carpark, relative to the total area of land identified for public carparks. • Does not reflect the proportion of land required per car parking bay in a multi-decked carpark. • Does not reflect the proportional plot ratio required for the public carpark, relative to the total plot ratio of all land uses including residential apartments. The proposed contribution is not equitable or fair as it does not reflect the true proportional land area component of the land per car bay. For the above reasons it is considered the land area requirement is inconsistent with the principles of equity set out State Planning Policy 3.6 Development Contributions for Infrastructure. The requirement should not be imposed.</td>
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<td>Cladding and decorative screening</td>
<td>Amendment 171 proposes to amend TPS2 by requiring the cash-in-lieu of car parking to be calculated including the costs of cladding and decorative screening. It is considered the cost of cladding and decorative screening should not be included in the cash-in-lieu calculation as they do not reflect the appropriate costs of the carpark infrastructure. Development contributions need to be appropriate and relate only to the required infrastructure. In this respect, the cladding/decorative screening is not appropriate as it does not necessary or directly relate to a multi-deck carpark. It is noted: • Cladding and decorative screening is not necessary component for a decked carpark. There are many examples of multi-level carparks in Perth which are not clad or adorned with screening, particularly above ground-floor level. • Cladding and screening is only one way in which the street interface can be managed. For example, the parking areas could be located behind commercial or residential land uses, which would limit or avoid altogether the need for cladding or decorative screening. Cladding and decorative screening is not an essential or necessary component for a multi-decked carpark. This requirement should not be imposed.</td>
<td>Architectural cladding/security equipment The inclusion of architectural cladding/screening and security equipment is a necessary part of any multi-level decked car park. The requirement for cladding/screening would form a necessary part of any development in order to meet the requirements of PP3.2.5.</td>
</tr>
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Submission
Security and vehicle monitoring equipment
Amendment 171 proposes to amend TPS2 by requiring the cash-in-lieu of car parking to be calculated including the costs of security and vehicle monitoring equipment. It is considered these elements should not be imposed as they do not reflect the appropriate capital costs of providing the carpark infrastructure.

Security and vehicle monitoring equipment is not a capital cost; rather it relates to the care and management of the carpark. It is expected the security arrangements and vehicle monitoring equipment, if required at all, would be regularly replaced and updated as technology and operational demands dictate. In other words, security and vehicle monitoring equipment does not form part of the capital cost of constructing the carpark, but rather comprises equipment used and installed from time to time as part of the ongoing management of the carpark.

Security and vehicle monitoring equipment is not a capital cost. This requirement should not be imposed.

Comment
The requirement for security equipment is also necessary to provide a safe parking environment and given that the parking may be utilised by anyone. The CIL payment is a one off payment and the City will ultimately take on responsibility and cost for maintaining it in the long run.

It is considered fair and reasonable for these costs to be included upfront, given the benefit the developer receives by not having to maintain these additional parking areas, if they were provided on-site.

Recommendation
Calculation Methodology for Construction Cost
The modification to include the use of the Rawlinsons Australian Construction Handbook to determine the cost of construction, will ensure up to date building indicators are used to accurately determine the estimated cost of each component of the carparking structure, and the associated amount of cash-in lieu required.

Transparency, certainty, consistency and accountability
Amendment 171 requires a development proponent to undertake a cost estimate for a multi-decked carpark structure. There are, however, no design standards or guidelines for the carpark structure upon which a cost estimate should be based. This could lead to vastly different estimates being provided by each individual development proponent due to the lack of consistency applied in the assumptions used to arrive at a cost per bay.

Further, the contribution amounts paid by development proponents is not publicly reported, which erodes transparency and consistency in the way the cash-in-lieu requirement is administered.

For the above reasons it is considered the requirement is inconsistent with the principles of transparency, certainty, consistency and accountability as set out State Planning Policy 3.6 Development Contributions for Infrastructure. Amendment 171 should not be approved in its current form.

Calculation Methodology for Construction Cost
This part of the submission be not upheld.
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<tr>
<td><strong>Conclusion</strong>&lt;br&gt;Amendment 171 proposes cash-in-lieu of car parking is levied based on requirements which extend beyond the reasonable costs of providing the public carpark infrastructure. For this reason, Amendment 171 should not be approved in its current form. Further, any modifications made to Amendment 171 should be subject to further consultation, consistent with the principles concerning the right of consultation embedded in State Planning Policy 3.6 Development Contributions for Infrastructure.</td>
<td>It is considered that the use of Rawlinson’s will provide a more transparent and consistent approach to CIL payments. Developers are also more aware of the requirement upfront.</td>
<td><strong>That the submission be not upheld.</strong></td>
</tr>
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</table>

**7. Mr G Singleton 22 Emma Street, Rockingham WA 6168**<br>Disagree with proposal - Reasons being:<br>1. Will adversely affect business in area as people will not visit the area due to the fees.<br>2. The beach front used to be the hub of Rockingham, then became neglected and empty when Rockingham City shops opened. People will go to the entertainment area of the shops to avoid fees and the front will decline.<br>3. My 82 year old mother will no longer visit my home because of the fees she will have to pay.<br>4. I will have the inconvenience of having to display permits and register vehicles to park my own and those of my children outside my home.<br>5. Finally, Council Rates in Rockingham have exceeded CPI consistency each year with rate rises. Rockingham City Council has increased the rates higher than most Councils in WA and I believe this "money grab" is outrages. | This submission relates to paid ticket parking, which is not relevant to the Scheme Amendment. | **That the submission be not upheld.** |

**8. Ms Carol Walmsley, 5/24 Flinders Lane, Rockingham WA 6168**<br>My understanding is that you intend to reduce parking in Area A. I own and live in the Capri apartments. My apartment faces Emma Street. We have one secure parking bay and 2 cars. There is already a problem trying to park our second car nearby. The new apartments opposite us and the Azure apartments will put further strain on demand. When there is a festival or markets, parking is extremely hard for people who live here and pay rates. | The Scheme Amendment seeks to ensure adequate parking is provided in the form of multi-storey decked car parking in future. | **That the submission be not upheld.** |
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<tr>
<td>9. Mr J &amp; Mrs W Cook, 7 Burgan Drive, Wagga Wagga NSW 2650</td>
<td>Noted.</td>
<td>That the submission be noted.</td>
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<tr>
<td>As this property is an investment property we have no idea regarding parking in the village.</td>
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<td>But I appreciate your correspondence as I am a rate payer.</td>
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<td>10. Mr P Ogilvie, Aureus Commercial Pty Ltd, 15 Crompton Road, Rockingham WA 6168</td>
<td>Applicability of CIL of Parking to Port Rockingham Marina</td>
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<tr>
<td>Marina Development not subject to the City's Local Planning Scheme</td>
<td>This issue relates to the current JDAP application and is not relevant to the Scheme Amendment being considered.</td>
<td>This part of the submission be not upheld.</td>
</tr>
<tr>
<td>The commercial component of the proposed marina at Wanliss Street is located outside of the City of Rockingham Local Government District boundaries and the remainder of the proposal (public car parking and associated infrastructure) is located on land reserved under the Metropolitan Region Scheme. The proposed development is therefore located outside of the scheme area and is not subject to the City's LPS 2 and Scheme Amendment No.171.</td>
<td></td>
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<tr>
<td>Calculation of Land Value</td>
<td>CIL Land Component Calculation</td>
<td>CIL Land Component Calculation</td>
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<td>The method of calculation for the land component for a decked parking facility needs to be further defined. As an example, the methodology does not contemplate or clarify the need to apportion the cost of the land over the number of levels provided within the planned multi decked structure.</td>
<td>It is agreed that the CIL component would need to be further clarified, if it was to remain included as part of the Amendment. Given, however, that the City has tenure over the sites to be developed it is not considered appropriate to charge for the land component.</td>
<td>This part of the submission be Upheld and the CIL payment for the Land Component be removed from the Scheme Amendment.</td>
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<td>Type of amendment</td>
<td>Amendment Type</td>
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<td>Scheme Amendment No. 171 has been incorrectly classified as a standard amendment and should be processed as a complex amendment in accordance with that defined in the Planning and Development (Local Planning Schemes) Regulations 2015. We also note Scheme Amendment No.171 makes no reference to the timing of the delivery of public car parking bays to be provided by the City. The risk is that developers will be required to pay contributions towards public parking facilities and not realise any benefits for some time into the future.</td>
<td>Given the amendment seek to modify an existing a clause within TPS2, which already requires a CIL payment, and on the basis it does not meet the definition of a Complex Amendment, it is not considered appropriate for it to be re-classified from a Standard Amendment.</td>
<td>This part of the submission be not upheld.</td>
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<td>11. Mr C Elpitielli, 47 Lionel Street, Naval Base WA 6168</td>
<td>Strongly object to Scheme Amendment to revise the Cash In Lieu for Car Parking. We have shortage of parking bays throughout the City, parking bays should not be sold. We want people to visit our city. We need to provide parking.</td>
<td>The Scheme Amendment seeks to ensure adequate parking is provided in the form of multi-storey decked car parking in future.</td>
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<td>12. Ms S Stephen, 69 Esplanade, Rockingham WA 6168</td>
<td>My background as a private citizen in Rockingham - My grandparents built a holiday house in Rockingham in the 1930's. My father built a holiday house in the 1950's. All of my childhood was spent in Rockingham except for school term. My parents moved to Rockingham permanently in the 1970's at which time Rockingham became the family home. As an adult I moved to Rockingham in 1992. As a resident of Palm Beach, the Rockingham Waterfront Village is my main shopping, banking and entertainment precinct. My background as a property owner - In 1995 I was involved in the development of 9 Railway Terrace which was the site of the old &quot;Dolphin Liquor Store&quot;. We paid cash in Lieu of parking at the time. I also own several residential properties throughout Rockingham and so I am committed and believe in this wonderful and world class area. My comments: Replacing the old and tired commercial properties and residential properties in and around the Waterfront Village is necessary to create a pleasing aesthetic, upon visiting Rockingham. We need a modern and safe family friendly area to compete with other metropolitan destinations and attract visitors. Therefore we need replacement development, which is sympathetic to the surroundings. Ideally not more than 3 stories in height for the replacement of the single storey retail shops that currently exist. An excessive and punitive approach to Cash in Lieu will inhibit investment and development in the area and we will be left with old and outdated properties such as those along Railway Terrace, Flinders Lane and Kent Streets, and derelict properties such as the old Shell service station on the corner of Railway Terrace and Parkin Street. Cash in Lieu is made up of two components - the cost per bay and the number of bays. It is not reasonable of the City of Rockingham to make Cash in Lieu of parking too high ($28K) and require many more bays than those that were there originally. Having two sting in the tail, $ per bay and number of bays means the City of Rockingham can tweak either component to ensure fund raising. Such an excessive and penal policy will impede replacement development and result in loss of investment in the area. The Rockingham waterfront needs a facelift and needs private developers to invest in the area.</td>
<td>Encourage Redevelopment This part of the submissions relates to mandating redevelopment, which is not relevant to the Scheme Amendment.</td>
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| Therefore I do not support proposed Amendment No.171 to Town Planning Scheme No.2. I support a modicum of common sense and discretion, not a black and white policy that can gouge excessive revenue at will and deter prospective improvements to the Rockingham waterfront. | The City’s Policy Framework in relation to parking has two main benefits, it allows landowners to be able develop a greater amount of commercial floor space and/or number of units on their land, then would otherwise be provided. Further, the current ratios for parking with the waterfront are less than other locations throughout the City. Also, the provision of less parking on-site means it achieves a better built form outcome with sites not dominated by car parking areas. | Use of CIL Funds
This matter is not relevant to the Scheme Amendment being considered. It relates to the expenditure of CIL funds. |
| When developing 9 Railway Terrace the joint venturers (of which I was one) paid Cash in Lieu of parking, as have many other developers. Yet over the years I have observed reduction in car bays along Railway Terrace, Rockingham Beach Road and Kent Street, for tree planting and bus stops. I have also observed the obscene and offensive exchange of car bays for payment outside Rustico and Ostro restaurants. These bays are unsafe and may ultimately lead to an accident where, no doubt, a driver will be blamed. If parking is such an issue to the City then the City should not have you exchanged bays for cash to enable restaurants to bring more people to tables! If anything the removal of these bays should be at least as costly as the $28K Cash in Lieu of parking. Despite years of taking Cash in Lieu of parking, I cannot think of any bays that the City has put back. The City of Rockingham has been charging developers at the multi deck price but where is there a multi deck car park in the waterfront area? Instead the City of Rockingham has relied upon existing private car parks such as:- | Use of Parklets
This matter is not relevant to the Scheme Amendment being considered. It relates to the expenditure and removal of on-street public parking bays. | Use of Parklets
That this part of the submission be not upheld. |
| • in the area surrounded by Railway Terrace, Rockingham Beach Road and Kent Street (i.e. behind the Bakery on Kent Street and the Newsagency on Rockingham Beach Road), | | |
| • the IGA car park at Railway Terrace and Parking Street, | | |
| | | |

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 18 JUNE 2018

PRESIDING MEMBER
So again the City has demonstrated a propensity to take but not deliver. These bays are constantly being used for people visiting the beach and foreshore and it is often difficult for local residents or day trippers to obtain a car park to do business, shopping or visit a restaurant or coffee shop in the waterfront village.

The absence of putting car bays back into the area after taking Cash in Lieu is tantamount to stealing from developers. Cash in Lieu taken should be put back in the form of car bays with transparent disclosure of which developments have contributed to the expenditure.

To conclude my submission, I appreciate the City of Rockingham has a difficult job in balancing the expectations of many stakeholders all of whom want to enjoy our natural and abundant beauty in their own special way. However at the heart of the City are the residents, ratepayers, businesses, investors and community members who provide the infrastructure and facilities that we all expect to enjoy.

In drafting Car Parking Policy my submission urges the City of Rockingham to be cognisant that

- The Rockingham waterfront needs upgrading.
- Private development will provide most of an upgrade.
- Private developers will not pay excessive or punitive Cash in Lieu. Instead they will invest elsewhere.
- The City of Rockingham has been errant in taking Cash in Lieu for years from developers and at the same time removing car bays from the waterfront area.
- If there are insufficient car bays to support the businesses in the area (due to the heavy reliance of the city on private car parks for uses by beachgoers) they will be forced to relocate.

Local residents need access (sufficient car bays) to the Rockingham Waterfront for business and leisure purposes.

Thank you for the opportunity to comment.

### Committee Voting – 5/0

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Local residents need access (sufficient car bays) to the Rockingham Waterfront for business and leisure purposes.

Thank you for the opportunity to comment.

**13. J Lucas, 12 Roscoe Turn, Rockingham WA 6168**

I support the cash in lieu scheme for the sole purpose of ensuring there is sufficient parking availability in our ever growing community.

**Noted.**

**That the submission be noted.**

**14. L Howson, 1/1 Railway Terrace, Rockingham**

I searched the map supplied trying to fathom what was proposed in the area. It is almost impossible to decipher and what arrangements have been made. Could you try making it easier by sending an enlarged map with a few street names on it and what is happening in the marked areas. Sorry but I find it very confusing and hard to evaluate and I am reasonably intelligent!

**Noted.**

**That the submission be noted.**
The Committee's Reason for Varying the Officer's Recommendation

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable
## Reference No & Subject:

| PD-017/18 Proposed Street Naming Theme – ‘Paramount Estate’ |

### File No:
LUP/1858

### Applicant:
Roberts Day

### Owner:
Paramount Stud Unit Trust

### Author:
Ms Nicole D’Alessandro, Planning Administration Officer

### Other Contributors:

### Date of Committee Meeting:
14 May 2018

### Previously before Council:
February 2018 (PD-007/18)

### Disclosure of Interest:
Executive

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

### Site:
Lots 635, 739 and 740 Baldivis Road, Baldivis

### Lot Area:
88.5ha

### LA Zoning:
Development

### MRS Zoning:
Urban

### Attachments:

1. Location Plan
2. Structure Plan
3. Subdivision Plan

### Maps/Diagrams:

1. Location Plan
2. Structure Plan
3. Subdivision Plan
**Purpose of Report**

To consider an application seeking approval for a street naming theme based on ‘Australian Peaks and Ranges’ for a residential subdivision located on Lots 635, 739 and 740 Baldivis Road, Baldivis.

**Background**

In February 2018, Council resolved to support a street naming theme for the Estate based on ‘Paramount Studios Films and Actors’. An application was submitted to the Geographic Names Team for its assessment and final approval, who provided a response that the proposed names were unable to be accepted due to being non-compliant with its Policies and Standards for the following reasons:

- **Section 1.4.2 Use of Personal Names**
  
  *The proposal commemorating an individual with an outstanding national or international reputation has had a direct association with the area in which it is to be located.*

- **1.6.4 Business and Commercial Names**
  
  *Approval shall not be given to the naming of roads, administrative boundaries or topographic features after commercial business, trade names and not-for-profit organisations.*

There is also great concern that the movie names breach copyright laws. The name of the estate (Paramount Estate) along with the proposed names could subject the City and the State to future recourse.
2. Structure Plan

3. Subdivision Plan
Details

Inspired by the Australian landscape, the new street naming theme for the Paramount Private Estate is based on ‘Australian Peaks and Ranges’

The important influence of Australia’s terrain is reflected through a selection of names ranging from the tallest mountains to lesser-known peaks in Western Australia and across the nation. Importantly, the theme provides a contrast to generally applied names relating to locally significant wildlife or historical persons, all of which have been used extensively throughout the City.

