City of Rockingham

MINUTES

Planning Services
Standing Committee Meeting

Held on

Monday 18 April 2011

4:00pm

Council Boardroom
Council Administration Building
Civic Boulevard, Rockingham
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## Strategic Planning and Environment
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- SPE-007/11  Municipal Heritage Inventory Review - Lot 22 Safety Bay Road, Safety Bay  
- SPE-008/11  Proposed Amendment to Metropolitan Region Scheme - ‘Karnup TOD Precinct’ - ‘Rural’ to ‘Urban’  
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- SPE-010/11  Perth Region NRM South West Reference Group  
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- SPE-012/11  Aqua Jetty Solar Water Heating Project  
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City of Rockingham
Planning Services Standing Committee Meeting
4:00pm Monday 18 April 2011

MINUTES

1. Declaration of Opening

The Chairman declared the Planning Services Standing Committee Meeting open at 4.00pm and welcomed all present.

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

2.1 Councillors

Cr Richard Smith Chairperson
Cr Brian Warner
Cr Ann Prince
Cr Les Dodd

2.2 Executive

Mr Andrew Hammond Chief Executive Officer
Mr Robert Jeans Director, Planning & Development Services
Mr Peter Ricci Manager, Strategic Planning & Environment
Mr Richard Rodgers Manager, Building Services
Mr Mike Ross Manager, Statutory Planning
Mrs Erica Jenkin A/Manager, Health Services (until 4.20pm)
Ms Melinda Wellburn Secretary to Director, Planning & Development Services

Members of the Public: 1
Press: Nil

2.3 Apologies: Nil

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

Nil

4. **Public Question Time**

Ms Pauline Lloyd, No.9 Treetop Way, Baldiivs asked the following questions:-

1. "Did the original plans for her property show the retaining wall and driveway?"

   Mr Richard Rodgers, Manager, Building Services advised that he would have a look at the property file and provide Ms Lloyd with a copy of the original plans.

2. "If the retaining wall was built without Council approval, where do I stand?"

   Mr Mike Ross, Manager, Statutory Planning advised that the retaining wall would need to be modified to gain Council approval.

5. **Confirmation of Minutes of the Previous Planning Services Standing Committee Meeting**

Moved Cr Dodd, seconded Cr Prince:

That Council CONFIRM the Minutes of the Planning Services Standing Committee Meeting held on 14 March 2011, as a true and accurate record.

Committee Voting - 4/0

6. **Matters Arising from the Previous Planning Services Standing Committee Meeting Minutes**

Nil

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

The Chairman 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**

Nil

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

Nil

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

Nil

11. **Bulletin Items**

**Planning Services Information Bulletin - April 2010**

**Health Services**

1. Health Services Team Overview
2. Human Resource update
3. Project Status Reports
   3.1 Foodsafe
3.2 Industrial Audits
3.3 Community Health & Wellbeing Plan
3.4 Health Promotion
3.5 North Rockingham Industrial Noise
3.6 Ocean Water Sampling
3.7 Mosquito Control

4. Information items
4.1 Mosquito-Borne Disease Notifications - March 2011
4.2 Food Recalls - March 2011
4.3 Statistical Health Information - March 2011
   4.3.1 Food Premises Inspections
   4.3.2 Public Building Inspections
   4.3.3 Outdoor Public Event Approvals - March 2011
   4.3.4 After Hours Noise & Smoke Nuisance Complaint Service
   4.3.4 Complaint - Information
   4.3.5 Building Plan Assessments
   4.3.6 Septic Tank Applications
   4.3.7 Demolitions
   4.3.8 Swimming Pool Sampling
   4.3.9 Rabbit Processing
   4.3.10 Hairdressing & Skin Penetration Premises
   4.3.11 Family Day Care

Building Services
1. Building Services Team Overview
2. Human Resource update
3. Project Status Reports
4. Information items
   4.1 Private Swimming Pool and Spa Inspection Program
   4.2 Monthly Building Licence Approvals - (All Building Types)
   4.3 Certificates of Classification
   4.4 Demolition Licence
   4.5 Permanent Sign Licence
   4.6 Community Sign Approvals
   4.7 Business Sign Licence
   4.8 Building Approval Certificates for Unauthorised Building Works
   4.9 Monthly Caravan Park Site Approvals
   4.10 Infringement Notices
4.11 Prosecutions and Notices

Strategic Planning and Environment
1. Strategic Planning and Environment Team Overview
2. Human Resource update
3. Project Status Reports
   3.1 Policy Manual Review
   3.2 Local Planning Strategy
   3.3 Visual Landscape Study
   3.4 Dixon Road Area Assistance Grant
   3.5 Developer Contribution Scheme
   3.6 Local Biodiversity Strategy Review
   3.7 Karnup District Water Management Strategy
   3.8 Climate Change Readiness Project
   3.9 Lake Richmond Water Quality Studies and Integrated Catchment Management Plan
   3.10 Water Campaign
4. Information items
   4.1 Amendment No.101 to Town Planning Scheme No.2
   4.2 'Waterwise' Council Program
   4.3 Climate Change Readiness for Community Services Project
   4.4 Proposed Structure Plan - Golden Bay (Department Of Housing)
   4.5 'Living Smart' Course
   4.6 Rockingham Lakes Regional Park Management Plan

4.7 Rockingham Urban Growth Programme
Statutory Planning
1. Statutory Planning Team Overview
2. Human Resource update
3. Project Status Reports
   3.1 eDA (Planning Products via the Web)
4. Information items
   4.1 Land Use – Planning Enforcement
   4.2 Subdivision/Development Approvals and Refusals by the WAPC
   4.3 Notifications & Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Delegated Development Approvals
   4.7 Delegated Development Refusals
   4.8 Delegated Building Envelope Variations
   4.9 Subdivision/Amalgamation Supported

Director Planning and Development
1. Director Planning and Development Team Overview
2. Human Resource update
3. Project Status Reports
   3.1 Administration Building Refurbishment/Fitout
   3.2 Rockingham Primary Centre Major Public Infrastructure
   3.3 Rockingham Primary Centre Infrastructure - Business Case
   3.4 Smart Village 1 Masterplan
4. Information items

Committee Recommendation:
That Councillors acknowledge having read the Planning Services Information Bulletin – April 2011 and the contents be accepted.

Committee Voting – 4/0

12. Agenda Items
Planning Services

Health Services

Reference No & Subject: HS-004/11 Amendment to Health Policy 6.6 Outdoor Eating Facilities in Public Places

File No: LWE/78

Proponent/s: Mrs Erica Jenkin, Co-ordinator Health Services

Author: Mr Rod Fielding, Manager, Health Services

Other Contributors: Mr Rod Fielding, Manager, Health Services

Date of Committee Meeting: 18th April 2011

Previously before Council: 22nd February 2011 (HS-001/11)

Disclosure of Interest: Executive Function

Nature of Council’s Role in this Matter: Executive Function

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

1. Purpose of Report

To seek Council’s approval to amend Health Policy 6.6 Outdoor Eating Facilities in Public Places, so as to align the Policy with the provisions of the Food Act 2008, relating to dogs in outdoor eating areas.

2. Background

At its ordinary Meeting held on the 22 February 2011, Council resolved to defer the consideration of this item, pending further investigations by the City’s Health Services on the impact that the proposed changes may have on public health, articulation with other pertinent local laws, and the general suitability of such premises seeking to permit dogs in outdoor eating areas.
Health Policy 6.6 Outdoor Eating Facilities in Public Places was adopted in May 2008, and currently prohibits dogs within food businesses and alfresco dining areas.

The Food Act 2008 came into effect in November 2009, and allows for dogs in outdoor eating areas.

The Department of Health has provided a guidance note to all local authorities on the intent of the Food Act 2008. The guidance note advised that the intent of the Food Act has been to allow dogs in outdoor eating areas, as long as the food business has procedures in place to appropriately manage any food safety or suitability risk posed by having the animals in the outdoor eating area.

3. **Details**

There are inconsistencies between the provisions of the Food Act 2008 and Council's Health Policy 6.6 Outdoor Eating Facilities in Public Places. The Food Act 2008 permits dogs in outdoor eating areas.

If there is a discrepancy between legislation, the provisions of the Food Act 2008 take precedence over local government policy provisions.

Health Policy 6.6 needs to be amended as it currently conflicts with the provisions of the Food Act. Failure to amend Health Policy 6.6 will result in the City acting ultra vires.

It is recommended that Health Policy 6.6 be amended to require premises to implement a Dog Management Policy and signage, to enable the City's Health Services to ensure that premises have suitable procedures in place to manage dogs in outdoor eating areas.

4. **Implications to Consider**

a. **Consultation with the Community**

Not required.

b. **Consultation with Government agencies**

A guidance note has been provided to all Local Authorities from the Department of Health on the interpretation and intent of the Food Act 2008 with respect to allowing dogs in alfresco dining areas.

c. **Strategic**

This proposal addresses the Community's Vision for the future and specifically the following Aspirations contained in the Community Plan March 2011:-

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

d. **Policy**

The City's Health Policy 6.6 Outdoor Eating Facilities in Public Places currently states the following:-

'4.8 Dogs -

(i) No dog is allowed within a food business (i.e. inside a shop), or an alfresco dining area, unless it is a “service / assistance animal” for example servicing the visually or hearing impaired.

(ii) Dogs are not permitted within a food preparation, handling, packing, or storage area at any time.'

e. **Financial**

Nil
f. **Legal and Statutory**

The Food Act 2008 allows for dogs in outdoor eating areas. Due to the introduction of the Food Act 2008, provision 4.8 from Health Policy 6.6 needs to be amended as it is in conflict with the provisions of the Food Act. Failure to amend Health Policy 6.6 will result in the City acting ultra vires.

5. **Comments**

In response to concerns raised at the ordinary Meeting of Council in February, nine large metropolitan local authorities (including the City of Perth with 150 licensed outdoor eating area premises) have been contacted regarding the management of dogs in outdoor eating areas. All of the local authorities contacted have successfully implemented the Food Act provisions to allow dogs in outdoor eating areas. These local authorities have advised that they have not received complaints regarding dogs in outdoor eating areas. In addition, these local authorities have not placed additional conditions on Outdoor Eating Area Licences to require operators to undertake additional measures such as implementing a Dog Management Plan or erecting signage.

From the investigation with other local authorities, it would appear that premises throughout the metropolitan area have been able to successfully manage dogs in outdoor eating areas.

Given that the Food Act 2008 allows for dogs in outdoor eating areas, Council is not in a position to prohibit dogs in outdoor eating areas. Council is able to require additional conditions for Outdoor Eating Area Licences to ensure dogs in these areas are kept under control, and that any risks to food safety are minimised.

For the City's Health Services to be able to ensure that premises have suitable procedures in place to manage dogs in outdoor eating areas, it is recommended that Health Policy 6.6 be amended to include the following conditions:

- The area is to be sufficiently signed to advise patrons that dogs are permitted in the alfresco dining area under the control of the owner;
- Premises to implement a Dog Management Policy, which is to include staff training on appropriate cleaning and hygiene practices, identification of potential tripping hazards, and corrective action procedures if there is an incident with a dog;
- Ensuring that dogs do not enter the inside of the food premises;
- Ensuring that the area is kept clean at all times; and
- Ensuring the pedestrian access ways remain unobstructed at all times.

Proprietors would then be able to use discretion as to whether they allow dogs in an outdoor eating area or not, however, if they chose to allow dogs, the premises must have procedures in place to ensure public health and public safety is not compromised.

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council amend part 4.8 of Health Policy 6.6 Outdoor Eating Facilities in Public Places as follows:-

Delete:

“4.8 Dogs -

(i) No dog is allowed within a food business (i.e. inside the shop), or an alfresco dining area, unless it is a “service/assistance animal,” for example servicing the visually or hearing impaired.

(ii) Dogs are not permitted within a food preparation, handling, packing or storage area at any time.”
4.8 Dogs –

Dogs are only permitted in the outdoor eating area under the following conditions:-

(i) Area is to be sufficiently signed to advise patrons that dogs are permitted in the alfresco dining area under the control of the owner;

(ii) Premises to implement a Dog Management Policy, including staff training on appropriate cleaning and hygiene practices, identification of potential tripping hazards, and corrective action procedures, to the satisfaction of the Manager Health Services;

(iii) Dogs do not enter the inside of the food premises;

(iv) Area is to be kept clean at all times;

(v) Pedestrian access ways remain unobstructed at all times.

8. Committee Recommendation

That Council AMEND part 4.8 of Health Policy 6.6 Outdoor Eating Facilities in Public Places as follows:-

Delete:

“4.8 Dogs –
(i) No dog is allowed within a food business (i.e. inside the shop), or an alfresco dining area, unless it is a “service/assistance animal,” for example servicing the visually or hearing impaired.

(ii) Dogs are not permitted within a food preparation, handling, packing or storage area at any time.”

And replace with:

“4.8 Dogs –
(i) Area is to be sufficiently signed to advise patrons that dogs are not permitted in the alfresco dining area;

(ii) Premises to implement a Dog Management Policy, including staff training on appropriate cleaning and hygiene practices, identification of potential tripping hazards, and corrective action procedures, to the satisfaction of the Manager Health Services;

(iii) Dogs do not enter the inside of the food premises;

(iv) Area is to be kept clean at all times;

(v) Pedestrian access ways remain unobstructed at all times.”

Committee Voting – 4/0

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

The Committee amended Item (i) as it was considered more practicable to manage by exception.

10. Implications of the Changes to the Officer’s Recommendation

There are no implications arising from the changed recommendation.

4.20pm - Mrs Erica Jenkin, A/Manager, Health Services left the Planning Services Committee meeting.
## Strategic Planning and Environment

### Planning Services

#### Strategic Planning & Environment Services

**Reference No & Subject:**

- **File No:** LUP/1323
- **Proponent/s:** City of Rockingham
- **Author:** Mr Ross Underwood, Senior Planning Officer
- **Other Contributors:**
  - Mr Brett Ashby, Co-ordinator, Strategic Planning
  - Mr Peter Ricci, Manager, Strategic Planning & Environment

**Date of Committee Meeting:** 18th April 2011

**Previously before Council:**

**Disclosure of Interest:**

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

- Executive Function

### Site:

- **Lot Area:** 3,776m²
- **LA Zoning:** Lot 40 (No.178) Dampier Drive, Golden Bay
- **MRS Zoning:**
- **Attachments:**
  - Executive Summary and Extracts from draft Conservation Management Plan for the ‘Peelhurst Ruins’

### Maps/Diagrams:

- **Location Plan - Lot 40 Dampier Drive, Golden Bay**
1. Purpose of Report

To consider adoption of the recommendations from the Conservation Management Plan for the 'Peelhurst Ruins' in Golden Bay.

2. Background

'Peelhurst' is the name given to a partly-completed limestone cottage constructed by Thomas Peel Junior on his father's land in Golden Bay, in the early 1860's. Peel sold 'Peelhurst' to William and George Paterson in 1882, who used the land to keep stock from their farm in Pinjarra. The Paterson family planted fig trees on the land to provide feed for their stock. In 1949, the land was transferred to Cyril Robbins, an engineer working for Shell Company of Australia, who subdivided the coastal part of the property to create 'Golden Bay' in the 1960's.

There is no information about when the building became unoccupied or started to deteriorate, however, it is believed to have primarily occurred around the time it was acquired by Robbins. It is also understood that various walls were illegally removed by a local resident in the 1970's. Although the footprint of Peelhurst is currently evident, it is essentially a ruin.

In 1991, the land around 'Peelhurst' was subdivided by Robbins' heirs subject to a condition of subdivision requiring the land upon which the cottage is located to be ceded to the City. A plaque was erected on the site at that time to commemorate the cottage, however, the land was not transferred to the City until mid-2008.

The place was entered onto the City's Municipal Heritage Inventory in 1998. It has a Management Category of 'B'.

In March 2010, the Golden Bay Progress Association submitted a proposal to develop the site with an open-air heritage museum with an attached wildlife rescue and cultural centre. To allow the heritage implications of this and other proposals for this site to be fully considered, the City engaged Hocking Planning and Architecture to prepare a Conservation Management Plan for 'Peelhurst'.

3. Details

Hocking prepared a draft Conservation Management Plan for the 'Peelhurst Ruins'; the Plan includes several components, including a Statement of Significance, Archaeological Policies, Conservation Policies and a Schedule of Conservation Works. These elements are outlined below.

Statement of Significance

The Conservation Management Plan prepared by Hocking concludes that 'Peelhurst' has cultural heritage significance for the following reasons:

- 'Peelhurst Ruins' are an example of early stone construction in the Rockingham region which demonstrate the form and scale of housing in the mid 19th century.
- The place is associated with the earliest settler in the region, Tom Peel [Junior] who established his landholding, 'Peelhurst' in the early 1860's. It is also associated with the Paterson family which owned the landholding from 1882 to 1949, and were significant in the establishment of agriculture in the region;
- The use of ticket-of-leave labour in the construction and establishment of the 'Peelhurst' landholding, and possibly the cottage, is indicative of the type of work undertaken by these men and demonstrates the contribution they made to the development of the colony in the 19th century;
- 'Peelhurst Ruins' are of exceptional archaeological significance. Preliminary research has established artefact deposits located to the west of the site and there is potential for artefacts to be located in the subsurface deposits within and around the ruin, relating to the occupation and use of the place;
- The presence of the adjacent fig trees is of value as it demonstrates the evolution of farming practice in Western Australia in response to local conditions, and;
The place has aesthetic value as a landmark within Golden Bay and for its scenic collection of elements within the natural landscape.

Zones of significance are identified on the plan shown on the following diagram:

The Conservation Management Plan details 18 Archaeological Policies and 23 Conservation Policies which will guide the development and management of the site. The Archaeological Policies aim to inform site investigations, and the conservation policies consider how the site should be managed and developed. In addition, the Schedule of Conservation Works provides information on what work should be undertaken, and a suitable management regime for the ruins. Full details are set out in the attached extract from the 'Peelhurst Ruins' Conservation Management Plan.

The draft Conservation Management Plan was considered by the Council's Heritage Reference Group at its meeting held on the 2nd February 2011 when it made the following recommendation:

"1. That the Conservation Management Plan prepared by Hocking Planning & Architecture be adopted.
2. That Planning Services consider whether funds could be allocated for an archaeological dig of the site.
3. That the place be nominated for inclusion in the State Heritage Register."

The Executive Summary to the Conservation Management Plan is also attached and full copy has been placed in the Councillor's Lounge. Copies of the Conservation Management Plan can be provided to individual Councillors upon request.
4. Implications to Consider

a. Consultation with the Community

The Conservation Management Plan was prepared having regard to the consultation requirements specified in the Heritage Council of WA's Conservation Management Plan Study Brief, and including input from the owner of nearby Lot 807, Wildlife Assist WA, the Mandurah Historical Society, Mandurah Community Museum and Rockingham District Historical Society.

If adopted, a copy of the Conservation Management Plan will be provided to all adjoining owners, for information.

b. Consultation with Government Agencies

Consultation with government agencies was not required. If adopted, the Conservation Management Plan will be forwarded to the Heritage Council of WA.

c. Strategic

This proposal addresses the Community's Vision for the future and specifically the following Aspirations contained in the Community Plan March 2011:-

- Aspiration 3: A vibrant community, enjoying access to a wide range of educational, cultural and artistic activities and a wide range of other social opportunities.

d. Policy

Planning Policy 3.1.7 - Heritage Conservation and Development Policy states that for places having state significance, any alterations or extensions should be in accordance with a Conservation Management Plan.

e. Financial

The Conservation Management Plan, if adopted, will have financial implications relating to some of the Conservation Policies, Archaeological Policies and Schedule of Conservation Works. These implications are discussed in more detail in the Comments section below.

f. Legal and Statutory

There are no statutes or laws that apply to Conservation Management Plans. The Register of Heritage Places is a list of places compiled under section 46 of the Heritage of Western Australia Act 1990.

Section 45 of the Heritage of Western Australia Act 1990 requires Council to prepare and maintain an inventory of buildings within its district which in its opinion area, or may become, of cultural heritage significance.

The Council may modify the entry of a place on the Heritage List by following the procedures set out in clause 5.4.2(c) of Town Planning Scheme No.2.

5. Comments

A Conservation Management Plan provides clear advice on development and maintenance of heritage places. The City has prepared Conservation Management Plans in the past for the Old Abattoir in Hillman, Hymus House, Chesterfield House, Day Cottage, Bell Cottage ruins, the East Rockingham Pioneer Cemetery in East Rockingham and Elanora (currently situated at the Council's Depot).

The Conservation Management Plan for 'Peelhurst Ruins' provides policies relating to works and maintenance of Lot 40:-

- Removal of Tree - Archaeological Policy (ii) requires the immediate removal of the tuart tree growing from the ruins. This work has been estimated as costing $2,900 and Parks Services has confirmed that there is sufficient funds in the City's Golden Bay Reserves Maintenance account for this action. Archaeological Policy (iii) requires an archaeologist to undertake a watching brief for the tree's removal.
In this regard, the City's Regional Heritage Advisor has confirmed that she is able to undertake this task under the Regional Heritage Advisory service.

- **Maintenance** - The City currently undertakes firebreak clearing and vegetation trimming of Lot 40. The Schedule of Conservation Works requires additional maintenance of the Ruins, including regular monitoring of weeds and vegetation growth and the stabilisation of loose stones where dangerous. The increased maintenance costs should not be significant and are likely to be within the funding allocated to Golden Bay Reserves Maintenance.

- **Archaeological Dig** - Many of the Archaeological Policies relate to archaeological investigations of the Ruins, to "provide additional information about the use and construction of 'Peelhurst' and the domestic life of its residents" [Policy (viii)] and Policy (xviii) suggests that the Council consider conducting a public archaeology program. An archaeological investigation conducted in accordance with the archaeological policies is estimated as costing $9,000; the additional costs of running a public archaeology program could be funded by a Lotterywest grant.

- The Strategic Planning & Environment Team Plan allocates $10,000 for the review of Conservation Management Plans and the Municipal Heritage Inventory in 2011/12. Should there be no other priority for these funds, they could be allocated for this purpose. Otherwise, the funds may be sought through the 2012/13 Team Plan process.

- **Interpretation** - Archaeological Policy (xvi) and Conservation Policy 23 require interpretation of the Ruins. Interpretation is "a means of communicating ideas and feelings which help people enrich their understanding and appreciation of their world, and their role in it" (Sharing Our Stories: Guidelines for Heritage Interpretation, 2007), and includes interpretive signage. Archaeological Policy (xvii) notes that further investigation, including historical research and archaeological investigations, would assist with the interpretation of 'Peelhurst Ruins', and in this regard it is recommended that the Council further consider interpretation following archaeological investigations.

- **Development of Lot 40** - Conservation Policies pertinent to the development of Lot 40 (between the Ruins and Dampier Drive) include Policy 4, Policy 13, Policy 18 and Policy 22. The Policies give importance to the open setting of 'Peelhurst' and views of the Ruins from Dampier Drive. Accordingly, the development of buildings and other structures that might obstruct views to the Ruins and impact the open setting of the Ruins would not be consistent with the Conservation Management Plan.

- The Golden Bay Progress Association's (now withdrawn) proposal to develop an open-air heritage museum with an attached wildlife rescue and cultural centre on Lot 40 is not consistent with the Conservation Management Plan and should not be supported unless it can be demonstrated that the requirements of the Conservation Management Plan can be achieved.

- **Development of adjoining land** - The Plan notes areas of some historical significance outside of Lot 40, including Lots 101, 156 and 9000 Dampier Drive and Lots 808 and 809 Figtree Lane. This includes some artefact scatter on Lot 809 and the existence of some vegetation dating to Peel's and Paterson's occupation of the land, including olive and fig trees. Archaeological Policy (ix) recommends a metal detector survey of adjoining land, and Conservation Policy 12 recommends the protection of areas of some significance.

- Only Lot 40 is included in the Council's Heritage List under Town Planning Scheme No.2 and therefore the recommendations of the Conservation Management Plan cannot be enforced upon adjoining land, however, the objectives of the Conservation Management Plan will be considered should proposals to develop this land be received.

- **Reconstruction of 'Peelhurst'** - The Plan does not recommend reconstruction of 'Peelhurst'; instead it is to remain as a ruin.

- **State Register of Heritage Places** - Policy 16 of the Conservation Management Plan recommends that the place be nominated for inclusion on the State's Register of Heritage Places ('the Register'), administered by the Heritage Council of WA under the Heritage of Western Australia Act 1990; this action has been endorsed by the Council's Heritage Reference Group. Within the City, Hymus House, Chesterfield House, Day Cottage, Bell Cottage ruins and Rockingham Hotel are entered onto the Register.
Should the Council recommend that any place be included on the Register, the Heritage Council of WA will consider whether or not the place meets the minimum thresholds for inclusion. Entry on the Register would afford 'Peelhurst Ruins' recognition and protection at a state level, and would also increase funding opportunities under grant programmes for state heritage places. It is recommended that Council nominate the 'Peelhurst Ruins' for inclusion on the Register.

Municipal Heritage Inventory and Heritage List - Should the 'Peelhurst Ruins' be nominated for inclusion on the Register, the City's Municipal Heritage Inventory and Heritage List should be amended by updating the Management Category of the place from 'B' to 'A'. Reference should also be made to the adopted Conservation Management Plan.

The Conservation Management Plan's Archaeological Policies, Conservation Policies and Schedule of Conservation Works are considered to provide clear principles for the maintenance of the Ruins, and guidelines for use and development of the land. It is therefore recommended that the recommendations of the Conservation Management Plan be adopted by the Council and it endorse the other actions detailed above.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council:-

1. **ENDORSE** the recommendations, as set out on pages 5-6, 59-67 and 69-71 comprising the Archaeological Policies, Conservation Policies and Schedule of Conservation Works, as contained in the Conservation Management Plan for the 'Peelhurst Ruins', prepared by Hocking Planning and Architecture for the City of Rockingham, dated March 2011.

2. **PROVIDE** a copy of the Conservation Management Plan to adjoining owners for their information.

3. **NOMINATE** the 'Peelhurst Ruins' for inclusion on the Register of Heritage Places under the Heritage of Western Australia Act 1990.

4. **MODIFY** the Municipal Heritage Inventory relating to Place 033 - 'Peelhurst Ruins' by amending the Management Category from 'B' to 'A', and making reference to the Conservation Management Plan.

5. **AMEND** the Heritage List by amending the Management Category from 'B' to 'A', pursuant to section 5.4.2 of Town Planning Scheme No.2.

8. Committee Recommendation

That Council:-

1. **ENDORSE** the recommendations, as set out on pages 5-6, 59-67 and 69-71 comprising the Archaeological Policies, Conservation Policies and Schedule of Conservation Works, as contained in the Conservation Management Plan for the 'Peelhurst Ruins', prepared by Hocking Planning and Architecture for the City of Rockingham, dated March 2011.

2. **PROVIDE** a copy of the Conservation Management Plan to adjoining owners for their information.

3. **NOMINATE** the 'Peelhurst Ruins' for inclusion on the Register of Heritage Places under the Heritage of Western Australia Act 1990.

4. **MODIFY** the Municipal Heritage Inventory relating to Place 033 - 'Peelhurst Ruins' by amending the Management Category from 'B' to 'A', and making reference to the Conservation Management Plan.

5. **AMEND** the Heritage List by amending the Management Category from 'B' to 'A', pursuant to section 5.4.2 of Town Planning Scheme No.2.

Committee Voting – 4/0
9. The Committee’s Reason for Varying the Officer’s Recommendation

Not applicable.

10. Implications of the Changes to the Officer’s Recommendation

Not applicable.
### Reference No & Subject:

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<th>SPE-007/11</th>
<th>Municipal Heritage Inventory Review - Lot 22 Safety Bay Road, Safety Bay</th>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/518-07</td>
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<tr>
<td>Proponent/s:</td>
<td>City of Rockingham</td>
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<tr>
<td>Author:</td>
<td>Mr Ross Underwood, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Brett Ashby, Co-ordinator, Strategic Planning, Mr Peter Ricci, Manager, Strategic Planning &amp; Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18th April 2011</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>December 2010 (SPE-009/10)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive Function</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
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### Site:

- Lot 22 (No.274) Safety Bay Road, Safety Bay
- Lot Area: 1,133m²
- LA Zoning: 
- MRS Zoning: 
- Attachments: 1. Place Record Form - Place 090 - Residence, 274 Safety Bay Road, 2. Assessment Overview - Place 090 - Residence, 274 Safety Bay Road
- Maps/Diagrams: 

### 1. Purpose of Report

To consider the entry of Lot 22 (No. 274) Safety Bay Road, Safety Bay into the Municipal Heritage Inventory.

### 2. Background

In December 2010, the Council resolved to adopt the updated Municipal Heritage Inventory (MHI) and enter a number of places onto the Heritage List compiled under clause 5.4.2(c) of Town Planning Scheme No. 2. The Council further resolved, at the request of the landowner, to remove the residence at 274 Safety Bay Road pending further discussions between the landowners and Council Officers.
3. **Details**

274 Safety Bay Road features a single-storey residence set in an open garden comprising lawn, mature trees and perimeter planting, and dates from c.1920. The draft Place Record (as advertised) indicates that the place has aesthetic and historic value and recommends a Management Category of ‘C’.

Council Officers met with the owners of 274 Safety Bay Road on the 23rd March 2011 to discuss the proposed entry of the residence onto the City's MHI and Heritage List. The owners of 274 Safety Bay Road expressed concern that heritage listing might restrict development opportunities in the future. The implications of heritage listing were discussed, including the requirements relating to alterations and demolitions under the Council's Planning Policy 3.1.7 - Heritage Conservation and Development Policy, as well as incentives to encourage retention including site area variations which would give the property subdivision potential not otherwise allowed under the current zoning.

The owners noted errors on the Place Record Form, including the street address being incorrect, the description of the house orientation being wrong and the rear additions being described as weatherboard instead of brick.

4. **Implications to Consider**

a. **Consultation with the Community**
   
   Not required.

b. **Consultation with Government Agencies**
   
   Not required.

c. **Strategic**
   
   This proposal addresses the Community's Vision for the future and specifically the following Aspiration contained in the Community Plan March 2011:-
   
   - Aspiration 3: A vibrant community, enjoying access to a wide range of educational, cultural and artistic activities and a wide range of other social opportunities.

d. **Policy**
   
   The ongoing management of heritage places within the City is governed by Planning Policy 3.1.7 - Heritage Conservation and Development Policy.

e. **Financial**
   
   Nil

f. **Legal and Statutory**
   
   Section 45 of the Heritage of Western Australia Act 1990 requires the Council to prepare and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance, which is required to be reviewed every four years.

   The provisions of clause 5.4.2 of Town Planning Scheme No.2 provide for the preparation of a Heritage List and matters pertaining to places included on the Heritage List.

5. **Comments**

As noted in the December 2010 Report, the owners have objected to listing on the basis that it is already well maintained and cared for, and formal protection is therefore not necessary and would place unfair impediments on the property. The submission also raised concern that the nearby foreshore areas are not valued or cared for.

The submission was considered by the City's Heritage Consultant which provided the following advice:

1. The submission's concerns do not impact on the heritage values of the place.

2. The recognition of Safety Bay for its environmental values falls outside the scope of the Heritage Inventory.
3. We have noted an error in the street address and will amend the 'Place Record Form'.

The various places included in the MHI Review were also considered by the City's Heritage Reference Group prior to Council's December 2010 meeting, when it advised that there was sufficient justification for the various individual places (including 274 Safety Bay Road) being listed, however, it was not satisfied that the best examples of homes from the relevant period had been included. To this end, in December 2010, the Council resolved to request that the Heritage Reference Group and Regional Heritage Advisor identify other homes from the Inter-War and Post-War eras that may be of heritage value for possible inclusion in the MHI, as part of the next review.

In their submission and subsequent discussions with Council Officers, the owners have not disputed the heritage value of the place, rather they have objected to listing on the basis that statutory protection is not necessary given the place is already well cared for, and listing would place unfair impediments on the property.

In this regard, it should be noted that inclusion of the place in the City's Heritage List does not place any requirements on the owners in terms of maintenance, and are only applicable in the event an application is submitted seeking to demolish or alter the building. Further, the errors noted in the Place Record Form do not impact on the perceived heritage values; these will be corrected prior to adoption.

Accordingly, it is considered appropriate that the place be included on the Council's MHI and Heritage List and it is recommended that the Council confirm such.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council:-

1. **ADOPT** the revised Municipal Heritage Inventory to include Place 090 - Residence, 274 Safety Bay Road, Safety Bay subject to modifications being made to the address, orientation and description of the rear additions on the relevant Place Record Form.

2. **ENTER** place 090 - Residence, 274 Safety Bay Road (Category 'C') into the Heritage List pursuant to clause 5.4.2(c) of Town Planning Scheme No.2.

8. Committee Recommendation

That Council:-

1. **ADOPT** the revised Municipal Heritage Inventory to include Place 090 - Residence, 274 Safety Bay Road, Safety Bay subject to modifications being made to the address, orientation and description of the rear additions on the relevant Place Record Form.

2. **ENTER** place 090 - Residence, 274 Safety Bay Road (Category 'C') into the Heritage List pursuant to clause 5.4.2(c) of Town Planning Scheme No.2.

Committee Voting – 4/0

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

Not applicable.

10. Implications of the Changes to the Officer’s Recommendation

Not applicable.
1. **Purpose of Report**

To respond to the Western Australian Planning Commission on a request to initiate an amendment to the Metropolitan Region Scheme (MRS) to rezone land owned by Cape Bouvard Developments, in proximity to the future Karnup Train Station, from 'Rural' to 'Urban'.

2. **Background**

In November 2009, the Council considered two proposals to rezone land from 'Rural' to 'Urban' under the MRS within the area adjacent to Mandurah Road at Golden Bay and Singleton.
The Council resolved to:-

“1. Advise the Western Australian Planning Commission as follows:-

(i) Rezoning the subject land to facilitate urban development is inconsistent with the recommendations of the City of Rockingham Planning Policy No. 5.2 - Rural Land Strategy which identifies the area for ‘Special Rural’ and ‘Special Residential’ subdivision in order to maintain the rural views along Mandurah Road and natural landscape features of the dune system.