Examples of the proposed street names are as follows:

- **Augustus** - Located in Western Australia, Mount Augustus is the centre point to the Mount Augustus National Park.
- **Grundy** - A mountain of the Great Dividing Grande, Grundy Mountain/Mount Grundy has been largely cleared for pine plantations and farming.
- **Hinckley** - Mount Hinckley is the highest mountain in the desert region of Western Australia.
- **Leopold** - Refers to The King Leopold Ranges in the Kimberley region of Western Australia. The peaks are traversed by water and vegetation, and also form part of the King Leopold Ranges Conservation Park.
- **Rawson** - Alice Rawson Peak is Australia’s seventh highest peak and located in the Great Dividing Range.

Implications to Consider

a. **Consultation with the Community**
   
   Nil

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

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

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

d. **Policy**
   
   Nil

e. **Financial**
   
   Nil

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

g. **Risk**
   
   All Council decisions are subject to risk assessment according to the City’s Risk Framework.

   Implications and comment will only be provided for the following assessed risks.

   - Customer Service / Project management / Environment: High and Extreme Risks
   - Finance / Personal Health and Safety: Medium, High and Extreme Risks
   
   Nil
Comments

The City’s *Planning Procedure No.1.4 – Street Names and Their Themes* (Planning Procedure No.1.4) provides guidelines and procedures for street naming themes and associated street names for subdivisions within the City. All applications for approval of street naming themes are assessed by the City for compliance with Planning Procedure No.1.4 and are referred to Council for determination.

The proposed theme relating to ‘Australian Peaks and Ranges’ complies with the City's Planning Procedure No.1.4 and the Geographic Names Committee Principles, Procedures and Guidelines, as a thematic source of names which is relevant to the site formerly known as the 'Paramount Stud'.

In light of the above, it is recommended that the Council support the proposed street naming theme.

Next Steps

Street names that are consistent with the Council approved street naming theme and comply in all respects with Planning Procedure No.1.4, will be pre-approved by the City and referred to the Geographic Names Team for further assessment and final approval.

Voting Requirements

Simple Majority

Officer Recommendation

That Council SUPPORTS the proposed street naming theme based on ‘Australian Peaks and Ranges’ for the residential subdivision located at Lots 635, 739 and 740 Baldivis Road, Baldivis.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin:

That Council SUPPORTS the proposed street naming theme based on ‘Australian Peaks and Ranges’ for the residential subdivision located at Lots 635, 739 and 740 Baldivis Road, Baldivis.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### Purpose of Report

To consider the adoption of the amended *Planning Policy No.3.3.10 – Home Occupations and Home Businesses* (PP3.3.10), following public advertising.

### Background

In February 2018, Council resolved to adopt amendments to PP3.3.10 for the purpose of public advertising.

### Details

The amended PP3.3.10 includes updated references to legislation, terminology and extended permitted hours of operation and is simplified for ease of use.

The public advertising period for the draft amended PP3.3.10 has concluded, the details of which form the basis of this report.
Implications to Consider

a. Consultation with the Community

In accordance with clause 4(1) of the deemed provisions in the Town Planning Scheme No.2 (TPS2), the proposed amendments to PP3.3.10 were advertised in the following manner:

- an advertisement was published in the Weekend Courier Newspaper on 9 March 2018;
- a copy of the draft PP3.3.10 was advertised on the City’s website from 9 March 2018 to 28 April 2018; and
- copies of the draft PP3.3.10 were made available at the City’s Administration Office.

At the conclusion of the public advertising period on 28 April 2018, no submissions were received.

b. Consultation with Government Agencies

Nil

c. Strategic Community Plan

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

Aspiration D: Sustainable Environment

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

d. Policy

Nil

e. Financial

Nil

f. Legal and Statutory

Under the deemed provisions (Local Planning Policies) in TPS2 the Council may prepare, modify or revoke a Planning Policy. If the Council resolves to amend the PP3.3.10, the City is required to publicly advertise the proposed changes for a period of 21 days.

PP3.3.10 is not part of TPS2 and does not bind the Council in respect of any application for Development Approval, but the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

g. Risk

All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks
Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The text amendments proposed are predominantly administrative and operational to ensure legislation and strategies within the Policy are correct.

No submissions were received during the advertising period.

It is recommended the Council adopt the revised PP3.3.10 accordingly.
Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the adoption of the revised Planning Policy No.3.3.10 – Home Occupations and Home Businesses (amendments marked in red).

Committee Recommendation

Moved Cr Sammels, seconded Cr Whitfield:

That Council APPROVES the adoption of the revised Planning Policy No.3.3.10 – Home Occupations and Home Businesses (amendments marked in red).

PLANNING POLICY 3.3.10
HOME OCCUPATIONS AND HOME BUSINESSES

1. Introduction

The City of Rockingham Town Planning Scheme No.2 provides for a small business to be carried out from a ‘dwelling’, provided that it does not adversely affect the ‘amenity’ of the locality. Such businesses are referred to as Home Occupations, Home Businesses and Home Offices. Town Planning Scheme No.2 defines these uses as follows:

‘Home Occupation’ means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:

(a) does not employ any person not a member of the occupier’s household;
(b) will not cause injury to or adversely affect the amenity of the neighbourhood;
(c) does not occupy an area greater than 20 square metres;
(d) does not display a sign exceeding 0.2 square metres;
(e) does not involve the retail sale, display or hire of goods of any nature;
(f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
(g) does not involve the use of an essential service of greater capacity than normally required in the zone.

‘Home Business’ means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:

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

‘Home Office’ means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not entail clients or customers travelling to and from the dwelling, involve any advertising signs on the premises or require any external change to the appearance of the dwelling.
The purpose of this Planning Policy is to set out the objectives and policy provisions which the 'Council' shall have due regard to in the assessment and determination of applications for planning approval Development Approval for Home Occupations and Home Businesses.

Note: The A Planning approval Development Approval of from the Council is not required for a Home Office. Refer to clause 6.1.2(i) clause 61(2)(c) of the deemed provisions of Town Planning Scheme No.2.

In this regard, no person shall commence or carry out a Home Occupation or Home Business without first having applied for and obtained the planning approval Development Approval of the Council, pursuant to the provisions of Part 6.7 clause 60 of the deemed provisions of Town Planning Scheme No.2.

2. Policy Application

In Town Planning Scheme No.2, the Zoning Table (Table No.1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

The permissibility of the Home Occupation use in Town Planning Scheme No.2 can be summarised as follows:

(a) The use is not permitted in the Residential, Development, City Centre, Waterfront Village, Baldivis Town Centre, Rural, Special Rural and Special Residential zones unless the Council has exercised its discretion by granting planning approval Development Approval;

(b) The use is not permitted in all other zones.

The permissibility of the Home Business use in Town Planning Scheme No.2 can be summarised as follows:

(a) The use is not permitted in the Residential, Development, City Centre, Waterfront Village and Baldivis Town Centre zones unless the Council has exercised its discretion by granting planning approval Development Approval;

(b) The use is not permitted in the Special Rural Zone unless the Council has exercised its discretion by granting Development Approval, following a process of community consultation in accordance with clause 6.3.3.64 of the deemed provisions of the Scheme;

(c) The use is not permitted in all other zones.

1. In the Development Zone, a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, landuses or Residential Design Codes. Where a Structure Plan has been approved, in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation. Refer to clause 4.2.9 of Town Planning Scheme No.2 subject to clause 27 of the deemed provisions of Town Planning Scheme No.2, use class permissibility shall be determined in accordance with the provisions of the relevant Local Structure Plan.

Town Planning Scheme No.2 requires that in assessing applications for planning approval Development Approval, the Council shall take into account the objectives of the particular zone and any Policy pertaining to that zone and this Planning Policy.

The Scheme also requires the Council to consider specific issues including the method and location of the operation, the potential for nuisance to the surrounding neighbourhood, impacts on neighbours, hours of operation, traffic generation, carparking requirements and the location of any associated storage areas.

3. Policy Objectives

The objectives of this Planning Policy are as follows:

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

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

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

4.1 **Town Planning Scheme No.2**

The operation of either a Home Occupation or Home Business will only be permitted if applications comply with Town Planning Scheme No.2 and the objectives and requirements of this Policy.

4.2 **Method of Operation**

The Council shall only permit the operation of a Home Occupation or Home Business within a dwelling or within the boundaries of a lot where it is satisfied that the operation will not cause injury to or adversely affect the amenity of the neighbourhood.

In this regard, a Home Occupation or Home Business that involves the retail sale, display or hire of goods of any nature will not be permitted. All client, staff and resident car parking must be accommodated within the driveway, garage or carport within the property boundaries.

Furthermore, a Home Occupation or Home Business that includes provision for the fuelling, repair or maintenance of motor vehicles will not be permitted.

A proposed business operation that involves the use of the dwelling solely for administration purposes (ie. bookwork, telephone etc) would be deemed a Home Office that does not require planning approval Development Approval.

A mobile business that conducts all activities at the client's address and where the dwelling is used solely for administration purposes would be deemed a Home Office that does not require planning approval Development Approval. If maintenance of equipment associated with the mobile business is to be conducted within a dwelling or within the boundaries of a lot, the planning approval of the Council would be required.

4.3 **Customers and Clients**

A Home Occupation and Home Business operating will only be permitted to operate where customers and clients only arrive and depart the premises between the hours of:

(a) 9:00am to 8:00am and 5:00pm on Mondays, Tuesdays, Wednesdays, Fridays and Saturdays;
(b) 9:00am to 8:00am and 7:00pm on Thursdays; and
(c) Not at all on Sundays and Public Holidays.

When determining an application, the number of hours and/or days of clients visiting the premises or operation of a Home Occupation and Home Business may be limited, where it is necessary to protect the amenity of the surrounding area.

All customer and client visits must be made with 15 minute appointment intervals, unless there is adequate on-site carparking and the Home Occupation or Home Business is unlikely to affect the amenity of the neighbourhood.

4.4 **Deliveries**

Regular deliveries of goods and equipment including deliveries carried out at daily intervals are generally not considered appropriate. Proposals involving deliveries must take into account the following factors:

(a) The nature of the goods delivered;
(b) Frequency of deliveries;
(c) Type of delivery vehicle used;
(d) Delivery hours; and
(e) Likely inconvenience to existing traffic.

4.5 **Scale of Operation**

(a) **Home Occupation**

The Council shall only permit the operation of a Home Occupation within a dwelling or within the boundaries of a lot where it is satisfied that the operation:

- does not employ any person not a member of the occupier's household;
- does not occupy an area greater than 20m²; and
- does not involve the use of an essential service of greater capacity than normally required in the zone.
(b) **Home Business**

The Council shall only permit the operation of a Home Business within a dwelling or within the boundaries of a lot where it is satisfied that the operation:

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

4.6 **Traffic Generation**

Home Occupations and Home Businesses that generate vehicular traffic to a site have the potential to adversely affect the amenity of the neighbourhood.

Consideration of traffic generating Home Occupations and Home Business will only occur when it can be demonstrated that visits to the site by clients can be controlled, i.e. by appointment only.

When considering an appointment based Home Occupation or Home Business, the Council will have due regard to the existing amenity of the neighbourhood. In this instance, the current capacity and nature of the street will be a consideration. If the traffic generated by a proposed Home Occupation or Home Business is likely to have an adverse impact upon the existing nature of the street or its amenity, the proposal is unlikely to be approved.

A Home Occupation that involves the presence, use or calling of a vehicle more than 2 tonnes tare weight will not be supported.

A Home Business that involves the presence, use or calling of a vehicle more than 3.5 tonnes tare weight will not be supported.

4.7 **Parking**

(a) **Home Occupation**

The operation of a Home Occupation or Home Business is only to be permitted within a dwelling or within the boundaries of a lot where it is satisfied that car parking is provided so as to adequately cater for the expected number of visitors and any employees attending the site at any one time, in addition to the bays associated with the dwelling on-site, and does not result in traffic difficulties as a result of the inadequacy of parking.

All client, staff and resident car parking must be contained onsite within the driveway, garage or carport.

Where visitor car parking cannot be provided on-site, the use of on-street car parking for visitors and clients may be permitted, where this has already been constructed as part of subdivision works.

(b) **Home Business**

The operation of a Home Business is only to be permitted within a dwelling or within the boundaries of a lot where it is satisfied that car parking is provided so as to adequately cater for the expected number of visitors attending the site at any one time and any employees, in addition to the bays associated with the dwelling on-site and does not result in traffic difficulties as a result of the inadequacy of parking.

4.8 **Advertising Signs**

In accordance with the provisions of Town Planning Scheme No.2, a Home Occupation and a Home Business is permitted to display a sign not exceeding 0.2m² in area (generally 0.4m x 0.5m). The same 0.2m² maximum size applies to Home Business signs.

A Home Occupation or Home Business sign shall only describe the name and type of business being carried out on the land and the contact name(s) and telephone numbers.

No more than one sign per lot shall be permitted and the sign shall be erected on the land on which the Home Occupation or Home Business is being carried out.

Pursuant to the provisions of Town Planning Scheme No.2 and the Council's Signs, Hoardings and Bill Posting Local-Law, a proposed advertising sign which does not exceed 0.2m² in area is exempt from the requirement to obtain a planning approval Development Approval and a Sign Licence.
4.9 Food Requirements
The use of a dwelling for commercial food preparation is limited by the provisions of the Health (Food Hygiene) Regulations 1993. The Council's Health Department should be consulted in this regard.

4.10 Noise Management
A Home Occupation and Home Business must comply with the Environmental Protection (Noise) Regulations 1997 at all times. If a proposal is likely to generate off-site noise impacts to neighbours, the applicant may be required to implement noise management measures or engage a consultant to prepare Noise Management Plan, demonstrating compliance with the Environmental Protection (Noise) Regulations 1997, and noise management measures recommended are to be implemented for the duration of the Home Occupation or Home Business.

4.11 Consultation
All applications for planning approval Development Approval for the operation of Home Occupations and Home Businesses in the Special Rural zone will be the subject of a process of community consultation in accordance with clause 6.3.3 of Town Planning Scheme No.2 clause 64 of the deemed provisions of the Scheme and Planning Procedure No.1.3 - Community Consultation.

Unless otherwise determined by the Manager, Statutory Planning, all other applications for planning approval Development Approval for the operation of Home Occupations and Home Businesses will be the subject of a process of community consultation in accordance with clause 6.3.3 clause 64 of the deemed provisions of the Scheme and Planning Procedure No.1.3 - Community Consultation.

5. Application Procedure
Applications for planning approval Development Approval for the operation of Home Occupations and Home Businesses shall be made on the form prescribed by the Council, and shall be signed by the owner(s), and accompanied by the following information:

(a) A written submission describing the proposal, which should include the following information and confirmation that the requirements of this Planning Policy can be achieved:

(i) Confirmation that the Home Occupation or Home Business is to be conducted by an occupier of the dwelling;
(ii) The number of persons to be employed in the Home Occupation/Home Business and their relationship to the applicant;
(iii) Hours of operation;
(iv) Method of operation, including any equipment used for the Home Occupation/Home Business;
(v) Details of the storage of goods or equipment (if appropriate); and
(vi) Details on whether clientele will be attending the residence and if so, the manner in which appointments will be managed and likely frequency of visits.

(b) Such plans (to a scale of not less than 1:500) and other information that the Council may reasonably require to enable the application to be determined (Refer to clause 6.2.2 of Town Planning Scheme No.2). Plans to include:

(i) The room/s within which the Home Occupation/Home Business will be conducted;
(ii) The location and layout of car parking areas intended to be provided; and
(iii) The location and dimensions of any storage area associated with the Home Occupation/Home Business.

(c) Details of any proposed signage to be erected, together with a separate application for a sign licence to the City's Building Services.

(d) The payment of an Administration Fee as detailed in the City's Planning Information Bulletin No.2.2 Scale of Fees for Planning Services.
6. Approval Period

Approvals issued by the City for Home Occupations or Home Business are valid for a period of two years. If the use is not substantially commenced within two years, a fresh application is required to be lodged with the City.

The City may grant approval for an initial period of twelve months, where it has concerns regarding the potential operation of the use on the residential amenity of the locality.

In such cases, the applicant will be required to seek a renewal of approval to continue to operate the Home Occupation or Home Business.

7. Post Approval Considerations

(a) Should the scale of the Home Occupation/Home Business operation increase above that initially approved, a revised application for planning approval Development Approval is required to be submitted. Any further assessment will be undertaken with reference to the Scheme provisions and the contents of this Planning Policy.

(b) Should the Council receive substantiated complaints from adjoining/ nearby residents regarding a Home Occupation/Home Business, or if the Council observes that conditions of planning approval Development Approval are not being complied with, the Council will:

   (i) by written notice served on the owner and/ or occupier of the land, require compliance with the conditions imposed on any approval granted; and/ or

   (ii) prosecute the owner or occupier of the land as the case may be pursuant to section 10 of the Planning and Development Act 2005.

8. Authority

This Planning Policy has been adopted by the Council under clause 8.9 4 of the deemed provisions of Town Planning Scheme No.2 and whilst it is not part of the Scheme and does not bind the Council in respect of any application for planning approval Development Approval, the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

9. Interpretations

For the purposes of this Planning Policy, the following terms shall have the same meaning as in Town Planning Scheme No.2:

Amenity means all those factors which combine to form the character of an area and include the present and likely future amenity.

Council means the Council of the City of Rockingham.

Dwelling means a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by:

   (a) a single person;

   (b) a single family; or

   (c) no more than six persons who do not comprise a single family.

10. Delegation

All applications for planning approval Development Approval for the operation of Home Businesses in the Special Rural Zone will be referred to the Council for determination.

All applications for planning approval Development Approval for the operation of Home Occupations and Home Businesses which generate substantiated objections following community consultation or where such applications have been received as a result of a complaint will be referred to the Council for determination.

All other applications for planning approval Development Approval for the operation of Home Occupations and Home Businesses which comply in all respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to clause 8.10 83 of the deemed provisions of Town Planning Scheme No.2 and the Delegated Authority Register.

11. Adoption

This Planning Policy was adopted by the Council at its ordinary Meeting on 27 May 2008 and amended by Council on 22 May 2018.
12. Revocation
This Planning Policy supersedes the City’s Statement of Planning Policy No.4.1 - Home Occupations.

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

Reference No & Subject: PD-019/18 Proposed Amendment to Planning Policy No.3.3.7 – Display Home Centres

File No: LUP/1265-05
Applicant:
Owner:
Author: Ms Gayle O’Leary, Planning Officer
Other Contributors: Mr Dave Waller, Co-ordinator, Statutory Planning
Mr Mike Ross, Manager Statutory Planning
Date of Committee Meeting: 14 May 2018
Previously before Council: May 2008 (PD81/5/08)
Disclosure of Interest:
Nature of Council’s Role in this Matter: Executive

Site:
Lot Area:
LA Zoning:
MRS Zoning:
Attachments:
Maps/Diagrams:

Purpose of Report
To consider amending Planning Policy No.3.3.7 – Display Home Centres (PP3.3.7) to reflect changes in terminology, signage and car parking ratio requirements.

Background
In May 2008, PP3.3.7 was adopted by Council and has not been reviewed since.
PP3.3.7 sets out the development requirements for Display Home Centres in residential estates in terms of locational criteria, car parking, signage, vehicular access, lighting and rehabilitation of land following cessation of the Display Home Centre.

Details
The following amendments to PP3.3.7 are proposed:

Terminology
Change the term ‘Planning Approval’ to ‘Development Approval’ to correctly reference the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) and include reference to the Regulations within the Policy.
Car Parking

It is recommended that the car parking ratio requirements for Display Homes be amended to reflect what is understood to be actual demand and clarify car parking bay design criteria for accessible parking bays, by referencing Australian Standard AS 2890.6 Parking Facilities – Off-street parking for people with disabilities and the Building Code of Australia.

In this regard, the current requirement for four car parking bays for every display home is proposed to be reduced to a minimum ratio of one car parking bay per display home, with a minimum of ten bays per display village. Additionally, one accessible (ACROD) car parking bay should be provided as per the requirements of Australian Standard AS 2890.6 Parking Facilities – Off-street parking for people with disabilities and the Building Code of Australia.

Signage

A new clause is proposed to clarify signage requirements for consistency with the requirements of Planning Policy No.3.3.1 Control of Advertisements.

### Implications to Consider

a. **Consultation with the Community**

Under clause 4(1) of the deemed provisions in the Town Planning Scheme No.2 (TPS2), if the local government resolves to amend a Planning Policy, the local government must advertise the proposed amendments to the Policy as follows:

"(i) publish a notice of the proposed Policy in a newspaper circulating in the Scheme area giving details of:

(a) the subject and nature of the proposed amended Policy; and

(b) the objectives of the proposed amended Policy; and

(c) where the proposed amended Policy may be inspected; and

(d) to whom, in what form and during what period submissions in relation to the proposed amended Policy may be made;

(ii) if, in the opinion of the local government, the Policy is inconsistent with any State Planning Policy, give notice of the proposed Policy to the Commission;

(iii) give notice of the proposed Policy in any other way and carry out any other consultation the local government considers appropriate."

Under Clause 4(2), the period for making submissions in relation to a Planning Policy must not be less than a period of 21 days commencing on the day on which the notice of the Policy is published under subclause (1)(a).

b. **Consultation with Government Agencies**

Nil

c. **Strategic**

Community Plan

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

**Aspiration D:** Sustainable Environment

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

d. **Policy**

Nil

e. **Financial**

Nil
f. **Legal and Statutory**  
Under clause 2 of the deemed provisions (Local Planning Policies) in TPS2, the Council may prepare, modify or revoke a Planning Policy. If the Council resolves to amend the PP3.3.7, the City is required to publicly advertise the proposed changes for a period of 21 days.  
PP3.3.7 is not part of TPS2 and does not bind the Council in respect of any application for Development Approval, but the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

**g. Risk**  
All Council decisions are subject to risk assessment according to the City’s Risk Framework. Implications and comment will only be provided for the following assessed risks.

- Customer Service / Project management / Environment: High and Extreme Risks
- Finance / Personal Health and Safety: Medium, High and Extreme Risks

**Nil**

**Comments**

The major change proposed to PP3.3.7 is to reduce the car parking requirements for Display Home Centres. This will enable car parking demand to be satisfied, without creating an unnecessary surplus of car parking that is typically underutilised by visitors to Display Home Centres.

The balance of the amendments to PP3.3.7 are administrative in nature, to ensure consistency with legislative terminology.

It is recommended the Council adopts revised PP3.3.7 Display Home Centres for the purpose of seeking public comment.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ADOPTS** the revised (amendments marked in red) Planning Policy No.3.3.7 – Display Home Centres, for the purpose of public advertising.

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Hamblin:

That Council **ADOPTS** the revised (amendments marked in red) Planning Policy No.3.3.7 – Display Home Centres, for the purpose of public advertising:

**PLANNING POLICY 3.3.7**

**DISPLAY HOME CENTRES**

1. **Introduction**

The City of Rockingham Town Planning Scheme No.2 defines a ‘Display Home Centre’ as a group of two or more dwellings, which are intended to be open for public inspection as examples of dwelling design.

The 'Council' recognises that Display Home Centres are an integral feature of most establishing residential estates. In anticipation of continued urban development in the City, it proposes to provide for the establishment of such centres within an orderly and safe environment.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the Council shall have due regard to in the assessment and determination of applications for planning approval/Development Approval for the establishment of Display Home Centres. The Planning Policy also seeks to ensure the suitable transition of the landuse from Display Home Centre to 'dwelling(s)', when the Display Home Centre has ceased operation.
In this regard, no person shall commence or carry out any development of a Display Home Centre without first having applied for and obtained the planning approval Development Approval of the Council, pursuant to the provisions of Part 6 of Town Planning Scheme No.2.

2. **Policy Application**

In Town Planning Scheme No.2, the Zoning Table (Table No.1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

In this regard, a Display Home Centre is a permissible use in the Residential, Development and Baldivis Town Centre zones, subject to the Council exercising its discretion by granting planning approval Development Approval. A Display Home Centre is a use not permitted in all other zones.

3. **Policy Objectives**

The objectives of this Planning Policy are as follows:

(a) To promote the orderly and proper development of land by making suitable provisions relating to the location and design of Display Home Centres;

(b) To secure the amenity of the locality by addressing various operational matters; and

(c) To specify rehabilitation/reinstatement techniques once the Display Home Centre have ceased operation.

1. In the Development Zone, a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, landuses or Residential Design Codes. Where a Structure Plan has been approved, in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation. Refer to Clause 4.2.9 of Town Planning Scheme No.2.

In the Development Zone, provisions of use class permissibility shall be determined in accordance with the provisions of the relevant Local Structure Plan.

4. **Policy Statement**

4.1 **Location**

To minimise internal, non-residential traffic, the Council prefers the establishment of Display Home Centres at the dedicated entrance of a residential estate. All display homes pertinent to a particular residential stage should be grouped together and the Council will not generally support the ad hoc siting of display homes that readily interact with existing residences.

4.2 **Parking**

Car parking should be provided at a minimum ratio of four (4) one (1) parking bays per display home with a minimum of ten (10) bays per display village. In addition, one accessible car parking bay to be provided as per Australian Standard AS 2890.6 Parking Facilities – Off-street parking for people with disabilities and the Building Code of Australia. The Council will not consent to parking on the Council verge under any circumstances.

4.3 **Site Development**

Prior to the commencement of operation of a Display Home Centre, the following will generally be required as conditions of planning approval Development Approval:-

(a) All car parking areas are to be developed by the installation of hardstand materials (as a minimum standard) to the satisfaction of the Council’s Manager, Engineering Services. In this regard, the minimum acceptable standard is 100mm of compacted crushed rock or road base. The carparking area should also be contoured in such a manner that it adequately drains.

(b) All crossovers are to be designed and constructed to the satisfaction of the Manager, Engineering Services, at the applicant’s cost.

(c) Where a Display Home Centre does not directly abut a car parking area, a dedicated pedestrian access will be required, to the satisfaction of the Manager, Engineering Services, from the nearest car parking area to the site. Where a dual use path has been constructed, this may be acceptable as the dedicated pedestrian access.
4.4 Operation of Display Centres
All signs and hoardings associated with the Display Home Centre will be required to be to the satisfaction of the Manager, Building Services and approved prior to erection or painting.

All signage for Display Home Centres must be in accordance with Planning Policy No.3.3.1 Control of Advertisements.

Floodlights shall not be illuminated after 10.00 pm, and all illumination will be confined to the limits of the development.

4.5 Reinstatement and Rehabilitation
All hardstand material from the car parking areas shall be removed on the conclusion of operation of the Display Home Centre.

4.6 Building Approval
A Building Permit for all buildings associated with the Display Home Centre will be required from the Council (in addition to planning approval Development Approval).

4.7 Consultation
Where the Manager, Statutory Planning considers that an application for planning approval Development Approval for the establishment of a Display Home Centre is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties, the application will be the subject of a process of community consultation in accordance with clause 6.3.3 Clause 64 of the deemed provisions of Town Planning Scheme No.2 and Planning Procedure No.1.3 - Community Consultation.

5. Application Procedure
Applications for planning approval Development Approval for the establishment of Display Home Centres shall be made on the form prescribed by the Council City, and shall be signed by the owner(s), and accompanied by the following information:

(a) A written submission describing the proposal, which should include confirmation that the requirements of this Planning Policy can be achieved;

(b) Such plans and other information that the Council City may reasonably require to enable the application to be determined. Refer to clause 6.2.2 of Town Planning Scheme No.2; Refer to Clause 63 of the deemed provisions of Town Planning Scheme No.2.

(c) Any specialist studies that the Council City may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies;

(d) Details of any proposed signage to be erected, together with a separate application for a sign licence permit to Council’s Building Department the City’s Health and Building Services;

(e) The payment of an Administration Fee as detailed in the Council’s Planning Information Bulletin No.2.2 City’s Scale of Fees for Planning Services.

6. Authority
This Planning Policy has been adopted by the Council under clause 4 of the deemed provisions 8.9 of Town Planning Scheme No.2 and whilst it is not part of the Scheme and does not bind the Council in respect of any application for planning approval Development Approval, the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

7. Interpretations
For the purposes of this Planning Policy, the following terms shall have the same meaning as in Town Planning Scheme No.2:-

Council means the Council of the City of Rockingham.

Dwelling means a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by:

(a) a single person;
(b) a single family; or
(c) no more than six persons who do not comprise a single family.

8. Delegation

Applications for planning approval Development Approval that comply in all respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to clause 8.10 83 of the deemed provisions of Town Planning Scheme No.2 and Planning Procedure 1.1 – Delegated Authority.

Where an application for Development Approval has been the subject of a process of community consultation and substantiated objections are received, the application for planning approval Development Approval will be referred to the Council for determination.

9. Adoption

This Planning Policy was adopted by the Council at its ordinary Meeting held on 27 May 2008 and amended by Council on the xx.

10. Revocation

This Planning Policy supersedes the Council's City's Statement of Planning Policy No.2.5 - Display Homes and Sales Offices.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
**Purpose of Report**

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for a proposed lime manufacturing plant at Lot 805 (No. 313) Mandurah Road, East Rockingham.
Details

The subject site is located on Mandurah Road in East Rockingham between Mandurah Road and the fright railway line. The site has an area of 2.1749ha and is currently vacant.

The lot adjacent to the north contains an existing logistics warehouse. The lot adjacent to the south is partially developed with a variety of industrial uses. The areas to the east and west of the site are vacant.

1. Location Plan
Subject Site

Local Government Boundary

Subject Site

2. Aerial Photo

3. Zoning Plan
This application seeks Development Approval for a lime manufacturing plant and associated access, storage and parking facilities at the eastern and southern areas of the subject site.

This development incorporates the following:
- Lime production plant within a 30m x 20m warehouse structure;
- Ten lime silos;
- Two water tanks;
- A container tipper building / hopper;
- A storage and truck parking area;
- A weighbridge over the internal road along the southern lot boundary;
- 24 car parking bays; and
- A slip lane into the subject site.

It is anticipated that twelve employees will be working at the site and that the proposed lime manufacturing plant will operate ten hours a day, six days a week (i.e. Monday to Saturday).

The development is proposed to be set back towards the rear portion of the lot (136m), leaving a vacant future development site at the front of the lot.

Vehicle access to the development will be from Mandurah Road at the south western corner of the subject site. Vehicles will access the proposed development by an internal road along the southern boundary, complete a circular movement around the proposed plant and exit the site in forward gear. Left in, left out and right out movements will be permitted only in an attempt to ensure no impacts on vehicle movements on Mandurah Road.

The applicant provided the following documents in support of the application:
- Planning Report;
- Development Plans;
- Bushfire Management Plan;
- Dust Management Plan;
- Stormwater Management Plan;
- Landscape Concept Plan; and
- Traffic Impact Statement.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 18 JUNE 2018

PRESIDING MEMBER

4. Site Plan
7. Building Roof Plans
8. Building Elevations
9. Typical Sections
Implications to Consider

a. Consultation with the Community

In accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2 (TPS2), the application was advertised for a period of 14 days, in the following manner:

- landowners and occupiers within 500m of the site were notified in writing of the proposed development; and
- details of the proposal were made available at the City’s Administration Office and on the City’s website.

At the conclusion of the 14 day advertising period, one submission was received. (See consultation plan below).

Given that all surrounding landowners were notified in writing and the fact that lot is contained within the General Industry Zone, isolated from sensitive land uses, it was not considered necessary to advertise the proposal within the local newspaper.

10. Consultation Plan

An assessment of the issues raised in the submission is provided below:

Submission:

Issue 1 – Proposed Use

The proposed use falls within the land use definition of ‘Industry – General (Licenced)’ which is classified as an ‘A’ use under the Scheme.

We understand that an ‘A’ use is intended to address those land uses which should not be permitted unless the decision maker has exercised discretion, having regard to the planning framework, in order to approve the use. This ‘A’ classification should be the starting point of the assessment and should not be construed as an ‘as of right’ use.

Applicant's Response:

The proposed lime hydration plant is consistent with the land use definition of ‘Industry – General (Licensed)’, which is defined by LPS 2 as:
"means an industry which is a category of Prescribed Premises set out in Schedule 1 of the Environmental Protection Regulations 1987 or premises subject to registration set out in Schedule 2 of the Environmental Protection Regulations 1987, but does not include an abattoir, agriculture-intensive, industry-extractive, industry-hazardous, industry-noxious, industry-rural, landfill (Prescribed Premises Category 63, 64, 65 and 66), livestock holding facility, piggery or stockyards."

A Licence and Works Approval from the DWER is being sought by the developer for the proposed lime hydration plant operation. The proposed operation is consistent with the Category 43 prescribed premises, which means:

- **Cement or lime manufacturing: premises on which —**
  - a) clay, limes and/or limestone material is used in a furnace or kiln in the production of cement clinker or lime; or
  - b) cement clinker, clay, limestone or similar material is ground.

As a licence is required by the Environmental Protection Regulations 1987, the proposed use is consistent with the definition of 'Industry – General (Licensed)'.

The subject site is zoned ‘General Industry’ under the provisions of the City of Rockingham Local Planning Scheme No. 2 (‘LPS 2’).

**City’s Comment:**
The applicant’s response is noted. As discussed in the Legislation section of this Report (see Clause 3.2), the proposed development is classed as 'Industry – General (Licensed)' under TPS2. The Industry: General (Licensed) use is an ‘A’ use within the General Industry zone, which means that the use is not permitted unless the Council has exercised its discretion by granting Development Approval after giving notice (advertised) in accordance with Clause 64 of the Deemed Provisions. The application has been advertised to surrounding land owners and has been considered on its merits for compliance with TPS2 and relevant Policy.