(ii) The proposed MRS amendment is premature and consideration of the proposal should be deferred until such time as Directions 2031 and the draft Southern Metropolitan and Peel Sub-Regional Structure Plan is finalised and the status and meaning of ‘Urban Investigation Area’ is clarified.

2. That the Western Australian Planning Commission be further advised that the Council has resolved to undertake a review its Policy position regarding the rural vista along Mandurah Road in the areas of Singleton, Golden Bay and Secret Harbour by commissioning a Visual Landscape Evaluation.”

In the period since the above resolution, Directions 2031 and Beyond has been adopted but the WAPC has set aside the previous Sub-Regional Structure Plan process. In this regard, the WAPC has decided to prepare the Outer Metropolitan Perth and Peel Sub-Regional Structure Plan which offers broad direction to future urban land supply in the medium term (10 - 15 years). The draft Sub-Regional Strategy was advertised in late 2010 and considered by the Council in November 2010. It is expected that the Sub-Regional Strategy will be adopted in the second half of 2011.

The Sub-Regional Strategy will be followed by a Sub-Regional Structure Plan for the South-West corridor, South-East corridor and Peel region which will essentially provide a legible framework within which more detailed planning can be progressed. The Department of Planning (DoP) has indicated that the Sub-Regional Structure Plan is currently being prepared and it should be released for comment in late-2011.

The abovementioned rezoning request within Golden Bay related to land owned by Cape Bouvard Developments, however, it is a different parcel to that the subject of this application. In this regard, the November 2009 resolution related to land north of Dampier Drive, whereas the current proposal is located south of Dampier Drive.

3. Details

The subject proposal seeks to rezone the subject landholding from ‘Rural’ to ‘Urban’ under the MRS. The justification for the proposal is primarily based on:

- The land being within the walkable catchment of the future Karnup Train Station where a Transit Oriented Development (TOD) has been proposed.

  Note: TOD essentially seeks to create an integrated, high density mixed-use area that is designed to maximize access to public transport.

- It complies with the general principles of Directions 2031 and Beyond which seeks a consolidated urban form and better use of public transport.

- The land was shown as ‘Urban Investigation’ in the (superseded) Southern Metropolitan and Peel Sub-Regional Structure Plan 2009.

- A verbal commitment from DoP Officers that the land will be included in the Outer Metropolitan Perth and Peel Sub-Regional Strategy, when adopted. The land is currently shown as ‘Rural’.

- An Environmental, Landscape, Movement Network and Servicing assessment which did not identify significant constraints to the land being developed.

The submission also contained a 'Concept TOD Diagram' which broadly depicts how TOD could be achieved around the Station site.

A full copy of the applicants submission can be made available to Councillors upon request.
4. Implications to Consider

a. Consultation with the Community

Should the proposed Amendment be initiated by the WAPC, it will be advertised for public comment in accordance with the Planning & Development Act 2005. The consultation is coordinated by the Department of Planning under authority from the WAPC.

Any amendment to the MRS will require a corresponding amendment to the City's Town Planning Scheme. In this case, upon the Scheme Amendment being initiated, the City will coordinate the consultation in accordance with the requirements of the Act.

b. Consultation with Government Agencies

The WAPC will consult with the relevant Government Agencies in considering whether to initiate the Amendment and following the Amendment being initiated.

c. Strategic

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

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

d. Policy

The proposal represents a variation to Planning Policy No. 5.2 - Rural Land Strategy, which recommends 'Special Rural' and 'Special Residential' density over the site.

e. Financial

Nil

f. Legal and Statutory

The MRS Amendment process is governed by the Planning & Development Act 2005.

5. Comments

The WAPC sought the Council's comment on the proposal prior to the 25th March 2011 which did not allow the proposal to be tabled before the Council. As such, Planning Services prepared an interim submission on the proposal, the content of which the Council is being requested to endorse.

The submission does not support the initiation of the Amendment on the basis that it is premature given the various local and regional planning initiatives that are currently being progressed. The submission notes that the land is yet to be confirmed as having an urban potential in the WAPC's Sub-Regional planning processes, TOD at the Karnup Station remains unresolved, the State Government has not commitment to construct the Station, the proposal is inconsistent with Planning Policy No. 5.2, the Visual Landscape Study has not been finalised and the rezoning approach is uncoordinated.

The matters raised above are expanded upon the a copy of the City's submission, which is self-explanatory, as follows:

“I refer to your letter dated the 23rd February 2010 seeking comment on the above. Please be advised that the City does not support the initiation of the Amendment primarily on the basis that the application is considered to be premature and should be held in abeyance pending the outcomes of a number of regional and local planning initiatives, as detailed below.

Draft Outer Metropolitan Perth and Peel Sub-Regional Strategy

The draft Sub-Regional Strategy seeks to identify land that will have an urban potential in the medium term, generally within a 10/15 year timeframe. The draft Strategy does not identify the land as 'Urban Expansion' or 'Urban Investigation', being the categories within which future urban land is earmarked.”
Notwithstanding the above, the City is aware that Cape Bouvard Developments has requested an amendment to the draft Sub-Regional Strategy to show the land as having an urban potential. When engaged on this matter, the City raised no objection to the land being classified as 'Urban Investigation' given that the suitability of the land for urban purposes was currently being investigated at a number of levels across both the local and regional planning framework.

The Department of Planning has advised that the Sub-Regional Strategy will be followed by the more detailed Sub-Regional Structure Plan which will, as the City understands, seek to provide a more legible framework within which more detailed planning can be progressed. In the absence of this regional framework, the context within which the subject land sits remains uncertain.

Karnup Station TOD

Various State Government authorities have recognised the Karnup Train Station as being the next station to be constructed on the Mandurah line, in an effort to address the demand that is being experienced at existing stations and the increased demand that is likely from a number of proposed land developments in proximity.

This position, although lacking State Government commitment to fund the Station, has prompted a number of stakeholders with interests in or adjacent to the Station site to establish the credibility of a Transit Orientated Development at the site. Various concepts have been prepared that seek to justify TOD at Karnup.

In order to determine the feasibility for TOD, the Department of Planning has agreed to coordinate the formation of a Steering Committee made up of the representatives of the relevant government agencies, the affected landowners and the City. The Steering Committee will establish principles for the TOD and oversee a Design Workshop that will set the parameters for the development, in the event that TOD is deemed to be feasible.

The process will also define the TOD catchment through the preparation of a land use structure plan which would be the logical vehicle to inform rezoning.

Karnup Station

Should the case for TOD at the Karnup Station be confirmed through the Design Workshop and other local planning processes, the City would expect there to be a funding commitment to the construction of the Station, prior to the land in proximity being zoned.

The City seeks to avoid a situation where the TOD catchment is forming without a clear understanding of when the station will be delivered. Equally, the City can envisage an outcome where subdividers will pursue residential densities not befitting a TOD location, if the Station is not established or committed to.

Planning Policy No. 5.2 - Rural Land Strategy

The Council has a longstanding position, reflected in Planning Policy No.5.2 - Rural Land Strategy adopted under the Town Planning Scheme, that the subject land be developed at densities associated with 'Special Rural/Special Residential' zoning. This density control directly responds to the landscape character of the subject land, and that to the north and south abutting Mandurah Road, which the Policy seeks to protect. The Policy position recognises a number of regional planning initiatives over many years, notably the South-West Corridor Structure Plan 1993.

The Policy has been successful in creating a 'rural viewshed' west of Mandurah Road (from Secret Harbour to Singleton) such that the natural landscape features, incorporating the prominent dune system, has been retained.

The proposal to urbanise the subject land is contrary to the existing Policy requirements.

Visual Landscape Study

Given that the proposed TOD development and other proposals in the vicinity are challenging the Policy requirements detailed above, the Council resolved to review its Policy position by commissioning a 'Visual Landscape Study'.
When completed, the Study will be used by the City in its consideration of regional and local planning initiatives and proposals. Furthermore, Planning Policy No.5.2 will be reviewed to incorporate the recommendations of the Study.

The Study has progressed to a stage where extensive community consultation (including correspondence sent to 6,500 local residents and landowners) concluded on the 4th March 2011. The feedback is currently being analysed following which the Study will be completed and considered by the Council. This phase will involve the development of strategies for managing visual landscape character and strategies to achieve the other planning outcomes.

The Council’s consideration of the Study will then drive the manner in which it responds to the proposed urbanisation of the TOD (walkable) catchment, including the land the subject of this proposal.

**Coordinated Approach**

The proposed rezoning is predicated on the basis that the land is within the walkable catchment of the Karnup Station. As detailed above, the justification for TOD is soon to be established.

In the event that TOD is supported, it is expected that any rezoning request will be coordinated and include that land which has been recognised as having a development potential. In this regard, the extent of the current rezoning request reflects land ownership which does not directly respond to the various principles upon the rezoning has been sought.

*Please note that this matter is yet to be considered by the Council which will occur at the next available meeting to be held on the 27th April 2011. The City reserves the right to revise the above submission in the event that the Council resolves such."*

It is therefore recommended that the Council endorse the City’s submission on the proposed Amendment to the MRS for the reasons outlined above.

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council **ENDORSE** the City's submission to the Western Australian Planning Commission advising that it does not support the initiation of the proposed Amendment to the Metropolitan Region Scheme to rezone land owned by Cape Bouvard Developments south of Dampier Drive, Golden Bay from ‘Rural’ to ‘Urban’ for the following reasons:-

(i) The land is not identified as having an urban potential in the draft Outer Metropolitan and Peel Sub-Regional Strategy and the subsequent Sub-Regional Structure Plan is yet to be released;

(ii) The feasibility and extent of any Transit Orientated Development at the Karnup Station is yet to be confirmed;

(iii) A commitment to construct the Karnup Station is yet to be expressed by the State Government;

(iv) The proposal is inconsistent with the requirements of Planning Policy No. 5.2 - Rural Land Strategy;

(v) The Visual Landscape Study, which seeks to establish whether the requirements of Planning Policy No. 5.2 should be amended, if yet to be finalised; and

(vi) Any approach to rezone land, in the event that Transit Orientated Development is confirmed at the Karnup Station, should be coordinatized and not be based solely on land ownership.
8. **Committee Recommendation**

That Council _ENDORSE_ the City's submission to the Western Australian Planning Commission advising that it does not support the initiation of the proposed Amendment to the Metropolitan Region Scheme to rezone land owned by Cape Bouvard Developments south of Dampier Drive, Golden Bay from 'Rural' to 'Urban' for the following reasons:

(i) The land is not identified as having an urban potential in the draft Outer Metropolitan and Peel Sub-Regional Strategy and the subsequent Sub-Regional Structure Plan is yet to be released;

(ii) The feasibility and extent of any Transit Orientated Development at the Karnup Station is yet to be confirmed;

(iii) A commitment to construct the Karnup Station is yet to be expressed by the State Government;

(iv) The proposal is inconsistent with the requirements of Planning Policy No. 5.2 - Rural Land Strategy;

(v) The Visual Landscape Study, which seeks to establish whether the requirements of Planning Policy No. 5.2 should be amended, if yet to be finalised; and

(vi) Any approach to rezone land, in the event that Transit Orientated Development is confirmed at the Karnup Station, should be coordinated and not be based solely on land ownership.

Committee Voting - 4/0

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

Not applicable.

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

Not applicable.
## Reference No & Subject:

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<th>SPE-009/11</th>
<th>Proposed Minor Modification to Structure Plan - 'Baldivis North' Estate</th>
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### File No:
LUP/1374

### Proponent/s:
Development Planning Strategies

### Author:
Miss Donna Shaw, Planning Officer

### Other Contributors:
Mr Brett Ashby, Co-ordinator, Strategic Planning
Mr Peter Ricci, Manager, Strategic Planning & Environment

### Date of Committee Meeting:
18th April 2011

### Previously before Council:
September 2006 (PD180/9/06), December 2006 (PD239/12/06), December 2007 (PD128/12/07)

### Disclosure of Interest:
Quasi Judicial

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

### Site:
Lots 30 & 31 Kerosene Lane, Baldivis

### Lot Area:
11.1617 ha

### LA Zoning:

### MRS Zoning:

### Attachments:

### Maps/Diagrams:
1. Existing Structure Plan
2. Proposed Structure Plan

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CONFIRMED AT A PLANNING SERVICES MEETING HELD ON MONDAY, 16 MAY 2011

PRESIDING MEMBER
1. **Purpose of Report**

To consider a proposed modification to the existing approved Structure Plan over Lots 30 and 31 Kerosene Lane, Baldivis.

2. **Background**

In December 2006, the Council approved a Structure Plan over Lots 30 and 31 Kerosene Lane and Lot 308 Fifty Road, Baldivis (‘Baldivis North’ Estate).

In June 2007, the Western Australian Planning Commission (WAPC) advised that it was prepared to support the proposed Structure Plan subject to a number of modifications, detailed as follows:-

1. The Local Structure Plan (LSP) being modified such that the ‘Neighbourhood Centre Precinct’ is given an appropriate TPS No.2 zoning (i.e ‘Commercial!’) and the LSP being annotated for this zone stating ‘a maximum of 0.85 hectares of the ‘Commercial’ zone can be used for residential purposes. The location and density of residential development is to be determined through the preparation and approved of a Detailed Area Plan for this ‘Commercial’ zone. The Commission acknowledges that a Detailed Area Plan will be prepared as a condition of subdivision approval for the appurtenant land.

   The LSP should also be modified so that the colour used for the Residential R20 and R25 zoning are easily distinguishable. Similarly, the R20, R25 and R30 zonings in the LSP key should be preceded with the word ‘Residential’ to be consistent with the TPS No.2 zoning. The LSP should contain a ‘north’ point and a scale.

2. The LSP is to be modified to ensure that the east-west road proposed along the northern boundary of the Lot 308 Kerosene Land is located such that the carriageway and required services are accommodated entirely within the LSP area without encroachment onto the adjoining Lot 53. This outcome should be reflected in the LSP report.

3. The LSP had not adequately responded to issues raised to submissions by WA Limestone (quarry operators) having regard to SPP2.4 ‘Basic Raw Materials’ and SPP 4.1 ‘State Industrial Buffer Policy’. The WA Limestone Quarry is located on Lots 290 and 291 Kerosene Lane, to the north of the LSP area. The Commission is not satisfied at this time that residential development should be permitted within 300m of the quarry boundary.”

The Proponent subsequently submitted a revised Structure Plan and information that addressed the abovementioned issues, which was adopted by the Council in December 2007.

Various subdivision approvals have since been issued and development has commenced in the southern portion of the landholding (Lot 308 Fifty Road).

In January 2011, the City received a referral from the WAPC seeking comments in respect to a proposed subdivision over Lots 30 and 31 Kerosene Lane, Baldivis. The proposed plan of subdivision departed from the approved Structure Plan design. The Proponent was therefore advised of the need to lodge an application for a modification to the Structure Plan, to ensure the plan of subdivision and Structure Plan were consistent.

3. **Details**

The City has now received an application seeking approval of a revised Structure Plan for the subject land, incorporating changes to the road layout, residential density and Public Open Space (POS). An explanation of the proposed changes is detailed below.

**Public Open Space**

The proposal seeks to reduce the size of POS 1 from 6,585m² to 4,661m², and increase the size of POS 2 from 5,513m² to 6,680m². The changes result in an overall reduction in POS provision of 560m². As a result of the changes, the modified Plan proposes a variation to the City's POS Policy, with drainage within POS 1 exceeding 25%. In this regard, drainage is proposed to occupy 2,600m² (or 55.8%) of the POS reserve.
Road Layout
The road layout has been modified to remove laneways and areas of carparking adjacent to a POS site. The revised road layout is designed in a more linear fashion.

Residential Density
The number of lots proposed within the Structure Plan area will remain at 149, however, 34 lots will change from a residential density of R30 to R25.

4. Implications to Consider

a. Consultation with the Community
Where the Council deems that a minor change or departure does not materially alter the intent of the plan, in accordance with clause 4.2.7 of the Scheme, community consultation is not required.

b. Consultation with Government Agencies
Where the Council deems that a minor change or departure does not materially alter the intent of the plan, in accordance with clause 4.2.7 of the Scheme, consultation with government agencies is not required.

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

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

d. Policy
Planning Policy 3.4.1 – Public Open Space; the submission proposes a variation to clause 4.7.3 of the Policy, which states that "a maximum of 25% site area of any parcel of POS may be covered by any body of water at a frequency of inundation of 1 in 10 years."

e. Financial
Nil

f. Legal and Statutory
Clause 4.2.7 of the Scheme governs changes or departures from Structure Plans.

Clause 8.9.4 of the Scheme governs the operation of a Planning Policy. It states that a Policy "does not bind the Council in respect of any application for planning 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".

5. Comments

Public Open Space
As noted above, the provision of POS within the Structure Plan is proposed to decrease by 560m². Whilst the Structure Plan was originally approved with a POS provision of 9.6%, POS calculation methodology has since changed with the introduction of Liveable Neighborhoods 3. Most notably, Liveable Neighbourhoods now allows a full, rather than 50%, credit for drainage that is incorporated into POS that does not impact on the usability of the reserve. Applying this calculation methodology, the provision of POS exceeds 10% and is deemed acceptable.