**Submission:**
**Issue 2 - Objectives of the General Industry Zone**
The proposed use is not consistent with the objectives of the General Industry Zone as described in Clause 4.10.1 of the Scheme. In particular, objective 4.10.1 (b) aims to “encourage and facilitate attractive and efficient industrial areas ensuring that acceptable levels of safety and high standards of amenity are provided through the application of appropriate land use, design, and landscaping controls.

The proposed development will not result in an attractive and efficient industrial area. Although we acknowledge the efforts made to set the development back from the street, this is itself does not make any positive contribution to the amenity or attractiveness of the immediate area.

We note that the application refers to, but does not propose, a future stage of development to be constructed between the current proposal and Mandurah Road, and suggests that this future unapproved stage somehow overcomes the visual amenity considerations. There is no guarantee that this future stage will ever be constructed, and it therefore cannot be relied upon as justification to address visual amenity considerations.

Given the bulk and scale of the proposed use and the resultant adverse impacts on the amenity that has been established at Icon Industrial Park, we submit that the proposal is inconsistent with objective 4.10.1 (b).

**Applicant’s Response:**
The proposed use and development is consistent with the objectives of the ‘General Industry’ Zone contained under Clause 4.10.1 of LPS 2 for the following reasons:
- The proposed development will facilitate the operation of an industrial use from the subject site - an industrial use that is capable of receiving development approval under the land use provisions of LPS 2;
- The proposed industrial use will operate in accordance with the relevant environmental legislation. A Licence / Works Approval application has been lodged with and is under consideration by the Department of Water and Environmental Regulation ('DWER'). It is expected that a Licence and Works Approval will be granted for the proposal;
- The proposed use and development will operate in an environmentally appropriate manner, with a Dust Management Plan and Stormwater Management Plan proposed. BGC also has adopted an environmentally sensitive ethos, adopting an Environmental Policy which demonstrates its dedication to undertaking environmentally acceptable procedures and management processes;
- The proposed development includes the provision of landscaping to the front, side and rear setback areas of the subject site which will assist in improving the streetscape;
- The proposed plant structures are significantly set back from the street frontage (approximately 136m). This has been intentionally proposed so as to mitigate any potential impacts caused by building height and appearance;
- The proposed land use is industrial in nature and given the zoning of land under provisions of the MRS and LPS 2, the proposed use is appropriate at the subject site;
- The proposed use and development will operate in an environmentally appropriate manner, with appropriate mitigation measures in place to ensure adjacent urban areas are not subjected to pollution and hazards. It should be noted that the nearest 'Urban' zoned land under the MRS is located approximately 1.6km east of the subject site - a significant distance which achieves the City's recommended 500m buffer under Local Planning Policy No. 7.1 - East Rockingham Industrial Park Environmental Policy ('LPP 7.1').
- In terms of amenity the proposal is required to be considered in the context of surrounding development. We note that that development to the south of the subject site consists of metal clad warehouses and large expanses of set down areas. Whilst, screen landscaping is provided to Mandurah Road this type of development is typical of a general industrial area. That is, such development is not considered to be of high amenity given the nature of activities carried out on site as well as the existing form of the development. Please refer the below photos.
- Similarly to the north of the subject site, development consists of large metal clad industrial buildings and large set down areas; and
- To the west of the subject site we note that there is a Waste Water Treatment Plant (Chesterfield Road) within 850 metres of objector’s site and Jandakot Wool Scouring (Lodge Road) within 300 metres of the objector site. Both these activities have the potential to impact on the amenity of the locality by the nature of activities being undertaken.

City's Comment:
As discussed in the Legislation section of this Report, the City considers that the proposal is consistent with the Objectives of the General Industry Zone (see Clause 4.10.1).

The proposed development is an industrial land use and the surrounding vacant lands are zoned for similar industrial land uses. The proposed development is therefore considered compatible with the future planning context of the locality and is unlikely to adversely impact on the amenity of the area.

The City is satisfied that the through a combination of the large street setback, proposed landscaping treatments and the future development of the front of the site, that the potential visual impact of the development will be appropriately mitigated.
**Submission:**

**Issue 3 - East Rockingham Development Guidelines (1)**

Clause 4.10.6 of the Scheme lists the objectives of the East Rockingham Development Guidelines and requires the Council to have due regard to the Development Guidelines and their objectives in the consideration of planning applications in the East Rockingham area.

Clause 4.10.6 (b) (iii) of the Scheme identifies the objective “to avoid unsightly and poorly planned development and enhance and protect the investment of all owners within the East Rockingham Industrial Park and the investment of others in the region”.

**Applicant's Response:**

Consideration of the objectives of the East Rockingham Industrial Area contained under Clause 4.10.6 of LPS 2 has been given in the Application.

The proposed use and development is consistent with the objectives of the East Rockingham Industrial Area for the following reasons:

- In respect to objective 4.10.6 (b) (i) there is no existing significant vegetation at the subject site that is worthy of retention. The proposed development includes the provision of landscaping to the front, side and rear setback areas of the subject site which will assist in improving the streetscape;

- In respect to objectives 4.10.6 (b) (ii) and (iii) the proposed plant structures are significantly set back from the street frontage (approximately 136m). This has been intentionally proposed so as to mitigate any potential impacts caused by building height and appearance; and

- Further to the above, the proposed development has been intentionally located towards the rear of the subject site because of its height and built form. Its location towards the rear of the subject site will minimise any potential impact on adjoining properties and the streetscape. In addition, vehicle access to the plant has been provided along the southern lot boundary. The intent of the location of the plant and vehicle access has been to facilitate the provision of a future development site. Any development at the future development site will assist in screening the proposed plant facilities. In the interim, the front portion of the subject site will be landscaped.

**City's Comment**

As discussed in the legislation section of this Report (see Clause 4.10.6), the development is considered to be consistent with the objectives of the East Rockingham Development Guidelines.

**Submission:**

**Issue 4 - East Rockingham Development Guidelines (2)**

The proposed development does nothing to enhance and protect our substantial investment in East Rockingham. In addition to the visual impacts, the likelihood for highly corrosive lime dust to be emitted towards Icon is extremely concerning for us and our tenants. This has significant implications for Icon and our ability to attract and retain long term, high quality tenants to complement the developed portions of the estate.

**Applicant's Response:**

The objector would have been aware when developing its landholdings of the uses approvable under TPS2. That is, development such as that being proposed could occur adjacent or in the vicinity. As stated previously there are industrial activities established in the locality that may adversely impact on the amenity of the locality.

In terms of dust mitigation the Dust Management Plan please refer to the below comments in this advice.

**City's Comment:**

The development is consistent with what is to be expected within the General Industry Zone and there is no evidence that it will detract from the investment made by others within the zone.
The potential visual impact of the development is discussed in the Legislation section of this Report where it is concluded that the development is consistent with the objectives of the East Rockingham Development Guidelines.

In relation to potential dust impacts, DWER has advised that the proposed activity will be regulated and no direct discharges to air, water or land are expected. Additionally a condition of approval has been recommended requiring the implementation of a dust management plan.

**Submission:**

**Issue 5 - East Rockingham Development Guidelines (3)**

LPP 3.3.8 identifies both the Icon Industrial Park and the application area as ‘Garden Industrial Precinct’. LPP 3.3.8 does not include any specific reference to preferred land uses or development standards for the Garden Industrial Precinct, instead deferring to the General Industry Scheme text. It can be concluded from the ‘Garden Industrial’ terminology that the intent for this precinct was to be a high amenity, landscaped precinct with a ‘garden setting’ feel. The ten lime silos (23m tall) and two stacks (35m tall and 28m tall) proposed as part of this application are certainly not in keeping with any ‘Garden’ theme or feel. In context, the tallest building at Icon is approximately 14m.

**Applicant's Response:**

Appendix 1 of the City's Local Planning Policy No. 3.3.8 - East Rockingham Development Guidelines (‘LPP 3.3.8’) applies to the subject site. The Structure Plan shown in Figure 1 of Appendix 1 of LPP 3.3.8 identifies the subject site as being within the ‘Garden Industrial Precinct’.

It cannot not be reasonably construed that the subject site and surrounds have been developed as a “Garden Industrial Precinct” with high amenity, landscaping and a garden setting feel as suggested by the objector. As described earlier the precinct is characterised by large industrial buildings, set down areas with landscaping to Mandurah Road. Whilst, screen landscaping improves the amenity of the locality, the precinct has a distinct industrial “feel”.

Concomitant to the above, it is noted that immediately west of the objectors site that under LPP 3.3.8 the land is contained within Precinct Two – Environmental Acceptable Heavy Industry.

In terms of building height there are no constraints under the existing planning framework that limit building height. Whilst the proposed development exceeds height of existing development in the context of a General Industry zone the height the proposed development is considered acceptable, and will not impact on the amenity of the locality.

LPP 3.3.8 does not provide any guidance on the preferred land uses or development standards for the ‘Garden Industrial Precinct’. However, Appendix 1 of LPP 3.3.8 does contain development standards that apply not to specific precincts, but based on site specific details (i.e. setback requirements to certain roads) and generally to all sites within the East Rockingham Industrial Area.

In the absence of any guidance for the 'Garden Industrial Precinct' under LPP 3.3.8, it is appropriate to assess the proposed use and development against the objectives of the zone under the Scheme and the relevant development standards under LPP 3.3.8.

As demonstrated in our Development Application, the proposal is consistent with the objectives of the 'General Industry' Zone under Clause 4.10.1 of LPS 2, the objectives of the ‘East Rockingham Industrial Area’ under Clause 4.10.6 of LPS 2 and the relevant development standards contained in the LPP 3.3.8. Therefore, the proposal should be supported.

**City's Comment:**

As noted by the objector, the East Rockingham Development Guidelines does not contain any specific guidance on a Garden Industrial Precinct. As such, the City must defer to the standards of TPS2 when assessing the proposal. As demonstrated in the legislation section of this Report, the development complies with TPS2 requirements.
Submission:

Issue 6- East Rockingham Development Guidelines (4)

We note that LPP 3.3.8 identifies an ‘Environmentally Acceptable Industry Precinct’ located immediately west of the Garden Industrial Precinct on the opposite side of Mandurah Road. In relation to the Environmentally Acceptable Industry Precinct, Section 4.2 of LPP 3.3.8 states:

*This Precinct is designated for heavy industry which can meet stringent environmental and risk criteria. Industries eligible for this precinct are generally expected to be large scale and involved in chemical or mineral processing. The precinct is central to the strategic planning for the estate to enable heavy industry to operate within a buffer of transitional industrial and parkland zones.*

The term ‘heavy industry’ is not defined in LPP 3.3.8 or the Scheme, however given the scale of the proposed lime manufacturing plant, the mineral processing nature of the use, and the need for stringent environmental approvals, it is reasonable to conclude that the proposed use would fall within this category of heavy industry.

Applicant's Response:

We understand that section 4.2 of Appendix 1 of LPP 3.3.8 does provide guidance to the use and development of the ‘Environmentally Acceptable Industry (Precinct 2)’. However, we are of the view that this comment is not relevant to the Application. The Application must be considered by the determining authority on its merits at the subject site and under the planning framework that applies to the subject site. That is, it is not appropriate to consider whether and alternative site is appropriate for the development.

In terms of the proposal, it is not considered that it is "large scale", nor a “heavy industry”.

City's Comment:

The City considers that the application can only be considered on its merits based on the proposed location and the submitted plans. The application in this respect is compliant with the General Industry Zone under TPS2.

The Special Industry Zoning land use provisions on the western side of Mandurah Road do not apply to the subject land.

Submission:

Issue 7- East Rockingham Development Guidelines (5)

There is already a number of established uses within the Environmentally Acceptable Industry Precinct that are highly compatible with the proposed lime manufacturing plant, including:

- A concrete batching plant which is currently under construction (Hanson);
- A fused zirconia and silica fume plant (Doral Fused Materials);
- A bulk storage facility (Colemans);
- A chicken and pork packaging facility (Mount Barker Chickens); and
- The East Rockingham Waste Water Treatment Plant.

We have prepared a site plan depicting all of these uses as well as comparing the separation distances between this area and the nearest residential uses (in red) with the separation distances from the application area and the same uses (in blue). A copy of the plan is attached.

The proposed use is clearly more compatible with these types of use and fits within the scope of land uses descibed in LPP 3.3.8. From both a practical and a strategic planning perspective, we are of the view that the proposed use would be far more appropriately located within this precinct, as opposed to the Garden Industrial Precinct, which although not specifically described in LPP 3.3.8, is clearly one of the ‘transitional’ zones referred to above.

Applicant's Response:

As discussed previously it is not appropriate to consider alternative site for the proposal. The Application must be considered having regard to the proposed development site and current planning framework.

In terms of the businesses the objector identifies and compares to the subject proposal we advised as follows:
- The business identified by the objector are significantly larger than the proposal with the exception of the Hanson Concreate Plan. For instance, the East Rockingham Waste Water Treatment Plan is located on a 28.0 ha site, the Mt Baker Chicken site is 7.8 ha and Doral 5.28 ha. The subject site is 2.17 ha with the proposal occupying approximately 1,800m².

- The generic minimum separation distance between the proposal and sensitive use in accordance with the EPA's Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses is considered to be 1.0 kilometre given the scale of the proposal. The proposal easily achieves the generic separation distance.

Land within the Environmentally Acceptable Industry Precinct should be reserved for higher order heavy industries, not an industry such as that being proposed.

City's Comment
The proposed development can be considered for approval on the proposed site. Alternative sites are not relevant planning considerations.

Submission:
Issue 8 - East Rockingham Development Guidelines (6)
If the proposed lime manufacturing plant were to be permitted to locate within the Garden Industrial Precinct, this would undermine the strategic intent of the East Rockingham Industrial Precinct and the Development Guidelines.

In exercising discretion in relation to the proposed use, we request that the City and JDAP carefully consider the proposed location and land use in light of the broader strategic intent for the East Rockingham Industrial Precinct, as defined in the adopted LPP 3.3.8.

Applicant's Response:
As previously advised, LPP 3.3.8 does not provide any guidance on the preferred land uses or development standards for the 'Garden Industrial Precinct'. Moreover, the precinct has not been developed in what could be construed as a 'garden industrial precinct'.

In the absence of any guidance for the 'Garden Industrial Precinct' under LPP 3.3.8, it is appropriate to assess the proposed use and development against the objectives of the zone under the Scheme and the relevant development standards under LPP 3.3.8. Such consideration should also be cognisant of the development already extant in the locality.

As demonstrated in our Development Application, the proposal is consistent with the objectives of the 'General Industry' Zone under Clause 4.10.1 of LPS 2, the objectives of the 'East Rockingham Industrial Area' under Clause 4.10.6 of LPS 2 and the relevant development standards contained in the LPP 3.3.8. Therefore, the proposal should be supported.

City's Comment:
Refer to the City's response to Issues 5 and 6.

Submission:
Issue 9 - Environmental Licences and EPA's Guidance Statement (1)
We understand that the proposed lime processing plant will require a licence to operate from the Department of Water and Environmental Regulations (DWER). The applicant suggests in the application submission that the planning process does not need to consider matters such as potential for emissions, as these types of issues will be addressed via the licencing process. We do not support this approach, as it is not appropriate to assume that an environmental licence (or an application for an environmental licence) removes any obligation to address amenity impacts through the planning approvals process. This approach is directly contrary to the draft SPP 4.1 – Industrial Interface, which in relation to environmental licencing and approvals, states:

Various regulations and guidelines complement and overlap with the planning systems, and some proposal require approvals by other decision makers. However, compliance with other legislation should not be interpreted as approval by the WAPC under the Planning and Development Act 2005.
Applicant's Response:
In the Development Application it was stated that:

*The developer is required to obtain a licence and works approval from the Department of Water and Environmental Regulation (‘DWER’) under the Environmental Protection Regulations 1987. The matters dealt with by the Industrial Policy, referred to in Clause 4.10.5 of LPS 2 will be addressed through the licence process.*

The Applicant is not requesting that the provisions of the City's Local Planning Policy No. 7.1 - East Rockingham Industrial Park Environmental Planning ('LPP 7.1') be suspended to the licence and works approval process. The Applicant states that the provisions of LPP 7.1 are directly addressed in our Application for Works Approval / Licence under Part V Division 3 of the Environmental Protection Act 1986. A copy of the Application for Works Approval / Licence has been provided to the City for its information and to assist in its assessment of the Development Application.

In addition, it should be noted that the proposed development is consistent with the provisions of the WAPC’s draft State Planning Policy No. 4.1 - Industrial Interface (‘draft SPP 4.1’) for the following reasons:

- Clause 5.2.2 (c) of draft SPP 4.1 states:

  *new industrial land uses in General Industry zones should contain off-site impacts within the Industrial zone, or within surrounding compatible land use zones and / or reserves where in existence (such as Light Industry and Commercial zones and Public Open Space reserves).*

- The Separation Guidelines state that a generic separation distance of approximately 1,000m to 2,000m should be applied to a Category 43 prescribed premises. It should be noted that this generic separation distance is on the basis of the use of a furnace of kiln. No furnace or kiln is to be used in the proposed development.