With respect to the provision of drainage in POS 1, the reduction in size of POS 1 has resulted in the amount of area utilised for drainage exceeding the maximum 25% recommended under Planning Policy 3.4.1. The objectives of the Policy in this case are to ensure any POS reserve is suitable for the needs of the community, and is designed and developed to an acceptable manner.
In this regard, it is considered that a variation to the Policy requirement should be supported in this case, given the following:-

(i) Over 2,000m² of the reserve is not affected by drainage, which exceeds the minimum reserve size under the POS Policy;
(ii) The drainage area will only be inundated during significant storm events and will not have a major impact upon usability of the affected area;
(iii) All residents within close proximity to POS 1 are located within 400m of the larger POS 2 reserve, which will likely provide the main informal active recreation space in the subdivision; and
(iv) Meeting the Policy requirement, by reducing the size of POS 2 and increasing the size of POS 1, would result in an inferior outcome for residents.

Liveable Neighbourhoods requires that POS should provide for Neighbourhood Parks of around 3,000m² to 5,000m² or larger, each serving about 600 - 800 dwellings and to be located a maximum of 400m walk from most dwellings. POS 2 is within 400m of all proposed lots within the development, including those within the northern section of the Structure Plan, and thus this requirement has been met.

It should also be noted that the shape and location of the proposed POS results in it being directly accessible to a higher proportion of dwellings within the Estate, and is more useable due to its regular shape, compared to the existing Structure Plan. The City’s Parks Services has advised that it supports the revised Structure Plan in favour of the existing Structure Plan for these reasons. The variation from the City's POS Policy requirement is therefore supported.

Road Layout
The City’s Engineering Services has reviewed the proposed Structure Plan and have raised no objections to the road layout. It was noted that roads abutting POS sites have a proposed road width of 12.5m, as opposed to 13m preferred by the City’s Engineering Services. Given that the approved Structure Plan allowed for this reduced road width and the modified plan does not deviate from this width, this variation is considered acceptable.

Residential Density
The overall residential density of the Structure Plan is not proposed to change as part of the proposal, although 34 lots are proposed to change from an R30 to R25 coding, slightly reducing the number of smaller lots within the northern portion of the Structure Plan.

Given the overall density of development is not proposed to change, and the relevant area is not located within 400m of an activity centre or significant public transport route (as per Liveable Neighbourhoods), the proposed density of the development and lot mix is considered acceptable.

Consultation
Clause 4.2.7.1 of the City’s Town Planning Scheme No.2 states the following:-

“The Council may adopt a minor change to or departure from a Structure Plan if, in the opinion of the Council, the change or departure does not materially alter the intent of the Structure Plan.”

The changes are relatively minor and do not materially alter the overall intent of the Structure Plan, nor do they impact on any adjoining landowners. Community consultation advertising the proposed modification is therefore not considered necessary, and it is recommended that Council adopt the modification in accordance with clause 4.2.7.1 of the Scheme.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council ADOPT the modification to the Structure Plan for the ‘Baldivis North’ Estate over Lots 30 and 31 Kerosene Lane, Baldivis in accordance with clause 4.2.7.1 of Town Planning Scheme No.2.
8. **Committee Recommendation**

That Council *ADOPT* the modification to the Structure Plan for the 'Baldivis North' Estate over Lots 30 and 31 Kerosene Lane, Baldivis in accordance with clause 4.2.7.1 of Town Planning Scheme No.2.

Committee Voting - 4/0

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

Not applicable.

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

Not applicable.
1. **Purpose of Report**

To nominate a Councillor and City Officers to the Perth NRM South-West Reference Group.

2. **Background**

In the November 2010 Information Bulletin to the Planning Services Committee, the following report was provided:

The Perth Region NRM (formerly the Swan Catchment Council) is a community-led regional organisation responsible for coordinating and delivering natural resource management (NRM) through the use of State and Commonwealth funding. To assist with the strategic focus and implementation of natural resource management, the Perth Region NRM has developed a number of theme based reference group and geographical reference groups.
On the 6th September 2010 the Board of the Perth Region NRM identified that there was a lack of implementation of natural resource management within the South-West Reference Group and has proposed the formation of a new South West Reference Group to encompass the Cities of Rockingham, Cockburn, Melville, and Fremantle, Towns of Kwinana and East Fremantle. The City of Rockingham has been invited to nominate participants to join the Group.

Comments
There are a number of advantages in participating in the proposed South West Reference Group such as; improved opportunities to access funding from the Australian Government’s ‘Caring for our Country’ scheme, the sharing of experiences with other Council officer and the opportunity to share resources between councils.

The City nominated the following officers to the South West Reference Group:

Mr Paddy Strano - Coordinator, Sustainability & Environment (Nominee)
Mr Peter Ricci - Manager, Strategic Planning & Environment (Proxy)

The Perth Region NRM was subsequently advised of the City's nominations.

3. Details
By letters dated the 9th and 23rd March 2011, the Perth Region NRM advised that it is reconsidering the membership of the Group given the need to link into existing structures within the fast developing South West Corridor. In this regard, it was advised that following discussions with South West Group, Kwinana Industries Council and the Western Trade Coast it was decided that the Group needs to be strategic and have senior representation from Local Government and other stakeholders.

It is expected that the Group would become a key part of the South West Group structure.

Perth Region NRM has requested that the Council nominate its senior representative and a Councillor should it so wish.

4. Implications to Consider
a. Consultation with the Community
Nil

b. Consultation with Government Agencies
Nil

c. Strategic
This project addresses the Community's Vision for the future and specifically the following Aspirations contained in the Community Plan March 2011:-

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

d. Policy
Nil

e. Financial
The participation in the Group will not incur a financial contribution from the Council.

f. Legal and Statutory
Nil
5. **Comments**

Given the strategic direction that the South West Reference Group is seeking to take, and the nature of the other parties which will form part of the Group, it is necessary for the Council to reconsider its representation. The Group is likely to consider significant natural resource management initiatives which could have implications on the manner in which development in the City and its region is conducted.

It is therefore recommended that the Council nominate Mr Peter Ricci, Manager, Strategic Planning & Environment as the City's nominee with Mr Bob Jeans, Director, Planning & Development Services and Mr Paddy Strano Co-ordinator, Sustainability & Environment as proxies.

A Councillor representative should also be nominated.

Members appointed to the Group will be on a four year term, and although the meeting frequency has not been confirmed, it is expected to meet three or four times a year.

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council:-

1. **APPOINT** Councillor ____________ and the Manager, Strategic Planning & Environment as its representatives to the South West Reference Group of the Perth Region NRM.

2. **APPOINT** the Director, Planning & Development Services and Co-ordinator, Sustainability & Environment as Proxies to the Group.

8. **Committee Recommendation**

That Council:-

1. **APPOINT** Councillor Richard Smith and the Manager, Strategic Planning & Environment as its representatives to the South West Reference Group of the Perth Region NRM.

2. **APPOINT** the Director, Planning & Development Services and Co-ordinator, Sustainability & Environment as Proxies to the Group.

Committee Voting – 4/0

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

The Committee nominated Councillor Richard Smith as the Council's representative on the South West Reference Group.

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

Not applicable.
## Planning Services
### Strategic Planning & Environment Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-011/11 Position Paper - Climate Change Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>EVM/144</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Peter Ricci, Manager, Strategic Planning &amp; Environment</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18th April 2010</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>May 2008 (PD77/5/11)</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive Function</td>
</tr>
<tr>
<td>Site:</td>
<td></td>
</tr>
<tr>
<td>Lot Area:</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td></td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td>1. Table - Potential Impacts of Climate Change on Local Government</td>
</tr>
<tr>
<td></td>
<td>2. Memorandum of Understanding - Peron Naturaliste Partnership</td>
</tr>
<tr>
<td></td>
<td>3. Business Plan - Peron Naturaliste Partnership</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
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This Item was moved to the Planning Services Bulletin.
**Planning Services**  
Strategic Planning & Environment

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-012/11 Aqua Jetty Solar Water Heating Project</th>
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<tbody>
<tr>
<td>File No:</td>
<td>EVM/82</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Fiona Pond, Environmental Planning Officer</td>
</tr>
</tbody>
</table>
| Other Contributors:     | Mr Paddy Strano, Co-ordinator Sustainability & Environment  
|                         | Mr Peter Ricci, Manager, Strategic Planning & Environment |
| Date of Committee Meeting: | 18th April 2011                              |
| Previously before Council: | April 2003 (PD66/4/03), February 2008 (PD7/2/08), July (CES121/7/10) |
| Disclosure of interest: |                                                  |
| Nature of Council's role in this matter: | Executive Function |

**1. Purpose of Report**

To seek the Council's endorsement to utilise funds from the Renewable Energy Reserve to install a solar heated water system at the Aqua Jetty aquatic facility.

**2. Background**

In October 1998, the Council joined the Cities for Climate Protection Program which was designed to reduce the City's greenhouse gas emissions through the Corporate Local Action Plan (CLAP) that incorporated energy saving initiatives.

The City has made progress towards the implementation of the CLAP through activities including:
- A series of energy audits on Council buildings to identify cost effective ways of reducing energy usage and the implementation of those audit recommendations;
- The introduction of 100% recycled paper in the Administration Building and other Council facilities;
- Successful and continued implementation of the ‘Switch Off Campaign’ in 2009/2010 - a motivational program to encourage Council administration staff to switch off standby power;
- The purchase of Earth Friendly Power for the Council Administration Building and all three libraries;
- The installation of efficient lighting devices in Council buildings; and
- Ongoing energy audits in selected Council facilities.

In addition to energy saving activities, the ‘Renewable Energy Projects Account’ was created with the intent to fund projects that create greenhouse gas free sources of energy for Council facilities, along with promoting renewable energy to the community and providing financial savings to the Council through reduced expenditure on gas or electricity.

In April 2003, the Council endorsed the funding of an annual Murdoch University Internship Program which involves the City hosting an undergraduate from Murdoch's Renewable Engineering faculty to focus on the preparation of feasibility studies for renewable energy projects. Since its inception in 2003, the Internship Program has resulted in a number of feasibility studies providing the City with options for the development of renewable energy projects.

The City has acted on a number of the recommendations of the studies including:
- The purchasing of 'Green Power' (power sourced form renewable energy) and 'Earth Friendly Power' from Synergy for a number Council Buildings;
- The installation of a solar air heater (use of solar panels to warm air which is then conveyed into a room) in the Safety Bay Library;
- The procurement and installation of a wind turbine for the Lark Hill Sporting Complex; and
- The installation of photovoltaic cells at the Warnbro Community Centre.

The implementation of these renewable energy projects has provided the City with greenhouse gas emission reductions and cost savings.

In April 2005, the Council resolved to establish the Renewable Energy Reserve which was intended to accrue funds on an annual basis such that matching funds can be provided for funding opportunities or a cumulative pool of funds could be accessed that may not have otherwise been possible with Council's yearly budget contributions.

The installation of a solar heated water system for the pools at Aqua Jetty has been recommended through the Internship Program as a renewable energy project that warrants consideration.

Further investigation into the project was endorsed by the Council in February 2008, and resulted in the City commissioning GHD to compile a report into appropriate solar heated water systems. The Report, City of Rockingham Report for Aqua Jetty, Energy and Water Savings-Solar Water Heating and Rainwater Tanks, November 2009, was accepted by the Council (via the Corporate & Engineering Services Committee) in July 2010.

The Council also resolved to investigate possible external funding sources for the installation of a solar heated water system and a feasibility study for the use of a rainwater tank at Aqua Jetty.

### 3. Details

#### Solar Heated Water System - Aqua Jetty

The use of a solar heated water system at the Aqua Jetty was first proposed through Internship Program via an assessment of the potential use of geothermal energy. The Aqua Jetty was chosen as a facility for the investigation of renewable energy as it was clearly the highest energy consumer compared to all other Council facilities.

The Table below depicts the energy use and energy cost estimates of the major Council facilities for the 2007/2008 financial year. Although more current figures are not readily available, it is apparent that the trends over subsequent years would be very similar.
The geothermal assessment found that it was cost prohibitive and had possible negative impacts on groundwater; instead it was proposed that a solar heated water system be used. This was further investigated in the abovementioned GHD Report which cited the following benefits of using this energy source:

- Financial savings: solar heated water systems ensure that ongoing costs are greatly reduced so that the project will ultimately pay for itself;
- Sustainability: the use of solar heated water systems guarantees a reduction in greenhouse gas emissions;
- Public relations: the use of solar heated water systems can be promoted to the community to increase the City's 'green' credentials; and
- Energy Security: The use of solar heated water systems ensures an ongoing energy source that is not subject to external variables (i.e. a gas shortage).

The GHD Report reviewed two different solar heated water systems which may be suitable for the Aqua Jetty with the preferred system offering the following:

<table>
<thead>
<tr>
<th>Project</th>
<th>Capital cost $</th>
<th>Energy Savings (GJ/year)</th>
<th>Financial savings ($/yr)</th>
<th>Payback Period in years</th>
<th>GHG savings (TCO2-e/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solar Heating of Aqua Jetty Pools</td>
<td>287,585</td>
<td>13,901</td>
<td>163,171</td>
<td>1.76</td>
<td>869</td>
</tr>
</tbody>
</table>

4. Implications to Consider

a. Consultation with the Community
Public information will be undertaken by the City after the implementation of the project.

b. Consultation with Government agencies
Not required.

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

- Aspiration 12: 'Carbon footprint reduction and waste minimisation programs centred around public awareness and the use of new technologies'.
d. **Policy**

Nil

e. **Financial**

If supported by the Council, the project will be funded from Renewable Energy Reserve. The Reserve currently contains $309,611, of which $85,000 is required to fund the Lark Hill Wind Turbine. After taking into account the $40,000 which will be transferred from the Renewable Energy Project Account at the end of 2010/11, and the interest that the Reserve Account will attract, it is likely that the Reserve will contain approximately $280,000 next Financial Year.

f. **Legal and Statutory**

Nil

5. **Comments**

The most efficient use of the Renewable Energy Reserve fund is considered to be the installation of a solar heated water system at the Aqua Jetty. The main factors in favour of this project are its short payback period and its ongoing financial savings. In this regard, the payback period has been estimated as less than two years with ongoing cost savings of approximately $160,000 per year (in 2009 dollars).

The solar heated water system is also expected to reduce greenhouse gas emissions by over 800 tonnes per annum.

Installation of a solar heated water system has a significant initial outlay and no specific budget has been allocated for its implementation within the Strategic Planning & Environment Team Plan.

The Renewable Energy Reserve would be a suitable source of funding, as the Aqua Jetty solar heated water system project matches the criteria for initiatives that can be funded under the account. Should the Council resolve to access funds from the Renewable Energy Reserve for this purpose, Engineering Services would release a Tender for the design, supply, manufacture and installation of the system. The Tender information would include the pre-Tender estimate given in the GHD Report and the specifications of the preferred system.

The Tender will also be structured such the progress between design and construction can be managed such that the Council’s financial capacity to fund the project can be confirmed when specific cost estimates are known.

In light of the above, it is recommended that Council endorse the use of funds from the Renewable Energy Reserve to progress the installation of a solar heated water system at the Aqua Jetty.

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council **ENDORSE** the design and construction of a solar heated water system at the Aqua Jetty being funded from the Renewable Energy Reserve.

8. **Committee Recommendation**

That Council:-

1. **APPROVE** of the concept of a solar heated water system at the Aqua Jetty, due to its short payback period, ongoing financial savings and expected reduced greenhouse gas emissions of over 800 tonnes per year.

2. Further **CONSIDER** the implementation of the project once detailed costings are available.

   Committee Voting – 4/0

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CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 16 MAY 2011

PRESIDING MEMBER
<table>
<thead>
<tr>
<th><strong>9. The Committee’s Reason for Varying the Officer’s Recommendation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The Committee changed the Officer Recommendation to enable further consideration of the funding implications, prior to committing to the project.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>10. Implications of the Changes to the Officer’s Recommendation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Not applicable.</td>
</tr>
</tbody>
</table>
# Purpose of Report

To seek the Council’s endorsement of the City’s submission to the Environmental Protection Authority (EPA) on the Level of (Environmental) Assessment for the proposed East Rockingham Waste Water Treatment Plant (ERWWTP).

## Background

As the Council is aware, the Water Corporation is proposing to construct a new Wastewater Treatment Plant to meet the increasing wastewater demands in Perth's south-western region. The Plant will be developed in stages up to an operational capacity of a 160 ML/d beyond 2070.

This Plant is proposed to be located at Lot 501 (the ERWWTP site) and Lot 502 (the outlet corridor), Patterson Road, East Rockingham (refer to Attachment 1 and 2).
The ERWWTP is proposed to be located in the Rockingham Industrial Zone (RIZ), which is currently undergoing a Strategic Environmental Assessment (SEA) with LandCorp acting as the proponent. The SEA will identify the environmental features of the RIZ that require statutory protection primarily through a ‘Parks and Recreation' Reservation. The EPA Report on the SEA has recently been released.

The proposed location of the ERWWTP required Commonwealth approval due to its potential impacts on a Floristic Community Type known as 'Woodlands over sedgelands in Holocene Dune Swales', which is listed as a Threatened Ecological Community (TEC) and the Carnaby's Black Cockatoos, both of which are protected under the Environmental Protection and Biodiversity Conservation Act. On the 20th November 2009, the Commonwealth decided that the proposal was ‘not a controlled action if undertaken in a particular manner', which effectively approved the site of the ERWWTP subject to various management conditions.

Following Commonwealth approval, an amendment to the Metropolitan Region Scheme (MRS) was needed to establish the required ‘Public Purposes' Reservation to facilitate the construction of the Plant and its associated pipeline corridor. This MRS Amendment was advertised in August 2010 and referred to the EPA for advice on whether environmental assessment would be required.

The EPA advised that the proposed Amendment does not require formal assessment under Part IV of the Environmental Protection Act 1986 and did not provide any advice or recommendations. The City responded to the lack of a formal assessment on the 12th October 2010, as reported in the Information Bulletin to the November 2010 Planning Services Committee, and stated the City's desire to be involved in the process in the event the proposal itself is not formally assessed.

3. Details

In early 2011, the Water Corporation referred the proposal to the EPA to enable the level of assessment to be set. The submission included a range of accompanying reports which sought to demonstrate that the plant could be acceptably constructed, operated and managed. An Odour Management Plan was included with the referral which was based around the techniques applied to the recently commissioned Alkimos Wastewater Treatment Plant.

On the 23rd March 2011, the proposal was advertised on the EPA website for a 7 day public comment period. The purpose of this process is to advise the public that the proposal has been received and to seek comment (essentially on the level of assessment). It is EPA practice to only accept electronic submissions during this period that conform to a set template and have a maximum of 1600 'characters'.

Under the recently adopted Environmental Impact Assessment Administrative Procedures 2010, there are two levels of assessment available to the EPA, as follows:

(i) Assessment on Proponent Information (API); or
(ii) Public Environmental Review (PER).

The difference between the two options is that API does not have a public review period because the EPA believe it is not necessary as the proponent has appropriately and effectively consulted with the stakeholders during the preparation of the proposal, or that further consultation through a public review process is unlikely to identify additional stakeholders or raise additional significant environmental issues. Those proposals that are deemed by the EPA as requiring a PER level of assessment would meet any one of the following criteria outlined below:

(i) the proposal is of regional and/or State-wide significance;
(ii) the proposal has several significant environmental issues or factors, some of which are considered to be complex or of a strategic nature;
(iii) substantial and detailed assessment of the proposal is required to determine whether, and if so, how the environmental issues could be managed; or
(iv) the level of interest in the proposal warrants a public review period.

Ultimately the decision lies with the EPA, and once the decision is made, there is no avenue to appeal.
4. Implications to Consider

a. Consultation with the Community
   In accordance with the Environmental Impact Assessment Administrative Procedures 2010, the EPA undertook a 7 day public comment period.

b. Consultation with Government Agencies
   Nil

c. Strategic
   This project addresses the Community's Vision for the future and specifically the following Aspiration contained in the Community Plan March 2011: -
   - Aspiration 11: 'Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle'.

d. Policy
   Nil

e. Financial
   Nil

f. Legal and Statutory
   The Environmental Impact Assessment process is governed by Part IV of the Environmental Protection Act 1986.

5. Comments

The environmental impact of the proposal has been predominantly addressed through the Water Corporation’s referral of the proposal to the Commonwealth Government. The local impacts that were not considered, as part of the Commonwealth process were potential impacts on the community, such as noise, dust and odour.

Historically, the main issue with wastewater treatment plants has been odour. The treatment of wastewater discharged to the sewers will, inevitably, result in the generation of odours. While plant management can reduce odour impacts through pollution control technology and appropriate separation of the plant from residential areas (buffer zone), there will always be a base level of odour and occasional spikes beyond that base level as a result of plant upsets, critical infrastructure failure and unusual discharges to the sewers.

To fully understand the potential odour impacts on the community, the City commissioned Strategen Environmental Services to review the Odour Management Plan for the ERWWTP to assess its accuracy and highlight any deficiencies. Strategen concluded that there were deficiencies in the odour modelling, in particular, the lack of a design and expected operational performance, which make it impossible to assess its odour impacts on the community. In this regard, the Odour Management Plan does not specify a design for the Plant and relies upon design interventions to address potential odour problems.

A copy of the Strategen Report is attached.

The Water Corporation has advised that the Plant could be a ‘Public Private Partnership’, which allows a third party to construct and manage the Plant under an agreement with the Water Corporation. This arrangement, although providing flexibility in the delivery and operation of the Plant, means that the actual design parameters remain undetermined.

There is also questions with the actual community involvement with the Water Corporation’s community consultation processes it undertook prior to the submission to the EPA. The consultation was extensive but it is understood that parts of the community saw the process as compromised, as the Water Corporation was both the facilitator and the proponent, and did not participate as a result.
The closing date for submissions did not allow the matter to be tabled before Council for considerations, and as such, the City provided the following submission, bearing in mind the content limitations imposed by the EPA:-

The EPA should set a Public Environmental Review level of assessment for the proposal to enable the community to participate in the process and allow the detailed design parameters to be established and assessed.

Public Concerns

The level of interest and documented scepticism in the community requires that a public environmental process is undertaken.

The actual proponent for the construction and management of the Plant may not be the Water Corporation, bringing into question any assurances the Water Corporation may have communicated to the community.

A full and transparent assessment process is needed to ensure sufficient plant design and management & to not impact on those in proximity.

Odour Impacts

The City’s primary concern is odour emission impacts on its residents. The City commissioned Strategen Environmental Consultants to assess the submitted Odour Management Plan (available on request). Modelling by Water Corporation indicates exposure to odours exceeding the EPA’s ‘green light’ level of 4 odour units.

Further Questions

Are modelled emission rates realistic/best practise?;
- Is the 60 minute average/5 odour unit criterion appropriate?
- Will final design/construction meet Odour Management Plan requirements?;
- Are odour emissions dependent on flawless Plant operation?;
- How often is odour likely to be exacerbated by condition changes?

Please note: while not endorsed this submission will be considered at the Council meeting on 27th April 2011. The City reserves the right to amend the submission in the event the Council resolves such.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council ENDORSE the City’s comments to the Environmental Protection Authority on the proposed Level of (Environmental) Assessment under the Environmental Protection Act 1986 for the East Rockingham Wastewater Treatment Plant which requests that a Public Environmental Review be conducted.

8. Committee Recommendation

That Council ENDORSE the City’s comments to the Environmental Protection Authority on the proposed Level of (Environmental) Assessment under the Environmental Protection Act 1986 for the East Rockingham Wastewater Treatment Plant which requests that a Public Environmental Review be conducted.

Committee Voting - 4/0

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

Not applicable.
10. **Implications of the Changes to the Officer’s Recommendation**

Not applicable.
### Reference No & Subject:

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<thead>
<tr>
<th>File No:</th>
<th>LUP/1265</th>
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<tbody>
<tr>
<td>Proponent/s:</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Tristan Fernandes, Senior Planning Officer</td>
</tr>
</tbody>
</table>
| Other Contributors: | Mr David Waller, Co-ordinator, Statutory Planning  
|                 | Mr Mike Ross, Manager, Statutory Planning |
| Date of Committee Meeting: | 18th April 2011 |
| Previously before Council: |
| Disclosure of Interest: |
| Nature of Council’s Role in this Matter: | Legislative |
| Site:          | Whole of the City of Rockingham |
| Lot Area:      |
| LA Zoning:     |
| MRS Zoning:    |
| Attachments:   | Model Detailed Area Plan |
| Maps/Diagrams: |

### 1. Purpose of Report

To seek the Council's adoption of proposed Planning Procedure 1.9 - Detailed Area Plans ('DAPs').

### 2. Background

The Western Australian Planning Commission's operational Policy Liveable Neighbourhoods promotes the preparation of Detailed Area Plans (DAPs) for:-

- Lots with an area of less than 350m²;
- Lots where it is important to control vehicle access and egress;
- Lots abutting public open space;
- Narrow lots that require special conditions to be set;
- Lots and streets in the centre of neighbourhoods that have been identified to accommodate a future change of use;
- Neighbourhood and Town Centres;
- Steeply sloping land where high retaining walls to streets or boundaries are proposed; and
- Addressing noise-buffering requirements.

DAPs usually apply to 'cottage lots' accessed from a rear laneway and are designated on a Structure Plan for medium density housing.

3. **Details**

Town Planning Scheme No.2 ('TPS.2') sets out requirements for DAPs to be prepared and implemented for the purposes guiding the Council's consideration of Planning Applications and Building Licences. The requirement for the preparation and approval of a DAP by the WAPC is imposed as a condition of subdivision approval.

The purpose of this Planning Procedure is to provide guidelines and procedures for the preparation and approval of DAPs.

A copy of the draft Planning Procedure is attached to this report.

4. **Implications to Consider**

a. **Consultation with the Community**
   
   Not required.

b. **Consultation with Government Agencies**
   
   Consultation with Government agencies is not required.

c. **Strategic**

   This procedure addresses the Community's Vision for the future and specifically the following Aspirations contained in the Community Plan March 2011:

   - Aspiration 6: Civic buildings, public places and transport infrastructure of contemporary design, constructed and maintained using best practice principles.

d. **Policy**

   Nil

e. **Financial**

   Nil

f. **Legal and Statutory**

   Nil

5. **Comments**

The City has prepared Planning Procedure 1.9 – Detailed Area Plans in response to the increasing number of DAPs lodged by subdividers that are required to comply with conditions of subdivision approval granted by the WAPC. In some instances, subdividers prepare DAPs often with little regard to Council approved DAPs.

There is a need to provide more direction and guidance to subdividers and their consultants on the Council's expectations for content and format, together with the criteria for the assessment of DAPs. Planning Procedure 1.9 includes a standard DAP format within Appendix 1 for subdividers to follow.

As Planning Procedure 1.9 is an administrative function for the City, community consultation is not considered necessary. It is recommended that Council adopt Planning Procedure 1.9 – Detailed Area Plans and notify consultants and developers operating within the district accordingly.
6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council **ADOPT** Planning Procedure 1.9 - Detailed Area Plans as follows:

---

**PLANNING PROCEDURE 1.9**

**DETAILED AREA PLANS**

1. **Introduction**

The Western Australian Planning Commission’s Operational Policy Liveable Neighbourhoods promotes the preparation of Detailed Area Plans for:

- Lots with an area of less than 350m²;
- Lots where it is important to control vehicle access and egress;
- Lots abutting public open space;
- Narrow lots that require special conditions to be set;
- Lots and streets in the centre of neighbourhoods that have been identified to accommodate a future change of use;
- Neighbourhood and Town Centres;
- Steeply sloping land where high retaining walls to streets or boundaries are proposed; and
- Addressing noise-buffering requirements.

DAPs relate to a particular lot or lots and may be prepared and submitted to enhance, elaborate or expand on the details or provisions contained in a Proposed Structure Plan or Structure Plan; or in place of a residential approval required to comply with provision 2.3 of the Residential Design Codes; or for any other planning purpose.

Approved DAPs are available on the City’s website. Go to www.rockingham.wa.gov.au for more information.

2. **Statement of Intent**

The purpose of this Planning Procedure is to provide the guidelines and procedures under which DAPs shall be prepared.

3. **Planning Procedure**

3.1 **Requirement to Prepare a Detailed Area Plan**

Clause 4.23.1(a) of Town Planning Scheme No.2 states that the Council may, by notice in writing, require a person to prepare and submit to the Council a Detailed Area Plan within the time specified in the notice, or a person may prepare and submit to the Council a Detailed Area Plan.

The notice is informed at Structure Planning stage and imposed as a condition of subdivision approval.

The City will recommend the requirement for a Detailed Area Plan as a condition of subdivision for lots associated with the criteria outlined within the introduction.

3.2 **Detail to be Included on a Detailed Area Plan**

Clause 4.23.3 of Town Planning Scheme No.2 outlines the following information that may be included in a Detailed Area Plan:

(a) Building Envelopes;
(b) Distribution of land uses within a lot (courtyard locations);
(c) Private Open Spaces;
(d) Services;
(e) Vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;

(f) The location, orientation and design of buildings and the space between buildings;

(g) Advertising signs;

(h) Landscaping, finished site levels and drainage;

(i) Protection of sites of heritage, conservation or environmental significance;

(j) Special development controls and guidelines; and

(k) Such other information considered relevant by the Council.

3.3 Activity Centre Detailed Area Plan Requirements

State Planning Policy 4.2 - Activity Centres for Perth and Peel outlines the requirement for Detailed Area Plan's to guide the built form of Neighbourhood Activity Centres. Detailed Area Plan's prepared for these Centres shall address the Model Centre Framework criteria outlined in Appendix 2 of State Planning Policy 4.2 - Activity Centres for Perth and Peel.

3.4 Application for a Detailed Area Plan

A proposed Detailed Area Plan shall include two (2) plans and is also to be provided and a copy in an electronic format (pdf document). Where there are subdivisional retaining walls, details of retaining and site levels shall also be provided.

An Administration Fee, as detailed in the Council's Planning Information Bulletin No.2.2 - Scale of Fees for Planning Services, is also required.

A Detailed Area Plan shall be prepared in form and content that is consistent with Appendix No.1 - Standard Detail Area Plan provisions, unless in the opinion of the Manager, Statutory Planning that special circumstances apply such as lot size constraints, site constraints, energy efficiency and the alike.

3.5 Procedures for the Assessment of a Detailed Area Plan

A Detailed Area Plan will be assessed by the Council in accordance with the following process: -
3.6 Modification or a Detailed Area Plan

An approved Detailed Area Plan may be modified or varied with the approval of the Council, but where there is a related Structure Plan, such modifications or variations are to conform with the intent of any related Structure Plan.

A modification or variation to a Detailed Area Plan is to follow the procedure set out in sections 3.3 and 3.4 of this Planning Procedure.

4. Interpretations

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

Commission means the Western Australian Planning Commission constituted under the Planning and Development Act 2005.

Council means the Council of the City of Rockingham.
Detailed Area Plan means design guidelines that are prepared by subdivision proponents for all lots below 350m² and for other lots where appropriate, and which address matters raised in the relevant requirements of Element 3 - Lot Layout of Liveable Neighbourhoods.

Residential Design Codes means State Planning Policy 3.1 Residential Design Codes (Variation 1), as amended from time to time.

Proposed Structure Plan means a Structure Plan, which may apply to either a local area or a district that has been prepared in accordance with clause 4.2.5.

Structure Plan means a Proposed Structure Plan that has been both approved by the Commission and adopted by the Council under clause 4.2.6.15.

State Planning Policy 4.2 - Activity Centres for Perth and Peel defines Activity Centres as follows: -

Activity Centre means community focal points for people, services, employment and leisure that are highly accessible. Key characteristics include their levels of diversity, accumulation of activities and access to public transport. Commercial, retail, higher-density living, entertainment, tourism, civic/community, higher education, and major or specialised medical services are just a few such activities.

5. Delegation

Pursuant to clause 8.10 of Town Planning Scheme No.2, the Council has delegated to the Manager, Statutory Planning the function specified below:-

The approval of a Detailed Area Plan with or without conditions under clause 4.23.1(c)(i) of Town Planning Scheme No.2.

6. Adoption

This Planning Procedure was adopted by the Council at its ordinary Meeting held on the 27th April 2011.

APPENDIX 1 - STANDARD DETAILED AREA PLAN PROVISIONS

General
- All dwellings and ancillary development must be located within the Building Envelope as depicted on the DAP.
- The requirements of the Residential Design Codes are varied as shown on the DAP.
- The requirements of the Residential Design Codes and Town Planning Scheme shall be satisfied in all other matters.
- The R30, R35 or R40 [Select appropriate R-Coding] density code applies to all lots contained within this DAP.
- Consultation with the adjoining or other land owners to achieve a variation to the Residential Design Codes, as provided for by the DAP is not required.
- An alternative garage location to the preferred location shown on the plan may be approved by the Manager, Building Services subject to the design meeting the solar design principles, streetscape objectives and other statutory requirements.

Streetscape
- Dwellings must be designed to include at least one habitable room window facing the primary street.
- Minor incursions (as described by the R-Codes) into the 2.0m minimum setback are not permitted.
- No nil setback walls permitted closer than 3.0m from the primary street unless approved by the Manager, Building Services and the Manager, Statutory Planning.
- Minimum front setback of 2.0m, maximum front setback of 4.0m. The Manager of Building Services and the Manager, Statutory Planning may approve variations to the maximum setback where the streetscape objectives and other statutory requirements are met.
- Uniform fencing on boundaries cannot be substantially modified with the exception of maintenance and repair, using materials that are identical with those used in the original construction.
- Rear garage setbacks shall be a minimum of 1.0m with no protrusion of eaves into the minimum setback.

Setbacks

- A 1.5m minimum solar setback applies as shown on the DAP. The City will only consider development within the solar setback where the principles and benefits of solar access to the dwelling are maintained.
- All north facing walls containing glazed window and door openings (excluding walls less than 900mm from a side boundary) shall incorporate eaves with a 450mm minimum overhang to provide passive shading to the openings during summer.
- The second storey of a dwelling must be setback a minimum of 1.5m from the side boundary unless the R-Codes specify a greater setback.
- Setback variations to corner lots may be approved at the discretion of the Manager, Building Services where the configuration of these lots limits compliance with setback requirements.