The proposed operations at the subject site will involve the delivery of lime to the subject site by truck, likely stored in shipping containers. The lime will then be hydrated and loaded into trucks for transport away from the subject site.

Therefore, a generic separation distance less than the 1,000m to 2,000m is appropriate. The nearest land which is zoned to facilitate sensitive land use development is located approximately 1.6km east of the subject site. This is a substantial distance and any potential off-site impacts are likely to only affect for portion of land between the subject site and the nearest sensitive land uses, which is reserved 'Railways', 'Public Purpose – Special Use' and 'Parks and Recreation' under the MRS. Therefore, the proposed development is consistent with Clause 5.2.2 of Draft SPP 4.1; and

The proposed industrial use will operate in accordance with the relevant environmental legislation and a licence will be sought for the proposed development from the DWER.

City's Comment:
Potential environmental impacts are considered as part of the 'Works Approval' under Part V of the Environmental Protection Act 1986. DWER has advised that the proposed activity will be regulated and no direct discharges to air, water or land are expected.

Submission:

**Issue 10 - Environmental Licences and EPA’s Guidance Statement (2)**

Icon contains existing and planning ‘sensitive land uses’ as defined by Section 2.3 of the EPA’s Guidance Statement. These land uses include approximately 2,100 square metres of existing offices, as well as outdoor storage, and manufacturing. The nearest of these existing sensitive uses (two storey 1000m² Bestbar head office) is located appropriately 350m from the subject site, however consideration should also be given to future expansion into the northern portion of icon, bringing further sensitive land uses within close proximity to the lime manufacturing plant.

This application fails to provide (or otherwise justify) the generic buffer distance of 1,000m – 2,000m for lime manufacturing works from these sensitive land uses, as prescribed in the Guidance Statement.
### Applicant's Response:

The EPA Guidance Statement advises in respect to sensitive uses that:

*Land uses considered to be potentially sensitive to emissions from industry and infrastructure include residential developments, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds, and some public buildings. Some commercial, institutional and industrial land uses which require high levels of amenity or are sensitive to particular emissions may also be considered “sensitive land uses”. Examples include some retail outlets, offices and training centres, and some types of storage and manufacturing facilities.*

Underlining above is the Author’s emphasis.

Our view is that an Office associated with an industrial use, such as that an adjoining property, should not be treated as a sensitive use. This is because such offices are on site only as a result of the predominant industrial activity and are already subject to amenity impacts from industrial activities. We note in this regard an Office use “IP” use in the General Industry zone.

Having regard to the above, there is an expectation that Office activities in the General Industry zone cannot expect the same level of amenity as proposed to a standalone office development.

In terms of the separation distance specified in the EPA Guidance Statement given the scale of the proposed plant it is considered that a 1.0 km generic separation distance to sensitive land uses is applicable. The proposal achieved and 1.6km separation distance to sensitive land uses.

In terms of future use of the objectors site which is currently vacant consideration cannot be given to development that is not in existence.

### City's Comment:

An office use in the General Industry Zone is only permitted if it is incidental to the predominant land use. An office in this planning context is not a sensitive land use under the EPA Guidelines.

### Submission:

**Issue 11 - Environmental Licences and EPA’s Guidance Statement (3)**

The application proposes a side boundary setback to Icon of 35 metres. We are extremely concerned that the proposal will not be able to contain lime dust emissions (and any necessary buffer) within the 35m setback, and that the dust will inadvertently spill over into Icon. Conversations with BGC have confirmed as much, with BGC being unable or unwilling to provide Eastcourt with the assurance that all dust will be contained within their site.

### Applicant's Response:

Appropriate and reasonable management measures will be put in place through the Dust Management Plan to prevent dust spilling into adjacent properties. These are documented in Section 7.1.2 of the Application for Works Approval / Licence and are listed as follows:

- Checking weather forecasts and daily visual monitoring, including use of a wind sock;
- Receivables delivered in sealed airtight sea containers;
- Manufacturing process in negative-pressure sealed buildings with dust filtration equipment fitted inline at all transfer and discharge points and inspected and serviced regularly;
- Hard paved areas swept by mechanical sweeper and spills removed as required; and
- Traffic route management and speed limit of 10km/hr.

Dust levels will be monitored regularly via visual inspection to enable additional controls to be implemented if required. Additional controls may involve increasing the frequency of mechanical sweeping, or ceasing dust generating activities until windy conditions cease. Regular internal audits will be undertaken of the premise to ensure predicted activities are compliant with requirements of the Dust Management Plan.

The proposed 35m setback is considered appropriate with these management measures in place.

### City's Comment:

Refer to the City’s response to Issue 9.
Submission:
Issue 12 - Environmental Licences and EPA’s Guidance Statement (4)
The BGC prepared document submitted to DWER in support of the Licence application states in Section 7 Impacts and Management:

7.1.1 Potential Impacts:

Prevailing wind conditions have the potential to mobilise any dust generated from vehicle movements on hardstand surfaces; and material transfer, processing and storage. Potential impacts include dust particles affecting site visibility, and the amenity and health of operations personnel and the surrounding community. Strong wind conditions generate potential for dust deposition on neighbouring industrial properties.

In the event such dust emission occurs there are a number of serious concerns for Icon including:

- Reduced lifespan of infrastructure and building materials by virtue of the corrosive nature of lime (e.g. zincalume roof sheeting);
- Lime entering out stormwater system via pavement runoff;
- Lime dust entering office environments through air-conditioning systems and other ventilation equipment;
- Lime dust being present generally within leased areas giving cause for occupants to consider potential health impacts; and
- Lime dust settling on the stock, plant and equipment stored by our tenants in open areas which is then used in a production process or supplied to a customer.

Applicant’s Response:
The Applicant is required to identify any possible risk as part of the Application for Works Approval / Licence. Possible impacts could include the potential for dust deposition on neighbouring industrial properties during unwanted events.

In order to mitigate these possible impacts, the developer proposes to incorporate several management measures. These are documented in section 7.1.2 of the Application for Works Approval / License and Section 7 of the Dust Management Plan. Some of the measures include:

- Checking weather forecasts and daily visual monitoring, including use of a wind sock;
- Receivals delivered in sealed airtight sea containers;
- Manufacturing process in negative-pressure sealed buildings with dust filtration equipment fitted inline at all transfer and discharge points and inspected and serviced regularly;
- Hard paved areas swept by mechanical sweeper and spills removed as required; and
- Traffic route management and speed limit of 10km/hr.

Dust levels will be monitored regularly via visual inspection to enable additional controls to be implemented if required. Additional controls may involve increasing the frequency of mechanical sweeping or ceasing dust generating activities until windy conditions cease. Regulation internal audits will be undertaken of the premise to ensure predicted activities are compliant with requirements of the Dust Management Plan.

City’s Comment:
Refer to the City’s response to Issue 9.

Submission:
Issue 13 - Environmental Licences and EPA’s Guidance Statement (5)
We have considerable experience in dealing with large organisations with stringent quality control practices and a front-of-mind commitment to the health and well-being of their workforce and expect that the perceived risk of being impacted by lime dust will prompt prospective tenants to look elsewhere.

These same issues would not arise if the proposed use were to be located within the Environmentally Acceptable Industry Precinct further to the west, which is planned specifically to accommodate these types of uses and as such, has a lower level of expectation around amenity by virtue of the existing land uses.
Applicant's Response:
The statement that the proposed development will discourage future tenants from locating in the Icon Industrial Park is an assertion only.
As previously noted the objector’s site is located directly opposite to Environmentally Acceptable Industry Precinct. In that regard, it is possible that such perceived risk already exists.
We understand that section 4.2 of Appendix 1 of LPP 3.3.8 does provide guidance to the use and development of the ‘Environmentally Acceptable Industry (Precinct 2)’.
However, we are of the view that this comment is not relevant to the Application. The Application must be considered by the determining authority on its merits at the subject site and under the planning framework that applies to the subject site.
Moreover, we are also of the view that as the proposal adjoins the Environmentally Acceptable Industry Precinct there is a lesser expectation of amenity.

City's Comment:
Refer to the City's response to Issues 6 and 7.

b. Consultation with Government Agencies
Comments on the revised proposal were sought from the following government adjacencies:
- Department of Water and Environment Regulation (DWER);
- The Water Corporation (WC);
- Department of Biodiversity Conservation and Attractions (DBCA);
- Australian Pipeline Group; and
- Landcorp.

A summary of comments received are as follows:

Department of Water and Environmental Regulation (DER)

Submission:
Please note that the advice in this correspondence relates only to DWER's responsibilities under Part V of the Environmental Protection Act 1986 (EP Act).
The proposed Lime Manufacturing Plant will become prescribed under Category 31 — Chemical manufacturing, as per the Environmental Protection Regulations 1987. The EP Act requires a works approval to be obtained before constructing a prescribed premises and make it an offence to cause an emission or discharge, unless a licence is held for the premises.
DWER received an application for a works approval on 19 March 2018. Assessment of the application will commence when payment of the required fee is received. The proposed activity (hydration of quicklime) will be regulated and no direct discharges to air, water or land are expected. The Environmental Protection (Noise) Regulations 1997 and Environmental Protection (Unauthorised Discharge) Regulations 2004 will also apply.
This is provided for your information and DWER has no objection to the planning application.

City’s Comment:
Noted.

Department of Water and Environmental Regulation (DWER) – Water Advice Only

Submission:
Surface Water Management
The Stormwater Management Plan (SMP) provided with the application should be prepared consistent with the Stormwater Management Manual of Western Australia (DoW, 2004) and Water Quality Protection Note 52 – Stormwater management industrial sites (DoW,2010)
The proponent has assumed a maximum groundwater level (MGL) of 3.4m AHD. The Department’s groundwater mapping data indicates that the MGL in this area is approximately 2.5m AHD. The proponent should amend this information and make any necessary adjustments to the design.

The SMP does not provide indication of where and how any hazardous materials are to be stored and used on site. The stormwater management plan should confirm to how the risk of contaminates entering the stormwater system will be mitigated, inclusive of:

- Chemical storage and handling areas should be located within sealed secondary containment areas that allow maximum recovery of any spill chemicals.
- Uncontaminated stormwater runoff from roofs, paths and the landscape should not be allowed to mix with process effluent, stored chemicals or stormwater runoff from areas susceptible to chemical spills. Where practical, processing areas involving the use of chemicals should be weatherproof or covered.
- Chemical solvents and non-degradable detergents used to clean equipment or pavements should not be released into stormwater systems. These chemicals are likely to cause environmental harm if they enter groundwater, wetlands, waterways or marine environments. Where cleaning chemical residues could cause downstream harm, alternative methods such as vacuum cleaning, mechanical scrubbers, high-pressure jetting or steam cleaners may be used to remove soil from machinery and floors.
- Contingency planning for minimising contaminant loss to stormwater management systems including appropriate spill response procedures, training and equipment should be developed and adopted. Further information can be found within WQPN 10 – Contaminant Spills- emergency response.

It is recommended a suitably amended SMP, consistent with the above, is required as a condition of approval for this development application.

Applicants Response:

We are of the view that a Condition of Development Approval may be recommended by the City of Rockingham to require the Stormwater Management Plan to be updated to be consistent with the Stormwater Management Manual for Western Australia and Water Quality Protection Note 52 – Stormwater Management at Industrial Sites.

The data used to set the groundwater level for the site was based upon the Department of Water, Perth Ground Water Map (see attached ‘Monitoring Bores’ and ‘Groundwater Map’). This sets that the groundwater level at 4m below the ground surface. The web site has set the groundwater level to 1m AHD. To allow for variations, a value of 1.4m AHD was used in the calculations.

The comment that the Maximum Groundwater Level (‘MGL’) was 3.4m AHD has been reviewed. In designing infiltration system, the Average Annual Maximum Groundwater Level (‘AAMGL’) is more often used.

To assist in deriving the range of groundwater levels, the plots for the Department of Water and Environmental Regulation monitoring bores were consulted. The closest operating groundwater monitoring bores are located in Day Road approximately midway between Mandurah Road and Dixon Road, which is approximately 1.2km south southwest of the site – see the attached.

These monitoring bores have been in operation for over 43 years and provide a good record of the regional groundwater table.

Monitoring bore 61410033 has been reviewed for the last 25 years (since 1992). This time was chosen as it is at the time when development commenced to occur to the east of the site, and the reduction in rainfall became more pronounced. The series of low water levels have occurred over the last 10 years which is an indication of the continued drying climate experienced in Perth.

In the 25 year period, the AAMGL is approximately 1.62m AHD, which is 0.24m above the figure used in the report but 1.8m below the reported MGL. At this site, the maximum groundwater level recorded at this site 2.5m AHD in 1975, 43 years ago.
Since 1992, Monitoring Bore 61410034 has recorded an AAMGL of 1.59m AHD which is very close to the value for monitoring bore 61410033. At this location, the maximum groundwater level was recorded in 1981 at approximately 2.3m AHD.

Based upon the results of the groundwater monitoring, it is assumed that the Average Annual Maximum Groundwater level will be in the order of approximately 1.6m AHD, and not the 1.4m AHD by stating in the report. However, there is still more than adequate separation between the base of the infiltration basin and the groundwater table and the outcome of the design will not change.

It should also to be noted:

(a) As the MGL is approximately 1.8m higher than the AAMGL, it is extremely improbable that this level will ever occur again, especially with the continuing drying climate.

(b) Should the maximum groundwater level of 3.5m AHD ever be achieved again, extensive flooding over a majority of Peel Region will occur, and the consequence on this site is negligible. The site will still be operational, and can discharge stormwater runoff. The only effect would be that the extent of flooding over the pavement would just increase in smaller recurrence interval storms.

(c) The maximum groundwater level will occur in October and November of each year, whereas the maximum infiltration required to dispose of the stormwater will occur in July / August. Therefore, at the time of requiring greatest infiltration rate there is still further separation between the base of the infiltration basin and the theoretical groundwater level.

The use of MGL rather than Average Maximum Groundwater Level appears to be in variance with the current standard practice. The regional groundwater level does not appear to be of major concern. At the AAMGL of 1.6m AHD, there is still 0.8m separation which is greater than the preferred minimum separation of 0.3m. The report which can be modified if required at future date.

The industrial process at this site is the addition of water to quicklime to produce lime putty. There is no further chemical processes involved in this site and there is no need or requirement to store hazardous materials.

All lime will be contained within silos and is separated from the environment at all times.

As indicated in the Stormwater Management Plan, all stormwater runoff from roofs shall be collected and stored in tanks for reuse of the processing water. All water for pavements, paths and landscaping will flow to the sediment basins and associated treatment train before re-use or infiltration into the groundwater table.

Other recommendations within this heading is good management practice, and although not relevant to the site, would be used as a general philosophical approach.

City's Comment:
The City has recommended a condition of approval requiring an updated stormwater management plan, consistent with DWER’s requirements.

**Submission**

**Sewerage**

In accordance with the Draft Government Sewerage Policy (Government of Western Australia, 2016), the subject land is located within a sewage sensitive area. As this land is not connected to the reticulated sewerage infrastructure, future development of the proposed lot must adhere to the Policy including the requirement for a secondary treatment system with nutrient removal as well as setback requirements.

Applicants Response:

As indicated in the Application, the use of an ATU sewer treatment system will be used for the treatment of wastewater from toilets and lunchrooms. There is no other form or contamination coming from the site and will not require further treatment.

With the use of an ATU, high quality effluent will be produced which can be used to irrigate landscape areas within the site in accordance with good management practices.
Department of Water and Environmental Regulation (DWER) – Water Advice Only (cont…)

City's Comment:
A condition regarding an ATU system has been recommended.

Submission
Groundwater
The subject lot and proposed development area is located within the Cockburn Groundwater Area which is proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction would be subject to licensing by the DWER. 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 Department's records indicate the proponent has applied for a licence to take groundwater (15,000kL/pa) as part of this development. This application is currently being assessed, however it should be noted that groundwater in this area is currently fully allocated resulting in a limited or no resource being available for new developments.

Alternative sources of water will likely need to be sought to satisfy the developments water requirements, which has been acknowledged by the proponent within the development application, with scheme water the likely option.

Applicants Response:
According to the Water Register online tool, groundwater is fully allocated in this area. However, the developer has applied to exercise its rights in cases where current licensees are no longer eligible to hold a licence because they have not notified the Department of change of ownership within 30 days of settlement. In addition, Statewide Policy 11 – Management of Unused Licensed Water Entitlements states in cases where licences consistently do not utilise part or all of their water entitlement. The developer also has the capacity to trade its existing 17,000kL per year extraction licence in Rockingham (#181057) to this location.

City's Comment:
An Advice Nis recommended.