Setbacks to Public Open Space for R30, R35 & R40

- Patios and verandahs and the like are permitted within the Public Open Space setback with a 1m minimum setback.
- 3.0m minimum Public Open Space setback to the dwelling. Sheds and garages are not permitted with the Public Open Space setback area
- Dwellings must have at least one habitable room window facing the Public Open Space.

Setbacks for R30, R35 & R40 Lots

- 3.0m minimum setback for garages and carports, to the Primary Street setback.
- A 1.0m setback may apply to R30 and R35 lots to the secondary street setback.

Laneway Access Provisions

- It is mandatory for all lots with laneway access to locate carports and garages at the rear with access via the laneway.
- Rear setbacks shall be a minimum of 1.0m with no protrusion of eaves and gutters into the minimum setback.

Open Space

- A five percent (5%) variation to the minimum open space requirements (in addition to that described in the open space definition of the R-Codes) shall be permitted.

Incidental Development

- A minimum 4m² storeroom with a minimum width of 1.0m is to be incorporated in the design of the dwelling.
- Development of outbuildings fronting the Public Open Space shall be built to compliment the design and materials of the dwelling. Outbuilding that do not achieve this are to be suitably screened from view with vegetation and the like to the Public Open Space, to the satisfaction of the City.
- Swimming pools are permitted within the Public Open Space setback area.

APPENDIX 2 – DETAILED AREA PLAN INFORMATION CHECKLIST

Application requirements

- Covering letter
- Planning Services Fee in accordance with Council's Fees and Charges
- 3x copies of the Detailed Area Plan
DAP information checklist
- Building Envelopes;
- Distribution of land uses within a lot (courtyard locations);
- Private Open Spaces;
- Services;
- Vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
- The location, orientation and design of buildings and the space between buildings;
- Advertising signs (where applicable);
- Landscaping, finished site levels and drainage;
- Protection of sites of heritage, conservation or environmental significance;
- Special development controls and guidelines; and
- Other information ______________________________________________________
1. The provisions of the City of Rockingham Town Planning Scheme No.2 and State Planning Policy 3.1 - Residential Design Codes, as amended (R-Codes), are varied as detailed within this DAP.

2. All other requirements of the Town Planning Scheme and R-Codes shall be satisfied in all other matters.

3. Consultation with the adjoining or other land owners to achieve a variation to the Residential Design Codes, as provided for by the DAP is not required.

**R-Code**

The R20, R25, R30, R35 or R40 (Select the correct R-Coding) density code applies to all lots contained within this DAP.

**Streetscape** (Street Setback, fencing, garages, primary frontage)

- Design Elements (Building Envelopes, roof pitch, building height, unique design characteristics)
- Setbacks (to boundaries/POS)
- Open Space/Site Coverage
- Incidental Development (Pools, sheds, Stores)
- Managers Approval

**Legend**

- Mandatory carpark/pavement location
- Recommended/detached/attached
- No Vehicle access
- Primary陈述物 of dwelling
- Building envelope
- Bonded/Unbonded Setback
- Retaining wall
- Finished ground levels
- Light Pole
- Traffic Calming Devices

Location

Legend

Scale

North Point

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 16 MAY 2011
8. **Committee Recommendation**

That Council *ADOPT* Planning Procedure 1.9 - Detailed Area Plans as follows:

**PLANNING PROCEDURE 1.9**

**DETAILED AREA PLANS**

1. **Introduction**

The Western Australian Planning Commission's Operational Policy Liveable Neighbourhoods promotes the preparation of Detailed Area Plans for:

- Lots with an area of less than 350m²;
- Lots where it is important to control vehicle access and egress;
- Lots abutting public open space;
- Narrow lots that require special conditions to be set;
- Lots and streets in the centre of neighbourhoods that have been identified to accommodate a future change of use;
- Neighbourhood and Town Centres;
- Steeply sloping land where high retaining walls to streets or boundaries are proposed; and
- Addressing noise-buffering requirements.

DAPs relate to a particular lot or lots and may be prepared and submitted to enhance, elaborate or expand on the details or provisions contained in a Proposed Structure Plan or Structure Plan; or in place of a residential approval required to comply with provision 2.3 of the Residential Design Codes; or for any other planning purpose.

Approved DAPs are available on the City’s website. Go to www.rockingham.wa.gov.au for more information.

2. **Statement of Intent**

The purpose of this Planning Procedure is to provide the guidelines and procedures under which DAPs shall be prepared.

3. **Planning Procedure**

3.1 **Requirement to Prepare a Detailed Area Plan**

Clause 4.23.1(a) of Town Planning Scheme No.2 states that the Council may, by notice in writing, require a person to prepare and submit to the Council a Detailed Area Plan within the time specified in the notice, or a person may prepare and submit to the Council a Detailed Area Plan.

The notice is informed at Structure Planning stage and imposed as a condition of subdivision approval.

The City will recommend the requirement for a Detailed Area Plan as a condition of subdivision for lots associated with the criteria outlined within the introduction.

3.2 **Detail to be Included on a Detailed Area Plan**

Clause 4.23.3 of Town Planning Scheme No.2 outlines the following information that may be included in a Detailed Area Plan:

(a) Building Envelopes;
(b) Distribution of land uses within a lot (courtyard locations);
(c) Private Open Spaces;
(d) Services;
(e) Vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
(f) The location, orientation and design of buildings and the space between buildings;
(g) Advertising signs;
(h) Landscaping, finished site levels and drainage;
(i) Protection of sites of heritage, conservation or environmental significance;
(j) Special development controls and guidelines; and
(k) Such other information considered relevant by the Council.

3.3 Activity Centre Detailed Area Plan Requirements

State Planning Policy 4.2 - Activity Centres for Perth and Peel outlines the requirement for Detailed Area Plan's to guide the built form of Neighbourhood Activity Centres. Detailed Area Plan's prepared for these Centres shall address the Model Centre Framework criteria outlined in Appendix 2 of State Planning Policy 4.2 - Activity Centres for Perth and Peel.

3.4 Application for a Detailed Area Plan

A proposed Detailed Area Plan shall include two (2) plans and is also to be provided and a copy in an electronic format (pdf document). Where there are subdivisional retaining walls, details of retaining and site levels shall also be provided.

An Administration Fee, as detailed in the Council's Planning Information Bulletin No.2.2 - Scale of Fees for Planning Services, is also required.

A Detailed Area Plan shall be prepared in form and content that is consistent with Appendix No.1 - Standard Detail Area Plan provisions, unless in the opinion of the Manager, Statutory Planning that special circumstances apply such as lot size constraints, site constraints, energy efficiency and the alike.

3.5 Procedures for the Assessment of a Detailed Area Plan

A Detailed Area Plan will be assessed by the Council in accordance with the following process:
3.6 Modification or a Detailed Area Plan

An approved Detailed Area Plan may be modified or varied with the approval of the Council, but where there is a related Structure Plan, such modifications or variations are to conform with the intent of any related Structure Plan.

A modification or variation to a Detailed Area Plan is to follow the procedure set out in sections 3.3 and 3.4 of this Planning Procedure.

4. Interpretations

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

*Commission* means the Western Australian Planning Commission constituted under the Planning and Development Act 2005.
Council means the Council of the City of Rockingham.

Detailed Area Plan means design guidelines that are prepared by subdivision proponents for all lots below 350m² and for other lots where appropriate, and which address matters raised in the relevant requirements of Element 3 - Lot Layout of Liveable Neighbourhoods.

Residential Design Codes means State Planning Policy 3.1 Residential Design Codes (Variation 1), as amended from time to time.

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5. Delegation

Pursuant to clause 8.10 of Town Planning Scheme No.2, the Council has delegated to the Manager, Statutory Planning the function specified below:-

The approval of a Detailed Area Plan with or without conditions under clause 4.23.1(c)(i) of Town Planning Scheme No.2.

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- The requirements of the Residential Design Codes and Town Planning Scheme shall be satisfied in all other matters.
- The R30, R35 or R40 [Select appropriate R-Coding] density code applies to all lots contained within this DAP.
- Consultation with the adjoining or other land owners to achieve a variation to the Residential Design Codes, as provided for by the DAP is not required.
- An alternative garage location to the preferred location shown on the plan may be approved by the Manager, Building Services subject to the design meeting the solar design principles, streetscape objectives and other statutory requirements.

Streetscape
- Dwellings must be designed to include at least one habitable room window facing the primary street.
- Minor incursions (as described by the R-Codes) into the 2.0m minimum setback are not permitted.
- No nil setback walls permitted closer than 3.0m from the primary street unless approved by the Manager, Building Services and the Manager, Statutory Planning.
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- Uniform fencing on boundaries cannot be substantially modified with the exception of maintenance and repair, using materials that are identical with those used in the original construction.

- Rear garage setbacks shall be a minimum of 1.0m with no protrusion of eaves into the minimum setback.

**Setbacks**

- A 1.5m minimum solar setback applies as shown on the DAP. The City will only consider development within the solar setback where the principles and benefits of solar access to the dwelling are maintained.

- All north facing walls containing glazed window and door openings (excluding walls less than 900mm from a side boundary) shall incorporate eaves with a 450mm minimum overhang to provide passive shading to the openings during summer.

- The second storey of a dwelling must be setback a minimum of 1.5m from the side boundary unless the R-Codes specify a greater setback.

- Setback variations to corner lots may be approved at the discretion of the Manager, Building Services where the configuration of these lots limits compliance with setback requirements.

**Setbacks to Public Open Space for R30, R35 & R40**

- Patios and verandahs and the like are permitted within the Public Open Space setback with a 1m minimum setback.

- 3.0m minimum Public Open Space setback to the dwelling. Sheds and garages are not permitted with the Public Open Space setback area.

- Dwellings must have at least one habitable room window facing the Public Open Space.

**Setbacks for R30, R35 & R40 Lots**

- 3.0m minimum setback for garages and carports, to the Primary Street setback.

- A 1.0m setback may apply to R30 and R35 lots to the secondary street setback.

**Laneway Access Provisions**

- It is mandatory for all lots with laneway access to locate carports and garages at the rear with access via the laneway.

- Rear setbacks shall be a minimum of 1.0m with no protrusion of eaves and gutters into the minimum setback.

**Open Space**

- A five percent (5%) variation to the minimum open space requirements (in addition to that described in the open space definition of the R-Codes) shall be permitted.

**Incidental Development**

- A minimum 4m² storeroom with a minimum width of 1.0m is to be incorporated in the design of the dwelling.

- Development of outbuildings fronting the Public Open Space shall be built to compliment the design and materials of the dwelling. Outbuilding that do not achieve this are to be suitably screened from view with vegetation and the like to the Public Open Space, to the satisfaction of the City.

- Swimming pools are permitted within the Public Open Space setback area.

**APPENDIX 2 – DETAILLED AREA PLAN INFORMATION CHECKLIST**

**Application requirements**

- Covering letter
- Planning Services Fee in accordance with Council's Fees and Charges
- 3x copies of the Detailed Area Plan

**DAP information checklist**
- Building Envelopes;
- Distribution of land uses within a lot (courtyard locations);
- Private Open Spaces;
- Services;
- Vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
- The location, orientation and design of buildings and the space between buildings;
- Advertising signs (where applicable);
- Landscaping, finished site levels and drainage;
- Protection of sites of heritage, conservation or environmental significance;
- Special development controls and guidelines; and
- Other information

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1. The provisions of the City of Rockingham Town Planning Scheme No.2 and State Planning Policy 3.1 - Residential Design Codes, as amended (R-Codes), are varied as detailed within this DAP.

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R-Code
The R20, R25, R30, R35 or R40 (Select the correct R-Coding) density code applies to all lots contained within this DAP.

Streetscape (Street Setback, fencing, garages, primary frontage)

Design Elements (Building Envelopes, roof pitch, building height, unique design characteristics)

Legend

Scale

Location
<table>
<thead>
<tr>
<th></th>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
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<th>Implications of the Changes to the Officer’s Recommendation</th>
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## Planning Services
### Statutory Planning Services

<table>
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<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th><strong>SP-017/11 Water Corporation Easement</strong></th>
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<tr>
<td><strong>File No:</strong></td>
<td>LUP/1426</td>
</tr>
<tr>
<td><strong>Proponent/s:</strong></td>
<td>Water Corporation</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr Mike Ross, Manager, Statutory Planning</td>
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<td><strong>Other Contributors:</strong></td>
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<td><strong>Date of Committee Meeting:</strong></td>
<td>18th April 2011</td>
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<td><strong>Previously before Council:</strong></td>
<td>February 2004 (PD6/2/04), May 2009 (PD62/5/09)</td>
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<td><strong>Disclosure of Interest:</strong></td>
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<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td>Legislative</td>
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</tbody>
</table>

**Site:** Reserve 18452 Lots 21 & 22 Mandurah Road, Cooloongup

**Lot Area:** 36.5ha & 24.8ha

**LA Zoning:** Regional Reserve – Parks and Recreation

**MRS Zoning:** Regional Reserve – Parks and Recreation

**Attachments:**
1. Water Corporation Mandurah Infrastructure Corridor Plan
2. City of Rockingham Revised Service Corridor Plan

**Maps/Diagrams:**
- Reserve 18452 Lot 22 Mandurah
- Reserve 18452 Lot 21 Mandurah
- Lake Cooloongup

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**Location Map**
1. **Purpose of Report**

To consider a Water Corporation request to grant a service corridor easement (2.59ha) within Reserve 18452 managed by the City of Rockingham, for the laying of future infrastructure to service the proposed East Rockingham Waste Water Treatment Plant.

2. **Background**

Reserve 18452 is within the Rockingham Lakes Regional Park which consists of areas of land that have been identified as having outstanding conservation, landscape and recreation values. The Park is a network of environmentally significant lands containing coastal, wetland and upland ecosystems. The Park occupies a significant proportion of the City of Rockingham and is not only important for conservation but also for the recreational opportunities it provides. The woodlands and wetlands around Lake Cooloongup are important remnants of ecosystems that were once widespread on the Swan Coastal Plain.

In February 2004, the Council endorsed the draft Rockingham Lakes Regional Park Management Plan prepared by the Department of Conservation and Land Management, which recommended the change of vesting of the large Reserves within Lakes Cooloongup and Walyungup from the City of Rockingham to the Conservation Commission. In May 2009, the Council resolved to endorse the draft Rockingham Lakes Regional Park Final Management Plan 2009.

3. **Details**

The Water Corporation has sought written consent from the City of Rockingham to an Easement being granted through Reserve 18452 (Lots 21 and 22 Mandurah Road, Cooloongup) for the development of a 30 metre service corridor for the laying of infrastructure to service the future East Rockingham Waste Water Treatment Plant.

The Corporation understand the requirements as to gaining the appropriate approvals for works associated within the corridor and has confirmed that it has commenced actions in this regard.

4. **Implications to Consider**

   a. **Consultation with the Community**

      Not required.

   b. **Consultation with Government Agencies**

      The Department of Environment and Conservation was advised of the proposed Water Corporation service corridor. It was confirmed with the Department that while the Rockingham Lakes Regional Park Management Plan proposes changes to the management responsibilities for Lake Cooloongup, the current responsibility rests with the City of Rockingham. The Department confirmed that the Water Corporation proposal will require EPA approval and there is likely to be significant environmental impacts on the Park.

   c. **Strategic**

      This matter addresses the Community’s Vision for the future and specifically the following Aspirations contained in the Community Plan March 2011:

      - Aspiration 10: Coastal and bushland reserves that are well utilised and managed in a way that will preserve them for future generations to enjoy.
      - Aspiration 11: Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provided for a genuinely desirable lifestyle.

   d. **Policy**

      Nil
e. **Financial**
   
   Nil

f. **Legal and Statutory**

   The Rockingham Lakes Regional Park Management Plan provides the statutory framework for management of lands within the Park vested in the Conservation Commission of Western Australia and managed by the Department of Environment and Conservation. The Commission and the DEC seek to ensure that the management strategies undertaken by other agencies, that have land vestings within the Park, are consistent with the overall direction and principles of this plan.

5. **Comments**

   The Water Corporation recognise the need to gain the appropriate approvals for works associated with the service corridor, but an environmental assessment of the proposal has not been submitted as part of the proposal.

   Reserve 18452 is vested in the City of Rockingham as a Class ‘C’ Reserve and it has the management and control of the land affected by the proposed Water Corporation easement. The reserve is likely to be converted to class ‘A’ Reserve under the Land Administration Act 1997 and afforded an appropriate purpose.

   The City’s Engineering Services has advised the proposed alignment of Mundijong Road within the existing MRS Road Reservation (outside of Reserve 18452), is such that the section of the proposed Water Corporation service corridor will need to be relocated, as shown on the ‘Revised Service Corridor’ attachment.

   It is recommended that the Council advise the Water Corporation that it is prepared to consider granting an Easement for these works, should any requisite approvals under Part IV of the Environmental Protection Act 1986 be secured. The Corporation should also be advised that the lands that comprise Rockingham Lakes Regional Park are subject to a native title claim, which directly covers the Park area.

6. **Voting Requirements**

   Simple Majority

7. **Officer Recommendation**

   That Council:-

   1. *ADVISE* the Water Corporation that it acknowledges the need for a 30 metre wide service corridor to service the future East Rockingham Waste Water Treatment Plant and that it would be prepared to consider granting an Easement for these works, should any requisite approvals under Part IV of the Environmental Protection Act 1986 be secured. The additional land requirements are likely to have significant environmental impacts on the Rockingham Lakes Regional Park where any environmental assessment of the proposed service corridor must have regard to the Rockingham Lakes Regional Park Management Plan.

   2. *REQUEST* the Water Corporation realign the 30 metre wide service corridor, so that it does not conflict with the alignment of the future Mundijong Road extension within the Other Regional Road Reservation in the Metropolitan Region Scheme.
8. Committee Recommendation

That Council:-

3. **ADVISE** the Water Corporation that it acknowledges the need for a 30 metre wide service corridor to service the future East Rockingham Waste Water Treatment Plant and that it would be prepared to consider granting an Easement for these works, should any requisite approvals under Part IV of the Environmental Protection Act 1986 be secured. The additional land requirements are likely to have significant environmental impacts on the Rockingham Lakes Regional Park where any environmental assessment of the proposed service corridor must have regard to the Rockingham Lakes Regional Park Management Plan.

4. **REQUEST** the Water Corporation realign the 30 metre wide service corridor, so that it does not conflict with the alignment of the future Mundijong Road extension within the Other Regional Road Reservation in the Metropolitan Region Scheme.

   Committee Voting - 4/0

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

   Not applicable.

10. Implications of the Changes to the Officer’s Recommendation

    Not applicable.
# Planning Services

## Statutory Planning

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<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-018/11 Proposed Envelope Variation to Building</th>
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<tr>
<td>File No:</td>
<td>28/4989</td>
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<tr>
<td>Proponent/s:</td>
<td>Ms Pauline Lloyd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Regan Travers, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Co-ordinator, Statutory Planning</td>
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<td></td>
<td>Mr Mike Ross, Manager, Statutory Planning</td>
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<td>14th April 2011</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<td>Site:</td>
<td>Lot 53 (No.9) Treetop Way, Baldivis</td>
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<tr>
<td>Lot Area:</td>
<td>4228m²</td>
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<td>LA Zoning:</td>
<td>Special Residential</td>
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<td>MRS Zoning:</td>
<td>Rural</td>
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<tr>
<td>Attachments:</td>
<td>Building Envelope Plan, Elevation Plan</td>
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<tr>
<td>Maps/Diagrams:</td>
<td>Location Plan</td>
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</table>

![Location Plan - Lot 53 (No.9) Treetop Way, Baldivis](image)
1. **Purpose of Report**

To consider an application seeking Planning Approval to vary the location of the Building Envelope for Lot 53 (No.9) Treetop Way, Baldivis.

2. **Details**

The applicant seeks approval to modify the location of the existing Building Envelope to accommodate a new workshop. The Building Envelope is proposed to be extended towards the north and east property boundaries. The area of the Building Envelope is proposed to decrease in size by 27m², from 1012m² to 985m².

The area for the future workshop has already been developed, featuring a raised grassed area and a surrounding fence. This work has been conducted outside the existing building envelope.

The applicant has provided the following justification for the proposed Building Envelope variation:

- Three nearby landowners signed a submission of no objection;
- Future development will be integrated into the existing dwelling (materials, colours etc);
- Several colour photographs of the site;
- The existing garage is used for storage and prevents cars being securely parked;
- Plan to revegetate around the subject area; and
- No other viable location for an extension.

A full copy of the applicant’s submission is attached and should be read in conjunction with this report.

3. **Implications to Consider**

a. **Consultation**

In accordance with Planning Policy No.3.3.17, eight adjoining landowners were notified of the proposed Building Envelope variation and invited to comment. At the completion of the public comment period, one letter of objection had been received. The submissioner raised concerns regarding the proximity of the proposed building envelope to front boundary is too close; and would negatively affect aesthetics of the area.

b. **Consultation with Government Agencies**

Consultation with Government agencies is not required.

c. **Strategic**

This project addresses the Community’s Vision for the future and specifically the following Aspirations contained in the Community Plan March 2011:

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

d. **Policy**

Council Planning Policy 5.2 – Rural Land Strategy
Council Planning Policy 3.3.17 – Variations to Building Envelopes

e. **Financial**

Nil

f. **Legal and Statutory**

Nil
4. **Comments**

**Site Context**
The subject land is situated in an elevated location within the ‘Sherwood Estate’, on Special Residential zoned land with lot sizes of around 4,000m². The site is one of the most elevated lots within the estate and this affords commanding views over the area. The existing pole residence has been positioned on the natural high point of the land and due to steep contours most of the site is constrained for development.

**Council Policy**
Planning Policy 3.3.17 - Variations to Building Envelopes (‘Policy’) provides guidance for the consideration of applications to relocate building envelopes. The Policy requires building envelopes to be located based upon environmental conditions, landform and vegetation characteristics, the possible form of residential development and the impact of future development on the visual amenity of the locality. In dealing with applications to vary the location and size of an approved Building Envelope, the Council must also be satisfied that the proposed site will accommodate development that is consistent with the ‘Special Residential’ zone in TPS2.

The issues relevant to the consideration of this application are addressed as follows:-

**Size**
The proposed Building Envelope is proposed to decrease from 1012m² to 985m² and therefore complies with the Policy.

**Shape**
All Building Envelopes are required to be of a regular shape and comprise a single contiguous area. The proposed building envelope shape is less regular in shape than the approved building envelope but this is not a significant issue.

**Location**
The proposed building envelope has a nil corner setback to Treetop Way and a 1.0 metre setback from the eastern side boundary in lieu of a minimum 10.0 metre setback from the approved Building Envelope. The Rural Land Strategy includes the subject land within Planning Unit No.4, where buildings are to be setback a minimum of 30 metres from subdivisional roads and 10 metres from all other boundaries, with no clearing in the setback area except for fire management or for vehicle access as approved by the Council. The Strategy setbacks differ from the location of the approved building envelope perhaps because of the topography of the site.

The 2009 and 2010 aerial photographs show the land was prepared for the proposed workshop through construction of retaining walls, possible earthworks and fencing partially outside of the approved building envelope.

**Vegetation**
No vegetation is proposed to be cleared within the proposed building envelope.

**Bush Fire**
The proposed building envelope modification is not consistent with the Fire Management Plan for Sherwood Estate, which was approved at the time of subdivision. A 5 metre separation is required to property boundaries, including a 3 metre wide clear zone around all buildings. A 2.5 metres setback to the proposed workshop is a significant variation to the approved Fire Management Plan and is not supported by the City’s Fire Emergency Services.

**Rural Land Strategy**
The Strategy requires that development is of a scale that minimises intrusion into the landscape. Likewise, Council Policy requires the assessment of the proposed based upon the likely impact on the visual qualities of the area, amenity of adjoining properties and the environment.
The City has assessed the proposal based upon the intended development of a workshop, based on plans of the proposal submitted by the applicant. The applicant contends the workshop will not be much higher than the existing fence, however, the proposed building setbacks are extremely close to the front boundary to Treetop Way that the workshop will be in a visually obtrusive location relative to Treetop Way and when viewed from adjacent properties on Lot 48 and Lot 54 Treetop Way. There is no natural visual screening between the street and the closest point of the proposed Building Envelope due to clearing which has occurred during the construction of the existing fence.

The concept elevations showing the design of the workshop indicate that it will match in well with the existing dwelling.

Submissioners

It is acknowledged that three nearby landowners signed a submission of no objection to the proposed building envelope changes at No.8, 10 & 20 Treetop Way. All of these neighbours are the least effected by the proposal. An objection was received from the owner of No.12 (Lot 48) Treetop Way, which although is a vacant lot, their property is situated opposite the subject land and would be directly affected by the proposal.

Conclusion

It is considered that the proposed building envelope modification has the potential to adversely affect the amenity of Lot 48 and Lot 54 Treetop Way and impact upon the rural character of the area. The relocation of the Building Envelope does not satisfy key Council Policy requirements and raises fire safety concerns due to inconsistencies with the Sherwood Estate Fire Management Plan. It is recommended that the application be refused.

5. Voting Requirements

Simple Majority

6. Officer Recommendation

That Council REFUSE application 24.2010.20 to vary the Building Envelope on Lot 53 (No.9) Treetop Way, Baldivis for the following reason:-

1. The proposed Building Envelope modification is not consistent with the objectives of Planning Policy No.3.3.17- Variations to Building Envelopes, Planning Policy No.5.2 – Rural Land Strategy, Town Planning Scheme No. 2 and the requirements of Sherwood Estate Fire Management Plan for a 5 metre separation to property boundaries, including a 3 metre wide clear zone around all buildings.

Advice Note

(a) The City is prepared to consider a Building Envelope modification which is consistent with the Sherwood Estate Fire Management Plan, providing 5 metre boundary setbacks by way of a fresh Planning Application and Town Planning Scheme No.2.

(b) Issue a notice requiring the owners of Lot 53 (No.9) Treetop Way, Baldivis to bring the land into compliance with Town Planning Scheme No.2, by removing the existing retaining walls and fencing erected outside of the approved Building Envelope, within 60 days.

7. Committee Recommendation

That Council REFUSE application 24.2010.20 to vary the Building Envelope on Lot 53 (No.9) Treetop Way, Baldivis for the following reason:-

2. The proposed Building Envelope modification is not consistent with the objectives of Planning Policy No.3.3.17- Variations to Building Envelopes, Planning Policy No.5.2 – Rural Land Strategy, Town Planning Scheme No. 2 and the requirements of Sherwood Estate Fire Management Plan for a 5 metre separation to property boundaries, including a 3 metre wide clear zone around all buildings.
Advice Note

(a) The City is prepared to consider a Building Envelope modification which is consistent with the Sherwood Estate Fire Management Plan, providing 5 metre boundary setbacks by way of a fresh Planning Application and Town Planning Scheme No.2.

(b) Issue a notice requiring the owners of Lot 53 (No.9) Treetop Way, Baldivis to bring the land into compliance with Town Planning Scheme No.2, by removing the existing retaining walls and fencing erected outside of the approved Building Envelope, within 60 days.

Committee Voting – 4/0

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

Not applicable.

9. Implications of the Changes to the Officer’s Recommendation

Not applicable.
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-019/11 Development Assessment Panel Councillor Nominations</th>
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</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1385</td>
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<tr>
<td>Proponent/s:</td>
<td>Department of Planning</td>
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<tr>
<td>Author:</td>
<td>Mr Mike Ross, Manager, Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>18th April 2011</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>March 2011 (SP-015/11), May 2010 (PD53/5/10), October 2009 (PD122/10/09), April (PD49/4/09)</td>
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<td>Lot Area:</td>
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<td>Maps/Diagrams:</td>
<td>LA Zoning:</td>
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<tr>
<td></td>
<td>MRS Zoning:</td>
</tr>
<tr>
<td></td>
<td>Department of Planning Letter dated 23rd March 2011</td>
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</table>

1. **Purpose of Report**

To submit to the Minister for Planning nominations for two members and two alternate members (i.e. four names in total) as the Council's representatives on a Joint Development Assessment Panel.

2. **Background**

The WAPC released a Discussion Paper Implementing DAPs in Western Australia for public comment on 10th September 2009.

In October 2009, the Council considered the Discussion Paper and resolved to submit a comprehensive submission in objection to the introduction of DAPs.
In May 2010, the Council submitted its strong opposition to the introduction of DAPs to the Department of Planning (DoP) and the WALGA, on the basis that the amended model proposed in the Policy Statement ‘Implementing Development Assessment Panels in Western Australia’ will not improve upon the Council determining Development Applications pursuant to Town Planning Scheme No.2.

In November 2010 the Approvals and Related Reforms (No.4) (Planning) Bill 2009 was gazetted.

In March 2011, the Council considered the DoP update on the implementation of DAPs, and resolved to advise WALGA that it was not satisfied that the DoP has taken into consideration the full cost to the Council of implementing DAPs.

3. **Details**

The DoP has called for the Council to submit to the Minister for Planning nominations for 2 JDAP members and 2 alternative JDAP members (ie. 4 names in total). As DAP’s will be formally created on 2nd May 2011, local governments have until 13th June 2011 to submit their nominations.

4. **Implications to Consider**

   a. **Consultation with the Community**
      
      Not required.

   b. **Consultation with Government Agencies**
      
      Not required.

   c. **Strategic**
      
      This matter addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan March 2011:
      - Aspiration 11: Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provided for a genuinely desirable lifestyle.

   d. **Policy**
      
      Nil

   e. **Financial**
      
      The financial implications of Development Assessment Panels was discussed in the March 2011 Council Report (SP-015/11); it is apparent that there will be some cost-shifting to the Council with the implementation of DAPs.

   f. **Legal and Statutory**
      
      If the Council fails to provide the requisite nominations within the 40-day deadline of 13th June 2011, the Minister is empowered to nominate replacements from eligible voters in the district to which the DAP is established. The Minister and Cabinet is expected to formally approve the local government nominations on or around 15th June 2011.

5. **Comments**

The City of Rockingham has been included within the Metro South-West Joint Development Assessment Panel (JDAP) which covers Rockingham, Cockburn, Fremantle, Fremantle, and Kwinana.

**Role**

The role of DAP members is to determine development applications within a certain type and value.
**DAP Application Types**

There are three type of DAP applications as follows:

1. Mandatory DAP Development Application greater than $15 million for the City of Perth and Development Applications greater than $7 million for all other local governments and where the proposal is not listed as an exempt use, such as a single house, 10 grouped dwellings and less than ten multiple dwellings.

2. Optional Development Application between $10 and $15 million for the City of Perth and $3 million and $7 million for local government and where the proposal is not listed as an exempt use, such as a single dwelling, where the applicant has elected to have the relevant DAP determine the application.

3. The Regulations will allow local government and the WAPC to delegate to the DAP their power to determine optional DAP applications. Development Applications under $3 million will continue to be determined by local government and the WAPC.

**Panel Composition**

The composition of JDAPs consists of the following members:

- the Presiding Member (a Specialist Member);
- two other Specialist Members (includes a Deputy Presiding Member);
- two Local Government representatives from the relevant Local Government.

Two alternate DAP members of the Council are to act in the place of the Council member if they are unable to perform the functions of the member by reason of illness, absence or other cause.

**Term of Office**

A JDAP member holds office for the term specified in the member’s instrument of appointment, which must not exceed 2 years.

**Frequency of Meetings**

JDAP meetings will only be held to determine certain development applications within the statutory timeframes prescribed in local planning schemes. Most development applications are determined under delegated authority by Council Officers. It is anticipated that the number of development applications that will need to be referred to JDAP meetings will be very few. There may be occasions where a JDAP needs to meet more frequently or less frequently depending on when a development application of a certain type must be determined by a JDAP.

**DAP meeting format**

At a meeting of a JDAP where two or more applications are to be considered, which affect two or more local governments, it is expected that only two local members from the City of Rockingham who received the application must sit and determine the application together with the JDAPs three specialist members. For another application which affects a different local government, the two local members must rotate on or off the panel as required to ensure local representation is present when determining each application.

**Venue**

The City will be required to arrange a venue for a JDAP meeting. All DAP meetings will be open to the public. A local government hosting a JDAP meeting will have additional responsibilities which include organising basic catering and any equipment required by the JDAP for the meeting. There may be occasions where the two City of Rockingham local members of the JDAP may be required to travel to one of the other member Council’s of the South-West Joint Development Assessment Panel, and likewise local members of the same JDAP may need to travel to the City of Rockingham for JDAP meetings, depending on the development applications being presented.
DAP Member Procedures Manual
A number of Development Assessment Panel procedures manuals are currently being prepared and will be provided on the DAP website in due course. These are:-
- Local Government Procedures Manual
- DAP Member Procedures Manual
- DAP Secretariat Procedures Manual
- Applicants Brochure

Training of DAP Members
The DAP regulations prevent a JDAP member from attending a meeting without first completing mandatory training. Any JDAP member who successfully completes training is entitled to the payment of $400 from the Department.

Fees and Allowances for DAP members
A JDAP member who attends a JDAP meeting is entitled to be paid the fee set out in Schedule 2 item 1 and 2 of the Regulations, as follows:-

Schedule 2 – Fees for DAP Members

<table>
<thead>
<tr>
<th></th>
<th>Fee for presiding member per meeting to determine development applications</th>
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</thead>
<tbody>
<tr>
<td>2</td>
<td>Fee for any other member per meeting to determine development applications</td>
<td>$400</td>
</tr>
<tr>
<td>3</td>
<td>Fee per meeting for presiding member to determine applications to amend or cancel determination</td>
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<tr>
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<td>Fee per meeting for any other member to determine applications to amend or cancel determination</td>
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<td>Fee for presiding member attending proceeding in State Administrative Tribunal</td>
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</tr>
<tr>
<td>7</td>
<td>Fee for training</td>
<td>$400</td>
</tr>
</tbody>
</table>

Appeals
An applicant who is aggrieved by a determination of a JDAP to refuse an application; or any conditions imposed by a DAP in the determination of the application; or a deemed refused JDAP application may apply to the State Administrative Tribunal for a review of the decision. The JDAP will be required to defend their decision at the State Administrative Tribunal. Therefore the DAP will be the respondent in SAT proceedings regarding their determinations. The local government JDAP member fee is $400 to attend SAT.