Landcorp

Submission:
Landcorp has no objection to the proposed development, subject to the following -

1. The development complying with the provisions of the City of Rockingham Town Planning Scheme No.2;
2. Compliance with the Rockingham Industry Zone Improvement Plan 14;
3. The applicant obtaining all relevant Environmental and Planning approvals; and
4. Compliance with the EPA Guidance Statement No.3 - Guidance for the Assessment of environmental factors - Separation Distances between Industrial and Sensitive Land Uses.

City's Comment:
Noted. The City's assessment has demonstrated that the proposal is compliant with the above.
**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 Government Policies**

State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)

As the subject lot is designated bushfire prone under the State Map of Bushfire Prone Areas, the applicant was required to submit a Bushfire Management Plan and demonstrate compliance with SPP3.7.

The purpose of SPP3.7 is to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

The accompanying Guidelines for Planning in Bushfire Prone Areas (Guidelines) provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP 3.7.

The City has assessed the submitted BMP and is satisfied that the proposal is compliant with SPP3.7 and the associated Guidelines.

**Local Policies**

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

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

The objectives of East Rockingham Development Guidelines are:

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

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

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

The proposed use and development is consistent with the objectives of the East Rockingham Industrial Area for the following reasons:

- Although there is no vegetation worthy of retention on site, the development includes the provision of landscaping to the verge and the front, side and rear setback areas of the subject site
- The proposed plant structures are significantly set back from the street frontage (approximately 136m). This will assist with mitigating any potential visual impacts from the street; and
- A vacant development site has been left at the front of the lot. Development of the future site will assist in screening the proposed plant facilities. In the interim, the front portion of the subject site will be landscaped.

Planning Policy 7.1 – East Rockingham Industrial Park – Environmental Planning Policy (PP7.1)

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

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

PP7.1 sets out guiding principles and polices for the environmental acceptability of industrial development on industrial zone land within the East Rockingham Industrial Park.

PP7.1 specifies a recommended 500m buffer (between the proposed use and the nearest sensitive land use) should be applied to sites used for the production of lime in a factory. The nearest residential zoned land is located approximately 1.6km east of the subject site. Therefore, the proposed development achieves the buffer recommended by LPP 7.1.

The developer is required to obtain a licence from the DWER under the Environmental Protection Regulations 1987. The application for the licence has been lodged and is currently with the DWER for consideration. The matters dealt with by PP7.1, referred to in Clause 4.10.5 of TPS2 will be addressed through the licence process. DWER have advised that the proposed activity will be regulated and no direct discharges to air, water or land are expected. See consultation section for further detail.

The City is satisfied that the environmental impact of the development will be properly considered by DWER in its assessment of the application seeking a ‘Works Approval’. A development approval and a ‘Works Approval’ are required by the applicant in order to proceed with the proposed development.

e. Financial
Nil

f. Legal and Statutory

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

Clause 67 of Schedule 2 of the Planning 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 throughout this Report.

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

Clause 3.2 - Zoning Table

The proposed development is classed as ‘Industry: General (Licenced)’ under TPS2. The Industry: General (Licenced) use is an ‘A’ use within the General Industry zone, which means that the use is not permitted unless the Council has exercised its discretion by granting Development Approval after giving notice in accordance with Clause 64 of the Deemed Provisions.

Clause 4.10.1 – Objectives of Industrial Zones

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

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

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

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

The proposed development is an industrial land use and the surrounding vacant lands are zoned for similar industrial land uses. The proposed development is therefore considered compatible with the future planning context of the locality and is unlikely to adversely impact on the amenity of the area.

Clause 4.10.2 – Form of Development

The Council is required to have regard to the following when considering an application for planning approval on industrial zoned land:
"(a) promotion of a high standard of building development, landscaping and working environment;
(b) protection of the amenity of adjacent residential and open space areas;
(c) management of drainage systems and land uses to promote groundwater conservation; and
(d) to ensure safe movement of vehicular and pedestrian traffic in the area."

With regard to the above, the proposal is considered to be compliant for the following reasons:

- The proposal includes water and waste management systems for the collection, recycling and stormwater management. The impact of additional traffic movements on the locality is considered acceptable because the proposed increase will be within the design capacity of the existing road network of regional and local roads that serve the subject lot. Car parking bays will be located around the proposed Office with disability bays abutting the Office for greater accessibility for pedestrians. The proposed development is consistent with the above objectives with regards to building design and landscaping.

- The proposed development is compliant with the Planning Policy 3.3.8 – East Rockingham Development Guidelines in regards to the building design, landscaping and working environment.

Clause 4.10.3 – Parking

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

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

The proposal provides for 24 bays on site, including 12 employee bays and 12 visitor bays. Work vehicles will also be parked on-site. All permanent staff on site will have access to a car bay and the remaining 12 bays can be used by visitors. It is therefore considered that an adequate amount of employee and bays have been provided on site. The applicant has therefore demonstrated compliance with clause 4.10.3 - Parking of TPS2.

Clause 4.10.4 – General Development Provisions

Clause 4.10.4 provides development guidelines on all industrial zoned land within the City. They are outlined below and considered in relation to the proposed development.

<table>
<thead>
<tr>
<th>General Development Requirement as per TPS2</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Façade</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The facades of all buildings visible from the primary road or open space area shall be of masonry construction or any other material approved by the Council in respect of the ground floor level, provided that if concrete panels are used, such panels must have an exposed aggregate or textured finish.</td>
<td>The primary road for the subject site is Mandurah Road. The development area is set back 136m from Mandurah Road with a future development site located to the front of the lot.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Façade (cont…)

| The second floor level, or its equivalent may be constructed of any other material in accordance with the Building Code of Australia and to the satisfaction of Council. | It is also proposed to landscape the front setback area and the verge. Consequently the buildings will not be visible from Mandurah Road. |

Fencing

| No fence visible from a road or open space reserve shall be constructed of materials/colours which in the opinion of Council are unsightly or detract from the amenity of the locality, or be used for signage where the approval of the Council has not been granted. Any industrial (eg. chain wire) fencing forward of the street building setback line shall be landscaped to the satisfaction of the Council. | The proposed development incorporates black PVC coated galvanised chain linkmesh fencing with barb wiring along the side and rear boundary. It is uncertain if this is proposed to the front of the site. | Yes |

| A condition of approval has been recommended requiring details of the proposed fencing to be approved by the City prior to applying for a Building Permit. This will ensure that it is compliant with TPS2. |

Use of Building Setback Area

| No use of the area between the street alignment and the prescribed building setback line shall be permitted other than for landscaping, or for pedestrian and vehicular circulation and parking, except that not more than 20% of the setback area may be used for trade display purposes, to be approved at the discretion of the Council. | The area between the proposed lime stone manufacturing plant and the boundary will not be developed as part of this application. | Yes |

Clause 4.10.6 - East Rockingham Development Guidelines

Clause 4.10.6 states that in considering applications for development approval and otherwise planning for development within the East Rockingham Industrial Park, the Local Government shall have due regard to the East Rockingham Development Guidelines. The objectives of the East Rockingham Development Guidelines are to

“(i) Achieve an attractive and unified development which acknowledges the goal of conserving and enhancing the natural environment by emphasising the retention of natural vegetation and the introduction of complementary quality landscaping and well-designed buildings;

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

(iii) Avoid unsightly and poorly planned development and enhance and protect the investment of all owners within the East Rockingham Industrial Park and the investment of others in the region.”

The proposed use and development is consistent with the objectives of the East Rockingham Industrial Area for the following reasons:

- Although there is no vegetation worthy of retention on site, the development includes the provision of landscaping to the verge and the front, side and rear setback areas of the subject site.
- The proposed plant structures are significantly set back from the street frontage (approximately 136m). This will assist with mitigating any potential impacts caused by building height and appearance; and

- A vacant development site has been left at the front of the lot. Development of the future site will assist in screening the proposed plant facilities. In the interim, the front portion of the subject site will be landscaped

Clause 4.10.9 - General Industry Zone

Clause 4.10.9 provides setback and landscaping requirements for developments within the General Industry Zone.

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

<table>
<thead>
<tr>
<th>Required Element</th>
<th>Provided</th>
<th>Compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A minimum front setback of 25 metres shall apply for major structures and a minimum front setback of 15 metres shall apply to offices, gatehouses and amenity buildings.</td>
<td>A front setback of approximately 136m is provided to the major structures on the site. Landscaping is proposed along the front boundary of the subject site to a depth of 10m</td>
<td>Yes</td>
</tr>
<tr>
<td>Landscaping</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landscaping shall be provided on all street frontages for a distance of not less than 10 metres from each property boundary.</td>
<td>It is proposed to satisfy the landscaping requirement of TPS2 by landscaping a 10m wide strip between the Mandurah Street verge and the property boundary.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**g. Risk**

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

*Customer Service / Project management / Environment: High and Extreme Risks*

*Finance / Personal Health and Safety: Medium, High and Extreme Risks*

Nil

**Comments**

**Traffic and Access**

The Transport Impact Statement (TIS), prepared by Shawmac, dated 15 March 2018, suggests that alterations to the line marking along Mandurah Road will enable vehicle access at both proposed crossovers. The City’s Traffic Engineers, however, have assessed the proposal and consider that the section of Mandurah Road abutting the site is required to be upgraded in order to enable safe access to the site. This is consistent with the consideration of other development applications in this locality where the proponents have contributed to road upgrades along Mandurah Road.

In this regard, there is an existing right turn pocket adjacent to Lot 805 that has been designed to cater for an existing crossover on Lot 804 Mandurah Road to the north. The length of this right turn pocket will be required to be extended in accordance with Austroads’ Guide to Road Design Part 4A – Unsignalised and Signalised Intersections. Also, in order to cater for heavy vehicles turning right onto Mandurah Road from the site, the existing median will be required to be extended. For these reasons a road upgrade condition is recommended.
Conclusion

The development proposes a lime manufacturing plant in a manner that is compliant with TPS2 and Policy requirements. The concerns of the submissioner have been addressed through this Report where relevant, with the remainder being adequately addressed through DWER’s licensing processes.

It is therefore recommended that Council endorse the attached RAR requesting that the SWJDAP conditionally approve the application.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPTS the Responsible Authority Report for the application for a Lime Manufacturing Plant Lot 805 (No313) Mandurah Road, East Rockingham contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin:

That Council ADOPTS the Responsible Authority Report for the application for a Lime Manufacturing Plant Lot 805 (No. 313) Mandurah Road, East Rockingham contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

That the Metro South-West Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/18/01386 and accompanying plans

- Site Plan, DWG A01, dated February 2018
- Building Floor Plan, DWG A02, dated February 2018
- Building Admin Plans, DWG A02.1, dated February 2018
- Building Roof Plans, DWG A02.2, dated February 2018
- Building Elevations, DWG A03, dated February 2018.
- Building Sections, DWG A03.1, dated February 2018.

in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions as follows:

Conditions

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

2. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following detail:

   (i) A landscape strip along the street boundary of the site no less than 10m wide;
   (ii) Verge landscaping treatments;
   (iii) Natural landscape areas to be retained;
   (iv) Details for the protection of natural landscape areas to be retained during construction phase;
   (v) Any areas that may require to be reticulated or irrigated; and
(vi) A planting list for the proposed basins/swales appropriate to create a vegetated bio filter to treat stormwater.

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

3. Prior to applying for a Building Permit, an Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source, including noise emanating from Licensed Premises, will comply with the *Environmental Protection (Noise) Regulations 1997*, must be submitted to and approved by the City of Rockingham.

4. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Final Acoustic Assessment must include the following information:

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

(ii) tonality, modulation and impulsiveness of noise sources; and

(iii) confirmation of the implementation of noise attenuation measures.

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

5. Prior to applying for a Building Permit, Engineering Drawings and specifications are to be submitted to and approved by the City of Rockingham for the upgrade of Mandurah Road adjacent to the site, including the construction of right turn and left turn auxiliary lane treatments.

The road upgrade, including the auxiliary lane treatments, must be constructed, line marked and drained at the landowner's cost, in accordance with the City of Rockingham approved Engineering Drawings and specifications, prior to the occupation of the development.

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

7. Prior to applying for a Building Permit, a stormwater management plan demonstrating that all stormwater generated by the development shall be designed to be contained on-site and certified by a suitably qualified engineer, must be submitted to the City of Rockingham for approval.

The design shall be implemented and maintained for the duration of the development.

8. Prior to occupation, the development must be connected to a reticulated water supply in accordance with the specifications of the Water Corporation in accordance with the recommendations of the Bushfire Management Plan prepared by Bushfire Ready, dated March 2018.

At all times, the reticulated water supply must be maintained in accordance with those requirements and in working condition.

9. Prior to occupation of the development, an Asset Protection Zone (APZ) must be installed within Lot 805 in accordance with the requirements of Schedule 1 of the *Guidelines for Planning in Bushfire Prone Areas*.

10. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:

(i) The location of bin storage areas and bin collection areas;

(ii) The number, volume and type of bins, and the type of waste to be placed in the bins;
Management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and

Frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development and maintained at all time.

11. The carpark must:
   (i) provide minimum of 24 car parking spaces;
   (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit - Certified;
   (iii) include one (1) car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
   (vi) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
   (v) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times; and
   (vi) include one (1) shade tree for every four (4) car parking spaces

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

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

13. Prior to occupation, the development must be connected to an aerobic treatment unit (ATU) onsite effluent disposal system with nutrient retention capabilities.

The ATU System must be implemeted for the duration of the development.

14. No industrial waste is permitted to enter the onsite effluent disposal system unless it has first been treated by an approved treatment system.

15. Dust Management measures must be implemented for the duration of the development in accordance with the ‘BGC Cement Lime Hydrator Plant - Dust Management Plan’ dated March 2018.

16. Prior to applying for a Building Permit the applicant must submit details of the proposed fencing for approval by the City of Rockingham.

17. The following complaints procedure must be implemented for the duration of the development:
   (i) A telephone number or numbers and an email address or addresses must be maintained through which a complaint concerning the development may be made at any time.
   (ii) The owners and occupiers of properties within 500 metres of any boundary of the site must be advised not less than once every calendar year in writing of the telephone number or numbers and the email address or addresses through which a complaint may be made.
   (iii) A complaints log must be kept in which the following is to be recorded:
       (a) the date and time of each complaint made and received;
       (b) the means (telephone or email) by which the complaint was made;
       (c) any personal details of the complainant that were provided or, if no details were provided a note to that effect;
       (d) the nature of the complaint;
the steps or actions taken in response to each complaint (and when those steps or actions were taken), including any follow-up contact with the complainant;

(f) if no actions or steps were taken in relation to the complaint or enquiry, the reasons why no action or steps were taken;

(iv) A response must be made to every complaint received as soon as possible but in any event within 3 working days after receipt of the complaint.

(v) The complaints log must be provided to the City of Rockingham within 1 working day after receipt of a request from the City that it be provided.

(vi) A copy of any report prepared and submitted to the Department of Water and Environment and Regulation (as required by and forming part of the operator's monitoring and reporting requirements contained in any licence or approved issued by the Department) must be provided to the City of Rockingham concurrently with the report being provided to the Department.

Advice Notes

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

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

3. A separate approval is required from the Department of Water and Environment Regulation (DWER) under Part V of the Environmental Protection Act 1986.

4. With respect to the Landscaping Plan, the applicant and owner should liaise with the City of Rockingham’s Land Development and Infrastructure Team to confirm requirements for landscaping plans

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

6. With regard to onsite effluent disposal, the site is located within the Cockburn Sound Catchment area and therefore must comply with the requirements of the Local Planning Policy 7.3 Cockburn Sound Catchment 2004. In this regard an onsite effluent disposal system with nutrient retention capabilities is required and an 'Application to Construct or Install an Apparatus for the Treatment of Sewage' must be lodged with the City’s Health Services.

7. The Stormwater Management Plan must be consistent with the Stormwater Management Manual of Western Australia (DoW, 2004), the Water Quality Protection Note 52 – Stormwater management industrial sites (DoW,2010) and the City of Rockingham Planning Policy 3.4.3 – Urban Water Management, where applicable.

8. The subject lot and proposed development area is located within the Cockburn Groundwater Area which is proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction would be subject to licensing by the DWER. The issuing of a groundwater licence is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee.

Committee Voting – 4/1
(Cr Summers voted against)
**Planning and Development Services**

**Statutory Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-021/18 Joint Development Assessment Panel Application - Proposed Extension to Existing Nickel Refinery</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD20.2018.00000002.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>BHP Billiton Nickel West Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Western Mining Corporation Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Senior Projects Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14 May 2018</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 5 Patterson Road, East Rockingham</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>35.2ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>General Industry</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Industrial</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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<tr>
<td></td>
<td>3. Block Process Flow Diagram</td>
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<td>4. Site Plan</td>
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<td></td>
<td>5. Elevation Full Length of Charles Street</td>
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<tr>
<td></td>
<td>6. Elevation of proposal on Charles Street</td>
</tr>
<tr>
<td></td>
<td>7. Perspective from Patterson Road</td>
</tr>
<tr>
<td></td>
<td>8. Consultation Plan</td>
</tr>
</tbody>
</table>

**Purpose of Report**

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for the extension of the nickel refinery at Lot 5 Patterson Road, East Rockingham.

**Details**

The subject site has an area of approximately 36ha which includes land within the City of Rockingham and the City of Kwinana.
The subject site is developed with a nickel refinery that was officially opened in September 1970. The nickel refinery produces nickel metal from nickel concentrate and nickel matte from Kambalda and Kalgoorlie. The refinery holds a Department of Water and Environmental Regulation Licence to produce up to 75,000 tonnes of nickel metal per annum.

The existing refinery operations cover approximately 26ha of the subject site.
The proposal includes the development of Powder Leach Nickel Sulphate Plant (PLNSP) which will produce 100 kilotonnes (kt) of nickel sulphate hexahydrate from 22kt of nickel powder per annum. The PLNSP is designed to allow for future expansion to 200ktpa. Nickel sulphate is used for nickel plating and for batteries. Nickel is a major component of lithium ion batteries, and the market for nickel sulphate is expected to increase in the coming years with the growth in demand for batteries.

The extension will require the employment of approximately five staff.

The proposal will generate 20 additional vehicle movements per day.

The following is an overview of the components of the PLNSP:

- “Nickel powder is transferred on an elevated, fully enclosed conveyor between the metals handling area of the existing plant and the PLNSP. Instrumentation and utility pipework are also contained on the racks supporting the conveyor.

- The powder is fed into six batching leach tanks. They will be 7m tall, fully sealed and connected to an off-gas scrubbing system.

- The off-gas emission scrubber is used to contain acid mist from each of the leach tanks and vents hydrogen, steam and water mist from a 25m tower.

- The solution is aerated and impurities precipitate. Aeration off gas is also vented through a scrubber to atmosphere.

- The ion exchange area removes the unwanted precipitated impurities from the nickel solution.

- The crystalliser package occupies a 30m x 40m footprint, and is designed to produce 13.5tph (100ktpa) of 99.99% pure nickel sulphate hexahydrate crystals.

- The crystalliser package consists of crystalliser, dewatering and drying modules.

- The existing storage facility will be expanded to accommodate additional product bagging lines and volumes produced by the PLNSP.

- The materials handling facility comprises of a single product storage silo complete with bucket elevator, feed screw conveyors and high flow product feed hopper. The facility has been designed to accommodate future expansion of the PLNSP.

- The PLNSP will tie-in to the existing refinery to supply utilities such as steam, sulphuric acid, caustic, demineralised water, process water, effluent, cooling water, air supply, nitrogen, fire water and domestic water.

- The process control system for the PLNSP will be integrated with the refinery’s process control system.

- This reduces hardware and software support costs and improves mobility and flexibility of staff.”

The applicant provided the following documents in support of the application:

- Planning Report;
- Development Plans;
- Bushfire Management Plan;
- Noise Impact Assessment;
- Landscape Concept Plan; and
- DWER Basic Summary of Records.

The processes of the proposed operations are summarised in the block process flow diagram below:
3. Block Process Flow Diagram
4. Site Plan
5. Elevation Full Length of Charles Street
6. Elevation of proposal on Charles Street
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 18 JUNE 2018

PRESIDING MEMBER

7. Perspective from Patterson Road
Implications to Consider

a. Consultation with the Community

In accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2 (TPS2), the application was advertised for a period of 14 days, in the following manner:

- Landowners and occupiers within 500m of the site were notified in writing of the proposed development; and
- Details of the proposal were made available at the City’s Administration Office and on the City’s website.

At the conclusion of the 14 day advertising period, no comments were received.

Given that the development proposes the extension of an existing use and all surrounding landowners were notified in writing it was not considered necessary to advertise the proposal within the local newspaper.

b. Consultation with Government Agencies

Comments on the revised proposal were sought from the following government adjacencies:

- Department of Water and Environment Regulation (DWER);
- The Water Corporation (WC);
- Department of Fire and Emergency Service (DFES);
- City of Kwinana (CoK);
- Department of Biodiversity Conservation and Attractions (DBCA);
- Department of Mines and Petroleum (DMP);
- Landcorp; and
- Environmental Protection Authority (EPA).

A summary of comments received are as follows:
Submission:
(i) On 9 January 2018, the DWER received an application for a works approval (Reference W6117/2018/1) for the installation of a powder leachate nickel sulphate plant at the premises. The works approval application is consistent with the planning application documentation and is currently under assessment by the Department.

City Comment:
Noted.

Submission:
(ii) Potential impacts of emissions and discharges, including point source emissions to air, will be determined through the course of the assessment under Part V of the EP Act and regulatory controls applied accordingly. In instances where the assessment indicates an unacceptable risk of environmental or public health impact from emissions and discharges, the DWER may refuse the application.

City Comment:
Noted.

Submission:
(iii) The BHP Nickel West refinery at Lot 5 on Plan 18088, as shown on Certificate of Title 2210/520 is classified under the Contaminated Sites Act 2003 (the CS Act) as contaminated — remediation required. The notice of classification for the site specified that "the land use of the site is restricted to commercial/industrial use."

The DWER is aware that a detailed site investigation (DSI) has been carried out for the site and that the DSI is being reviewed by an accredited contaminated sites auditor, who is expected to submit a mandatory auditor's report to the Department in May 2018. Until these documents are received, the DWER is unable to comment on the contamination status of the specific portion of Lot 5 proposed for development. Given that the proposed development is for industrial use, however, consistent with the restriction on use specified in the notice of classification, a condition relating to contamination matters is not considered necessary for any development approval. Contamination at the site will continue to be regulated under the CS Act.

City Comment:
Noted.

Submission:
(i) The project area is located within the Rockingham Groundwater Area, which is proclaimed under the Rights in Water and Irrigation Act 1914. The proponent currently holds a 5C licence to take groundwater for use on the site, any proposed amendment to this would require an amendment and subsequent re-assessment under the aforementioned legislation.

It should be noted the proponent has advised, through the referral documents, that no further access to groundwater will be require as part of this proposal.

Please note that the advice in this correspondence pertains only to water resource matters previously dealt with by the Department of Water.
Department of Water and Environmental Regulation (DWER) – Water Advice Only
(cont…)

City Comment:
Noted.

Water Corporation (WC)

Submission:
(i) The Water Corporation has assessed the proposal and has no concerns from a planning perspective. Although the proposal falls within the odour buffer of the East Rockingham Wastewater Treatment Plant it is considered to be a use which is compatible with the odour buffer.

City Comment:
Noted.

Department of Fire and Emergency Services (DFES)

Submission:
(i) It is noted the development application was referred to DFES as the City was seeking advice in regard to whether the proposed land use was considered ‘high risk’ in a bushfire context. DFES Special Operations have advised that although there are concerns about the embers of a bushfire event in the area potentially causing a hazardous fire within the plant itself, this should be mitigated through the hazards licensing requirements and the configuration of the plant operation.

City Comment:
Noted.

Submission:
(ii) The description of photo point 6 states it is of vegetation that has been excluded under clause 2.2.3.2 (e); however it also states that it shows grassland and scrub. In addition the vegetation near photo point 6 has not been excluded on the vegetation classification map. The City should be satisfied that an enforcement mechanism exists in perpetuity to exclude the vegetation in the road reserve on the southern boundary (Photo ID’s 9, 16 and 17) of the development area, which have been classified as ‘low threat’ and are outside of the lot boundary. It is unclear if a Firebreak Notice applies to this land. The BAL rating for the proposed development may be impacted by this vegetation management.

City Comment:
A condition of approval has been recommended requiring this vegetation to be maintained as low threat vegetation for the duration of the development.

Submission:
(iii) The development application and the BMP have adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved. However, modifications to the BMP are necessary to ensure it accurately identifies the bushfire risk and necessary mitigation measures. If these modifications do not affect the development design, these modifications can be undertaken without further referral to DFES.

City’s Comment:
Noted.
City of Kwinana (CoK)

Submission:
(i) The City has no objection to the proposal however would like to recommend the following condition:

“Within 28 days of commissioning of the Plant operations, the proponent shall provide to the City of Rockingham, certification from a suitably qualified acoustic consultant that the noise emissions resulting from the operations of the Kwinana Nickel Sulphate project comply with Environment Protection Act and Regulations.

The certification shall demonstrate that the plant complies with Environmental Protection (Noise) Regulations 1997 from time of commencement of operations through to maximum throughput capacity.”

Upon review of the noise assessment provided as part of the application, in the opinion of the City of Kwinana Environmental Health Officers, does not sufficiently demonstrate that noise levels from the proposed plant will comply with the EP Noise Regulations. In this regard, the proposed condition requires that the proponent demonstrates the new plant is compliant with the EP Noise Regulations upon commissioning of the new plant.

City’s Comment:
A condition to this effect has been recommended.

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 Government Policies
State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)
As the subject lot is designated bushfire prone under the State Map of Bushfire Prone Areas, the applicant was required to submit a Bushfire Management Plan and demonstrate compliance with SPP3.7.

The purpose of SPP3.7 is to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

The accompanying Guidelines for Planning in Bushfire Prone Areas (Guidelines) provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP 3.7.

Subject to the application of a condition suggested by DFES, the proposal is considered compliant with SPP3.7 and the associated Guidelines.

Local Policies
Planning Policy 3.3.8 - East Rockingham Development Guidelines (PP3.3.8)
The subject lot is shown as excluded from the requirements of Planning Policy 3.3.8 - East Rockingham Development Guidelines (PP3.3.8)
Planning Policy 7.1 – East Rockingham Industrial Park – Environmental Planning Policy (PP7.1)

The objective of PP7.1 is to establish guiding principles and policies for the environmental acceptability of industrial development on industrial zoned land within the City of Rockingham, predominantly within the IP14 area. PP7.1 utilises the following categories for assessment against minimum requirements for development proposals:

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

PP7.1 does not support the development of industries unless it can be demonstrated that there is compliance with the Environmental Protection Act 1986 (EP Act). The applicant has submitted an assessment of the provisions of PP7.1 with the application and a ‘Works Approval’ application has also been submitted to the DWER as required under the EP Act. DWER is undertaking parallel processing of application, however, the ‘Works Approval’ assessment will be completed after the Development Approval is determined. DWER has confirmed that potential impacts of emissions and discharges, including point source emissions to air, will be determined through the course of the assessment under Part V of the EP Act and regulatory controls applied accordingly.

The City is satisfied that the environmental impact of the development will be properly considered by DWER in its assessment of the application seeking a ‘Works Approval’. A development approval and a ‘Works Approval’ are required by the applicant in order to proceed with the proposed development.

e. Financial

Nil

f. Legal and Statutory

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

Clause 67 of Schedule 2 of the Planning 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 throughout this Report.

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

**Clause 3.2 - Zoning Table**

The proposed development is classed as ‘Industry: General (Licenced)’ under TPS2. The Industry: General (Licenced) use is an ‘A’ use within the General Industry zone, which means that the use is not permitted unless the Council has exercised its discretion by granting Development Approval after giving notice (advertised) in accordance with Clause 64 of the Deemed Provisions.

**Clause 4.10.1 – Objectives of Industrial Zones**

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

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

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

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

The proposed development is an extension of an existing industrial land use and the surrounding vacant parcels are zoned for similar industrial land uses.
The proposed development is therefore compatible with the planning context of the locality and is unlikely to adversely impact on the amenity of the area.

**Clause 4.10.2 – Form of Development**

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

"(a) promotion of a high standard of building development, landscaping and working environment;

(b) protection of the amenity of adjacent residential and open space areas;

(c) management of drainage systems and land uses to promote groundwater conservation; and

(d) to ensure safe movement of vehicular and pedestrian traffic in the area."

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

The proposal will generate 20 additional vehicle movements per day and the applicant has demonstrated that vehicles will enter and exit the site in a safe manner.

**Clause 4.10.3 – Parking**

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

"(i) The nature of the proposed development;

(ii) The number of employees likely to be employed on the site;

(iii) The anticipated demand for parking; and

(iv) The orderly and proper planning of the locality"

The PLNSP does not include a considerable net lettable area (NLA) for floorspace; furthermore, the proposed PLNSP will result in only a minor increase in additional jobs (less than 5 FTE).

BHP Nickel West has advised that that it has between 335 and 385 people on site each day and that there are currently 473 car parking spaces available on site. As such, the parking demand generated by the proposed extension can be accommodated within the existing parking supply on site and no further bays are required to be provided.

**Clause 4.10.4 – General Development Provisions**

Clause 4.10.4 provides development guidelines on all Industrial zoned land within the City. They are outlined below and considered in relation to the proposed development.

<table>
<thead>
<tr>
<th>General Development Requirement as per TPS2</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Façade</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The facades of all buildings visible from the primary road or open space area shall be of masonry construction or any other material approved by the Council in respect of the ground floor level, provided that if concrete panels are used, such panels must have an exposed aggregate or textured finish.</td>
<td>The primary road for the subject site is Patterson Road. The development area does not have frontage to Patterson Road.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### Façade
The second floor level, or its equivalent may be constructed of any other material in accordance with the Building Code of Australia and to the satisfaction of Council.

### Fencing
No fence visible from a road or open space reserve shall be constructed of materials/colours which in the opinion of Council are unsightly or detract from the amenity of the locality, or be used for signage where the approval of the Council has not been granted. Any industrial (e.g. chain wire) fencing forward of the street building setback line shall be landscaped to the satisfaction of the Council.

The development is not proposing any additional fencing. Yes

### Use of Building Setback Area
No use of the area between the street alignment and the prescribed building setback line shall be permitted other than for landscaping, or for pedestrian and vehicular circulation and parking, except that not more than 20% of the setback area may be used for trade display purposes, to be approved at the discretion of the Council.

The proposal seeks a reduction of the prescribed street setback from 10m to 2.5m. The reduced setback is proposed to be offset with the inclusion of vegetation within the road reserve.

The area between the proposed PLNSP and the cadastral boundary will be used for pedestrian and vehicular circulation for maintenance purposes.

No, however, the inclusion of landscaping within the road reserve provides an acceptable outcome for the intrusion of built form within the setback area.

### Clause 4.10.9 - General Industry Zone
Clause 4.10.9 provides setback and landscaping requirements for developments within the General Industry Zone.

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

<table>
<thead>
<tr>
<th>Required Element</th>
<th>Provided</th>
<th>Compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setback</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A minimum front setback of 25 metres shall apply for major structures and a minimum front setback of 15 metres shall apply to offices, gatehouses and amenity buildings.</td>
<td>The development area is setback approximately 230m from Patterson Road, behind existing industrial uses.</td>
<td>Partial The applicant's justification for the reduced setback is supported.</td>
</tr>
</tbody>
</table>
| Setback (cont...) | The proposed PLNSP has a variable setback of between 2.5m and 11.2m to the cadastral boundary of Charles Street. The applicant has provided the following justification for the reduced setback:  
- The road reserve widens adjacent to the subject site, such that the verge width adjacent to the proposed PLNSP varies from approximately 10.4m to approximately 19.1m.  
- Notwithstanding, the proposed PLNSP retains a consistent separation to the Charles Street carriageway of approximately 21.6m. The PLNSP retains a consistent and uniform visual setback to the Charles Street carriageway.  
- There is an existing fence in the Charles Street road reserve aligned at a consistent setback of 10.4m from the Charles Street carriageway. The fence is existing and does not form part of this application. When the proposed PLNSP is considered with the existing fence, it is apparent the PLNSP retains a consistent and uniform setback to the Charles Street carriageway. The variation to the setback will be offset by the applicant landscaping the road reserve of Charles Street to ensure the amenity values of the street are still preserved. | A condition of approval is recommended requiring a landscaping plan and the installation of screening vegetation within the road reserve the offset the reduced setback. |

Where a lot has frontage to two or more streets, the prescribed front setbacks of 25 metres and 15 metres shall apply to the primary street and the setback to the secondary street shall be determined by the Local Government, but shall not be less than the prescribed 10m landscaping setback requirement.
### Landscaping

| Landscaping shall be provided on all street frontages for a distance of not less than 10 metres from each property boundary. | It is proposed to satisfy the landscaping requirement of TPS2 by landscaping the portion of the Charles Street verge, between the carriageway and the fence adjacent to the proposed PLNSP. This area has a width of approximately 10.4m and is therefore equivalent to the 10m of landscaping required by TPS2. It is not possible to landscape the setback area to the PLNSP, because that land is required for access and maintenance and landscaping could pose an unacceptable fire and safety risk to the facility. | No. The applicant’s solution is supported. A condition of approval is recommended requiring a landscaping plan and the installation of screening vegetation within the road reserve the offset lack of landscaping onsite. |

#### g. Risk

All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

- Customer Service / Project management / Environment: High and Extreme Risks
- Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

### Comments

The proposed development is generally compliant with TPS2 and Policy requirements. The reduced setback areas and lack of onsite landscaping is proposed to be offset with the incorporation of landscaping within the road reserve. The submitted landscaping plan did not sufficiently address how this will be realised, therefore a condition of approval has been recommended requiring a new landscaping plan and the installation of landscaping in accordance with this plan.

It is therefore recommended that Council endorse the attached RAR requesting that the SWJDAP conditionally approve the application.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council ADOPTS the Responsible Authority Report for the application for extension to the Nickel Refinery Lot 5 Patterson Road, East Rockingham contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011.
Committee Recommendation

Moved Cr Hamblin, seconded Cr Sammels:

That Council **ADOPTS** the Responsible Authority Report for the application for extension to the Nickel Refinery Lot 5 Patterson Road, East Rockingham contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12 of the **Planning and Development (Development Assessment Panels) Regulation 2011**, which recommends:

That the Metro South-West Joint Development Assessment Panel resolves to:

1. **Approve** the DAP Application reference DAP/18/01362 as detailed on the DAP Form 1 dated 5 January 2018 and accompanying plans:
   - Site Plan, Sketch 009, dated 16.01.18
   - Southern Elevation Sheet 1/2, Sketch 039, dated 14.02.18
   - Southern Elevation Sheet 2/2, Sketch 040, dated 14.02.18
   - Paterson Road View Looking West, Sketch 041, dated 14.02.18.

   in accordance with Clause 68 of the **Planning and Development (Local Planning Schemes) Regulations 2015** and the provisions of clause 68(2)(b) of the deemed provisions of the **City of Rockingham Town Planning Scheme No. 2**, subject to the following conditions as follows:

Conditions

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

2. Prior to applying for a Building Permit, all stormwater generated by the development shall be designed to be contained of on-site and certified by a suitably qualified engineer.

   The design shall be implemented and maintained for the duration of the development.

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

4. Prior to applying for a Building Permit, the Bushfire Management Plan prepared by Strategen, dated 18 December 2017 must to be modified to clearly show the extent of the proposed Asset Protection Zone (APZ).

   The APZ must be installed in accordance with the requirements of Schedule 1 of the **Guidelines for Planning in Bushfire Prone Areas**, prior to occupation of the development.

5. Vegetation within the site and the adjacent verge areas identified, in the Bushfire Management Plan prepared by Strategen, dated 18 December 2017, as managed low threat vegetation, must be maintained as low threat vegetation in terms of **AS 3959 – Construction of buildings in bushfire-prone areas**, for the duration of the development.

6. Prior to applying for a Building Permit, a Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City of Rockingham:

   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;

   (ii) Any lawns to be established and areas to be mulched;

   (iii) Any natural landscape areas to be retained;

   (iv) Those areas to be reticulated or irrigated;

   (v) Screening vegetation (trees) that will provide some visual screening the proposed development; and

   (vi) The street setback area and all verge areas including landscaping, paving and reticulation.
The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.

7. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:

(i) The location of bin storage areas and bin collection areas;
(ii) The number, volume and type of bins, and the type of waste to be placed in the bins;
(iii) Management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
(iv) Frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development and maintained at all times.

8. Prior to the occupation of the development, an Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to the City's satisfaction, that the completed development complies with the Environmental Protection (Noise) Regulations 1997.

The Acoustic Assessment must include the following information:

(i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest “noise sensitive premises” and surrounding residential area;
(ii) tonality, modulation and impulsiveness of noise sources; and
(iii) confirmation of the implementation of noise attenuation measures.

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

Advice Notes

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

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

3. A separate approval is required from the Department of Water and Environment Regulation (DWER) under Part V of the Environmental Protection Act 1986.

4. With respect to the Landscaping Plan, the applicant and owner should liaise with the City of Rockingham's Land Development and Infrastructure Team to confirm requirements for landscaping plans.

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

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

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
<table>
<thead>
<tr>
<th></th>
<th>Reports of Councillors</th>
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<tbody>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Addendum Agenda</td>
</tr>
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### 15. Motions of which Previous Notice has been given

**Planning and Development Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-022/18 Notice of Motion - Cape Peron</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td></td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Cr Joy Stewart</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Tristan Fernandes, Co-ordinator Strategic Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Peter Ricci, A/Director Planning and Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14 May 2018</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Advocacy</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Cape Peron – Lot 4319 Boundary Road; Lots 700 and 1786 Hymus Street; Lots 2055 and 4357 Safety Bay Road; Lots 1, 2, 3, 5, 301, 303, 500, 501, 2058, 2152, 2956, 2193, 2196, 2301, 2328, 2733, 2374, 2642, 2732, 2733, 2734, 2804 and 3055 Point Peron Road, Peron</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>Approximately 180ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Parks and Recreation (Bush Forever Site 355); Ports Installation; Other Regional Road Reserve; Waterways Reserve</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Parks and Recreation (Bush Forever Site 355); Ports Installation; Other Regional Road Reserve; Waterways Reserve</td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Extract from Metropolitan Region Scheme</td>
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**Purpose of Report**

To provide Officer comment and advice to Cr Stewart’s Notice of Motion submitted for consideration at the May Ordinary meeting of Council, as follows:

“That Council SUPPORTS the lobbying of State Government Departments to urgently establish a transparent and collaborative consultation process to determine the best and most sustainable long-term future use and management of Cape Peron that -

(a) aligns with the City’s Community Strategic Aspirations for Environment and Tourism;

and

(b) supports the intention to conserve Cape Peron in perpetuity for the community.”
Background

Since the mid-1980’s there have been a number of attempts to progress a marina at Cape Peron, east of the Garden Island Causeway.

The most recent proposal was the ‘Mangles Bay Marina’ which had been progressed since September 2009 when the State Government committed to seeking the necessary statutory approvals to allow the project to commence.

As part of the approvals process, a major Metropolitan Region Scheme (MRS) rezoning Amendment was initiated by the Western Australian Planning Commission (WAPC) for the project area and associated road reservations.

On 1 March 2018, the Minister for Transport, Planning and Lands accepted the recommendation of the WAPC that the MRS Amendment not proceed, in effect refusing the application.

It was revealed through the ‘Report on Submissions’ issued by the WAPC that the MRS Amendment generated 496 submissions and that 67 parties took the opportunity to present their views to the WAPC’s Hearings Committee. Of the submissions received, 430 were identified as objections to the proposal, 28 were in favour with the others being neutral.

The Hearings Committee, upon considering the content of the submissions and merits of the proposal, made an independent recommendation to the WAPC.

On 17 September 2017, the WAPC considered the report from the Hearings Committee and resolved not to support the MRS Amendment on the following grounds:

(i) The proposed scale and mix of land uses are incompatible with the planning of a connected and consolidated urban form which maximises the use of established and proposed infrastructure.

(ii) The Stephenson-Hepburn Plan recognised the importance of Point Peron for recreational uses. The Rockingham Lakes Regional Park, which includes Lake Richmond, is an important link in a series of reserves and regionally significant bush land. The size and scale of the proposed development, particularly the residential component, is inconsistent with this intent.

(iii) The proposal is inconsistent with State Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region as it will result in the removal of approximately 44 ha of Bush forever Site 355. The remaining Bush Forever area is of a size and form that it is likely to negatively impact upon its ability to provide sustainable recreation and conservation outcomes in the locality.
The proposal is inconsistent with State Planning Policy 2.6 - State Coastal Planning Policy as a satisfactory Coastal Hazard Risk Management Adaptation Plan for the proposal remains outstanding and coastal setback requirements have not been determined which is likely to affect the scope and scale of the proposal.

The proposal is inconsistent with draft State Planning Policy 4.1 - State Industrial Buffers (Amended) as it seeks to introduce odour sensitive land uses which may impact the ongoing operation and potential expansion of the Point Peron WWTP. Further, no evidence has been provided that a reduction in the buffer requirements is possible and therefore to zone the land Urban Deferred would create a development expectation which is unlikely to be able to be realised.

The proposal is inconsistent with Development Control Policy 1.8 - Canal Estates and Artificial Waterway Developments as the WAPC considers it critical that suitable marina management arrangements are reached prior to rezoning. Further to this, the City of Rockingham has significant concerns with marina management matters and there is no certainty that these can be resolved.

As mentioned above, the Minister accepted the WAPC’s recommendation.

Details

The Notice of Motion seeks support for the City to urgently engage with the State Government in an attempt to reach agreement for a process to be instituted to establish the long-term use of Cape Peron.

The Reasons given for the Notice of Motion by Cr Stewart are listed below:

“For more than 60 years now, both Federal and State Governments, planning authorities and government-commissioned plans on multiple occasions have all confirmed that Cape Peron be set aside for conservation, recreation and tourism.

In 1964 there was a Commonwealth/ State agreement that the future use of Point (Cape) Peron would be “RESTRICTED TO A RESERVE FOR RECREATION AND / OR PARKLAND.

In 2000 much of the land at Cape Peron was classified “BUSH FOREVER” by the WA Government. This Bush forever site 355, initiated by the State Government, is included in the Rockingham Lakes Regional Park. In November 2011 the Commonwealth confirmed it expects the WA Government to “Honour the undertakings previously given” in relation to the land at Cape Peron.

From then until now the people of Western Australia have been waiting for the 1964 vision to be realised. Points to be considered —

- The land is held in trust for the benefit of the public.
- Most of the land is in the Rockingham Lakes Regional Park, established in 1997 and managed by the Department of Environment and Conservation (DEC).
- DEC’S 2010 Rockingham Lakes Management Plan highlights the outstanding conservation and recreational values of Cape Peron and sets out a plan for its sustainable management as part of the Rockingham Lakes Regional Park.

Cape Peron is unique and should be preserved in and of its own right, as nature parks, conversely, remain as a constant attraction. The Rockingham population is projected to increase by 61.9% in the next 20 years. More people need more parks for their health and wellbeing - not less.

The City of Rockingham Strategic Community Plan 2015 – 2025 promotes the Rockingham Beach Foreshore Precinct as a world class tourism lifestyle area with tourism based commercial, retail and food and beverage outlets. Cape Peron being made into a Coastal Park will (a) draw more visitors to the area and (b) link to this precinct by walk and cycle trails as well as by vehicle, thus being in close accord with the City’s future plans.

A Coastal Park at Cape Peron also meets the City’s Strategic Community Plan 2015 – 2025 goal of a sustainable environment in which “coastal and bushland reserves are well used and sustainably managed preserving them for future generations to enjoy.” Preserving Cape Peron in its entirety and creating a world class protected coastal park is an imperative, not just for WA and the entire City of Rockingham’s Region, but also for people’s physical and mental health as well as for the economy.”
Implications to Consider

a. Consultation with the Community
   Nil

b. Consultation with Government Agencies
   Nil

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

   **Aspiration A:** Tourism Lifestyle
   **Strategic Objective:** Rockingham Beach Foreshore Precinct: A world-class foreshore precinct capitalising on its unique location and aspect, delivering quality leisure tourism experience through contemporary design, best practice facilities and seamless linkage between beach, parkland and tourism-based commercial, retail and food and beverage outlets.
   Coastal Facilities: A range of quality and contemporary leisure tourism facilities including a “major brand” hotel, marinas, boat ramps, jetties, boardwalks and foreshore parks that contribute to the City’s reputation as the premier metropolitan coastal tourism destination.

   **Aspiration C:** Quality Leadership
   **Strategic Objective:** Community engagement and advocacy: An engaged and informed community that participates in local decision making and can rely upon the Council to advocate on its behalf when important issues challenge the best interests of the City and its residents.

   **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.
   **Strategic Objective:** Coastal and Bushland Reserves that are well used and sustainably managed preserving them for future generations to enjoy.

d. Policy
   Nil

e. Financial
   Nil

f. Legal and Statutory
   Nil

g. Risk
   All Council decisions are subject to risk assessment according to the City’s Risk Framework. Implications and comment will only be provided for the following assessed risks.
   - Customer Service / Project management / Environment: High and Extreme Risks
   - Finance / Personal Health and Safety: Medium, High and Extreme Risks
   Nil

Comments

The management of Cape Peron is currently guided by the Rockingham Lakes Regional Park Management Plan (2010), which has been prepared in accordance with section 53 and 62 of the Conservation and Land Management Act (1984) and approved by the Minister for Environment.
The Plan acknowledges the site of the proposed ‘Mangles Bay Marina’ and recognises that, at the time of publication, the planning process was proceeding.

There is no other statutory planning mechanism relating to Cape Peron other than the zoning obligations conferred by the MRS and Town Planning Scheme.

The decision on the MRS Amendment substantially alters the planning settings for Cape Peron and creates uncertainty about its future use and management.

In light of the above, it is opportune for the future use and management of Cape Peron to be considered.

It is important to note that Cape Peron is primarily controlled by the State Government in its capacity as the majority landowner/manager. It currently contains numerous leasehold parcels that operate for the benefit of private entities, some of which are occupied by short stay accommodation.

The City supports the Notice of Motion to lobby the State Government to establish a transparent and collaborative consultation process to determine the best and most sustainable long-term future use and management for Cape Peron.

By establishing a transparent process, there is an opportunity for broader community engagement and ownership of the outcome to determine the highest and best use of this community asset.

With respect to point (a) of the Notice of Motion, the relevant Strategic Objectives of the Aspirations within the City of Rockingham Strategic Community Plan 2015 – 2025 are deemed to be those listed in the ‘Implications to Consider’ (Point c – Strategic) above.

It is agreed that the Strategic Objectives under the Aspirations of ‘Tourism Lifestyle’ and ‘Sustainable Environment’ would be relevant considerations within a State Government led process to establish a long-term use of Cape Peron; point (a) of the Notice of Motion is supported.

With respect to point (b), which seeks to ‘support the intention to conserve Cape Peron in perpetuity for the community’, the City notes the intent but recognises that it could undermine the State Government process which the Notice of Motion is advocating.

The process should examine various land uses, stakeholder interests and opportunities for Cape Peron to be incorporated within an overarching plan. Given the intent to establish a collaborative process, whereby all stakeholders and the community work together develop a plan, it is considered that the premise of point (b) provides a narrow parameter.

This statement could also be interpreted as suggesting that the existing uses should be set aside in favour of conservation purposes.

Rather than state the intention to conserve Cape Peron in perpetuity, the City believes that reference should be made to the current predominant ‘Parks and Recreation’ reservation that sits over Cape Peron under the MRS and the Town Planning Scheme.

By doing so, the ability exists for there to be a range of uses including conservation, recreation (formal and informal) and tourist related activities such as short stay accommodation, cafes and restaurants. These elements could comprise the ‘Coastal Park’ referenced in the Reasons for the Notice of Motion.

The distinction between a ‘Parks and Recreation’ reserve and an ‘Urban’ zone, which was proposed for the ‘Mangles Bay Marina’ project, is that permanent residential landuses, large scale retail development and similar could not be accommodated.

Should the State Government institute the process recommended within the Notice of Motion, it is possible that the Council could establish an alternate position on the preferred use of Cape Peron in light of the information compiled and the views expressed by the community.

In light of the above, it recommended that point (b) be modified to ensure that any process applies the predominant ‘Parks and Recreation’ reservation over Cape Peron in determining future uses.

**Voting Requirements**

Simple Majority
Officer Recommendation

That Council SUPPORTS the State Government being advocated to urgently establish a transparent and collaborative consultation process to determine the best and most sustainable long-term future use and management of Cape Peron that:

1. Aligns with the Strategic Aspirations for ‘Sustainable Environment’ and ‘Tourism Lifestyle’ in the Strategic Community Plan 2015 - 2025; and
2. Applies the predominant ‘Parks and Recreation’ reservation over the land as the basis to determine future uses.

Notice of Motion from Cr Stewart

Moved Cr Whitfield, seconded Cr Hamblin:

That Council SUPPORTS the lobbying of State Government Departments to urgently establish a transparent and collaborative consultation process to determine the best and most sustainable long-term future use and management of Cape Peron that:

1. Aligns with the City’s Community Strategic Aspirations for Environment and Tourism; and
2. Supports the intention to conserve Cape Peron in perpetuity for the community.

Committee Voting – 1/4
(Crs Elliott, Sammels, Hamblin and Summers voted against)

Committee Recommendation

Moved Cr Sammels, seconded Cr Hamblin:

That Council SUPPORTS the State Government being advocated to urgently establish a transparent and collaborative consultation process to determine the best and most sustainable long-term future use and management of Cape Peron that:

1. Aligns with the Strategic Aspirations for ‘Sustainable Environment’ and ‘Tourism Lifestyle’ in the Strategic Community Plan 2015 - 2025; and
2. Applies the predominant ‘Parks and Recreation’ reservation over the land as the basis to determine future uses.

Committee Voting – 3/2
(Crs Whitfield and Summers voted against)

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable
<table>
<thead>
<tr>
<th></th>
<th>Notices of Motion for Consideration at the Following Meeting</th>
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<tbody>
<tr>
<td></td>
<td>Nil</td>
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<tr>
<td></td>
<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
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<tr>
<td></td>
<td>Nil</td>
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<td>Matters Behind Closed Doors</td>
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<td>Nil</td>
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<tr>
<td></td>
<td>Date and Time of Next Meeting</td>
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<tr>
<td></td>
<td>The next Planning and Engineering Services Committee Meeting will be held on <strong>Monday 18 June 2018</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
</tr>
<tr>
<td></td>
<td>Closure</td>
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<tr>
<td></td>
<td>There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at <strong>4:53pm</strong>.</td>
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