Recommendation
The recommendation leaves the four nominee positions blank, to enable Council to make its recommendation to the Minister for Planning.

6. Voting Requirements
Simple Majority

7. Officer Recommendation
That Council **NOMINATE** Cr _____, and Cr_____ as the City of Rockingham local members on the South-West Joint Development Assessment Panel to the Minister for Planning and Cr_____ and Cr_____ as the two proxy members.
8. **Committee Recommendation**

That Council *NOMINATE* Cr Richard Smith and Cr Brian Warner as the City of Rockingham local members on the South-West Joint Development Assessment Panel to the Minister for Planning and Cr Les Dodd and Cr_____ as the two proxy members.

Committee Voting - 4/0

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

The Committee nominated Councillors Smith and Warner as the local Joint DAP members, and Cr Dodd as a proxy to the Joint DAP.

The remaining representative to be nominated at the Council Meeting to be held on the 27th April 2011.

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

Not applicable.
### Planning Services
Statutory Planning

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-020/11 Proposed Planning Procedure 1.10 - Extractive Industries</th>
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</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1265</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>City of Rockingham</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>18th April 2011</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Legislative Function</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Whole of the City of Rockingham</td>
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</table>

### 1. Purpose of Report

To seek the Council’s adoption of proposed Planning Procedure 1.10 - Extractive Industries.

### 2. Details

The purpose of this Planning Procedure is to set out the statutory requirements under which the City will consider Extractive Industry Planning Applications, pursuant to the Scheme and having regard to State and Federal legislation.

In the City of Rockingham Town Planning Scheme No.2 (“the Scheme”), ‘Industry - Extractive’ means an industry which involves:-

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CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 16 MAY 2011

PRESIDING MEMBER
“(a) the extraction, quarrying or removal of sand, gravel, clay, soil, rock, stone, minerals, or similar substance from the land, and includes the treatment, storage and management of those materials, or the manufacture of products from those materials on, or adjacent to the land from which the materials are extracted.

(b) the production of salt by the evaporation of salt water.”

3. Implications to Consider

a. Consultation with the Community
Consultation with the community is not required as Planning Procedure 1.10 will be applied as an administrative function of the Council.

b. Consultation with Government Agencies
Consultation with Government agencies is not required.

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

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

d. Policy
Nil

e. Financial
Nil

f. Legal and Statutory
Nil

4. Comments

The City, from time to time, receives applications for Extractive Industries proposals which seek Planning Approval to extract basic raw materials, often in close proximity to developing urban areas and/or sensitive land-uses. As these proposals involve a number of complicated issues, and consultation with various State and Federal departments, it was considered prudent to set out in a procedure Council's requirements and processes for how these types of proposals are to be considered.

The Procedure is intended to provide a consistent planning approval process for Extractive Industry proposals, including the early consideration of sequential land uses designed to facilitate the extraction of basic raw materials, without impinging on the amenity of surrounding residents.

As the Procedure clarifies the existing requirements of the Scheme and other State and Federal legislation, it is recommended that Council adopt Planning Procedure 1.10 - Extractive Industries.

5. Voting Requirements

Simple Majority

6. Officer Recommendation

That Council ADOPT Planning Policy 1.10 - Extractive Industries as follows:-
PLANNING PROCEDURE 1.10
EXTRACTIVE INDUSTRIES

1. Introduction
In the City of Rockingham Town Planning Scheme No.2 ("the Scheme"), ‘Industry – Extractive’ means an industry which involves:

“(a) the extraction, quarrying or removal of sand, gravel, clay, soil, rock, stone, minerals, or similar substance from the land, and includes the treatment, storage and management of those materials, or the manufacture of products from those materials on, or adjacent to the land from which the materials are extracted.

(b) the production of salt by the evaporation of salt water.”

Industry – Extractive is also referred to as Extractive Industry in this Planning Procedure.

2. Statement of Intent
The purpose of this procedure is to set out the statutory requirements under which the City considers Extractive Industry Planning Applications, pursuant to the Scheme and having regard to state and federal legislation.

3. Planning Procedure
3.1 Policies/Guidelines
All applications for Extractive Industries shall be assessed by the City in accordance with the following documents:-

- State Planning Policy No. 2.4 - Basic Raw Materials;
- EPA Guidance Statement No. 3, 51 & 56;
- EPA Guidelines for the Prevention of Dust and Smoke from Land Development Sites in Western Australia 1996;
- Environmental Protection (Noise) Regulations 1997;
- Environmental Protection (Clearing of Native Vegetation) Regulations 2004;
- Environmental Protection (Swan Coastal Plain Lakes) Policy 1992;
- WAPC - Basic Raw Materials Proponents’ Manual 2009;
- City’s Extractive Industries Local Law 2000; and
- State Planning Policy 2.8 - Bush Forever.

3.2 Permissibility
The Zoning Table (Table No.1) in the Scheme indicates the permissibility of Extractive Industries within various zones throughout the municipality.

The permissibility of an Extractive Industry under the Scheme is summarised as follows:-

(a) The use is not permitted in the ‘Rural zone’ unless the Council has exercised its discretion by granting planning approval after following a process of community consultation in accordance with clause 6.3.3 of the Scheme.

(b) The use is not permitted on Lot 500 Paganoni Road, Karnup unless the Council has exercised its discretion by granting planning approval. (Additional Use)

(c) In accordance with clause 4.2.4(e) of the Scheme, the use can be considered by Council in the ‘Development’ zone, where the land is not included in a ‘Development Area’ or within a Structure Plan, provided that the Council is satisfied that the development is consistent with the prevailing character of the locality

(d) The use in not permitted in all other zones.
3.3 Planning Approval

An Extractive Industry constitutes ‘development’ under the Planning and Development Act 2005 and therefore the following Planning Approvals are required:

(a) Approval to Commence Development pursuant to clause 6.7.1 of the Scheme; and

(b) Approval to Commence Development under the Metropolitan Region Scheme from the WAPC, only where the land is zoned ‘Rural’ in the MRS. The Council has delegated authority from the WAPC to grant approvals (with or without conditions) and issue refusal decisions pursuant to the MRS, only where the land is not zoned ‘Rural’ in the MRS.

A separate Extractive Industry Licence is required in accordance with the City of Rockingham Extractive Industries Local Law 2000.

Note 1: Section 157 of the PD Act provides that when the WAPC has approved a subdivision of land to which a planning scheme relates, that approval is to be taken by the responsible authority under the planning scheme of the carryout of works necessary to enable the subdivision of that land.

3.4 Matters to be Addressed

3.4.1 Issues

An application for planning approval must include information, where relevant, to those matters listed in clause 6.6 of the Scheme to be considered by the City and measures to address:-

- Environmental impacts;
- Water supply;
- Buffers to sensitive land uses;
- Visual impacts;
- Dust impacts;
- Noise impacts to sensitive land-uses;
- Explosives - use/duration, storage and transport;
- Traffic/Road impacts - access, routes, frequency, maintenance of roads and vehicle types;
- Places of Cultural Heritage Significance;
- Rehabilitation and end land use;
- Fuel storage;
- Rural land designated Urban or Future Urban and sequential land use;
- Post Excavation Site Levels; and
- Staging and excavation method.

3.4.2 Setbacks

3.4.2.1 The following minimum excavation setbacks are to be applied to Extractive Industries-

(a) 40 metres to a road reserve, watercourse or other public reserve boundary;

(b) 20 metres to all other lot boundaries and land affected by a grant of easement; and

(c) 50 metres from regionally significant vegetation identified within a Bush Forever site, Conservation Category Wetland or Environmental Protection Policy Wetland.

unless otherwise determined by the City.

3.4.2.2 The setback area shall comprise remnant vegetation, which shall remain undisturbed except for:-

(a) Access ways for entering and leaving the Extractive Industry site;

(b) Firebreaks as may be required under the Bush Fires Act;
3.5 Advertising

Extractive Industry applications are treated as a major land use application that must be advertised in accordance with the requirements of Council's Planning Procedure 1.3 - Community Consultation and clause 6.3.3 of the Scheme.

3.6 Referrals

3.6.1 All applications will be referred to the Department of Water and Department for Environment for comment before being determined by Council, in accordance with clause 6.5 of the Scheme.

3.6.2 Where an Extractive Industry proposed on land or abuts a Category 1, 2 or 3 Primary or Regional Road Reservation, it shall be referred either to Main Roads WA or the Department of Planning, as applicable, for comment and recommendation, before being determined by Council.

3.6.3 The City will refer applications for Extractive Industries in the ‘Rural’ zone (in the MRS) to the WAPC and provide its recommendations to the WAPC.

3.7 Approval Period

The consideration of a renewal of Planning Approval will be subject to the City being satisfied that there are no adverse environmental impacts and off-site impacts to neighbouring properties. The City will also consider if there have been any breaches of planning conditions, and if there are any unresolved matters.

3.8 Other Approvals

An Extractive Industry Licence is required under the City of Rockingham Extractive Industries Local Law (2000), prior to any ground disturbing works. Where the extraction of sand is required to prepare the land for subdivision and the WAPC have granted a current Subdivision Approval, that Planning Approval and/or an Extractive Industry Licence will not be required.

An application to clear Native Vegetation to the Department of Environment and Conservation is also required, prior to clearing pursuant to the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. An exemption does not apply within the City as the Scheme was not formally assessed by the Environmental Protection Authority prior to gazettal.

Approval under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) may be required for certain actions or activities that affect our environment. For enquiries on this matter contact the Department of Sustainability, Environment, Water, Population and Communities.

3.9 Information Requirements

3.9.1 Application Information

Applications for Planning Approval for the establishment or extension of Extractive Industry uses shall be made on the form prescribed by the Council (and WAPC MRS Form 1 if applicable). The application shall be signed by owner(s) is to include five copies of plans and must address the information requirements listed under Clause 6.2 of the Scheme, the Extractive Industries Local Law (2000) and the following:-

(a) Five copies of an Environmental Management Plan addressing the following:-
- Visual impact assessment;
- Details of any blasting;
- The identification and location of neighbouring houses within buffer;
- Habitat Study which includes a Spring Survey, assessment of existing vegetation and a Fauna Study (as required);
- Tree Hollow survey for habitat;
- Dust Management Plan; and
- Acoustic Consultants Report.

(b) Five copies of a Traffic Management Plan addressing the following:-
- Impact on traffic composition and volume;
- Road capacity and analysis to accommodate heavy haulage traffic;
- Road Maintenance (on and off-site);
- Access/Egress locations;
- Frequency of vehicle movements;
- Capacity and axle size of vehicles; and
- Modifications to road design and vehicle access points.

(c) Five copies of an Excavation Management Plan addressing the following:-
- Site plans showing all improvements (proposed and existing), drainage, services and access arrangements;
- Details of existing and proposed contours;
- Duration, staging and timing of the excavation;
- On-site processing and excavation methodology;
- Method for removing overburden and undertaking stockpiling; and
- Evidence of access to ground water supply or alternative water supply for dust suppression.

(d) Five copies of a Rehabilitation and Decommissioning Plan addressing the following:-
- Objectives of the Plan in the short-term (pre-initial planting), long-term (post maintenance phase) and end land use of the site;
- Restoration and reinstatement of the excavation site;
- The method by which top soil is to be replaced and soil management;
- The number and type of trees and planting to occur;
- Target densities for rehabilitation;
- How rehabilitation areas are to be maintained and irrigated;
- Contingency for replacement of dead plants; and
- Monitoring.

(e) A synopsis report suitable for reproduction and distribution by the City during advertising of the proposal.

4. Non-Compliance
A breach of Planning Approval conditions based on the approved application will be dealt with in accordance with the Planning and Development Act 2005 and/or Planning Procedure 1.7 – Infringement Notices.

5. Appeal
If an applicant is aggrieved by a determination, there exists a right of review by the State Administrative Tribunal (SAT) in accordance with section 252 of the Planning and Development Act 2005. An application must be made to SAT within 28 days of the Council’s determination.

6. Interpretations
For the purposes of this Planning Procedure, the following terms shall have the same meaning as in Town Planning Scheme No.2:-
**WAPC** means the Western Australian Planning Commission constituted under the Planning and Development Act 2005.

**Council** means the Council of the City of Rockingham.

For the purpose of this Planning Procedure, the following terms are defined as follows:

**Scheme** means City of Rockingham Town Planning Scheme No.2

**‘Basic Raw Materials’** means sand (including silica sand), clay, hard rock, limestone (including metallurgical limestone) and gravel and other construction and road building materials.

**‘EPA Guidance Statement No.3’** - Environmental Protection Authority's Guidance Statement No.3: Separation Distances between Industrial and Sensitive Land Uses, and is intended as a guide only.

**‘EPA Guidance Statement No.51’** - Environmental Protection Authority Guidance for the Assessment of Environmental Factors - Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in Western Australia No.51 - June 2004.

**‘EPA Guidance Statement No.56’** - Environmental Protection Authority Guidance for the Assessment of Environmental Factors - Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia No.56 - June 2004.

**‘Sensitive Land Use’** means a land use sensitive to emissions from industry and infrastructure. Sensitive land uses include residential development, hospitals, hotels, 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 retailing outlets, offices and training centres, and some types of storage and manufacturing. This term has been derived from the EPA Guidance Statement No.3.

7. **Adoption**

This Planning Procedure was adopted by the Council at its ordinary Meeting held on the 27th April 2011.

7. **Committee Recommendation**

That Council **ADOPT** Planning Policy 1.10 - Extractive Industries as follows:-

**PLANNING PROCEDURE 1.10 EXTRACTIVE INDUSTRIES**

1. **Introduction**

In the City of Rockingham Town Planning Scheme No.2 (“the Scheme”), ‘Industry – Extractive’ means an industry which involves:

“(a) the extraction, quarrying or removal of sand, gravel, clay, soil, rock, stone, minerals, or similar substance from the land, and includes the treatment, storage and management of those materials, or the manufacture of products from those materials on, or adjacent to the land from which the materials are extracted.

(b) the production of salt by the evaporation of salt water.”

Industry – Extractive is also referred to as Extractive Industry in this Planning Procedure.

2. **Statement of Intent**

The purpose of this procedure is to set out the statutory requirements under which the City considers Extractive Industry Planning Applications, pursuant to the Scheme and having regard to state and federal legislation.
3. Planning Procedure

3.1 Policies/Guidelines

All applications for Extractive Industries shall be assessed by the City in accordance with the following documents:-

- State Planning Policy No. 2.4 - Basic Raw Materials;
- EPA Guidance Statement No. 3, 51 & 56;
- EPA Guidelines for the Prevention of Dust and Smoke from Land Development Sites in Western Australia 1996;
- Environmental Protection (Noise) Regulations 1997;
- Environmental Protection (Clearing of Native Vegetation) Regulations 2004;
- Environmental Protection (Swan Coastal Plain Lakes) Policy 1992;
- WAPC - Basic Raw Materials Proponents’ Manual 2009;
- City’s Extractive Industries Local Law 2000; and
- State Planning Policy 2.8 - Bush Forever.

3.2 Permissibility

The Zoning Table (Table No.1) in the Scheme indicates the permissibility of Extractive Industries within various zones throughout the municipality.

The permissibility of an Extractive Industry under the Scheme is summarised as follows:-

(a) The use is not permitted in the 'Rural zone' unless the Council has exercised its discretion by granting planning approval after following a process of community consultation in accordance with clause 6.3.3 of the Scheme.

(b) The use is not permitted on Lot 500 Paganoni Road, Karnup unless the Council has exercised its discretion by granting planning approval. (Additional Use)

(c) In accordance with clause 4.2.4(e) of the Scheme, the use can be considered by Council in the 'Development' zone, where the land is not included in a 'Development Area' or within a Structure Plan, provided that the Council is satisfied that the development is consistent with the prevailing character of the locality.

(d) The use in not permitted in all other zones.

3.3 Planning Approval

An Extractive Industry constitutes ‘development’ under the Planning and Development Act 2005 and therefore the following Planning Approvals are required:

(b) Approval to Commence Development pursuant to clause 6.7.1 of the Scheme; and

(b) Approval to Commence Development under the Metropolitan Region Scheme from the WAPC, only where the land is zoned ‘Rural’ in the MRS. The Council has delegated authority from the WAPC to grant approvals (with or without conditions) and issue refusal decisions pursuant to the MRS, only where the land is not zoned ‘Rural’ in the MRS.

A separate Extractive Industry Licence is required in accordance with the City of Rockingham Extractive Industries Local Law 2000.

Note 1: Section 157 of the PD Act provides that when the WAPC has approved a subdivision of land to which a planning scheme relates, that approval is to be taken by the responsible authority under the planning scheme of the carryout of works necessary to enable the subdivision of that land.

3.4 Matters to be Addressed

3.4.1 Issues

An application for planning approval must include information, where relevant, to those matters listed in clause 6.6 of the Scheme to be considered by the City and measures to address:-
- Environmental impacts;
- Water supply;
- Buffers to sensitive land uses;
- Visual impacts;
- Dust impacts;
- Noise impacts to sensitive land uses;
- Explosives - use/duration, storage and transport;
- Traffic/Road impacts - access, routes, frequency, maintenance of roads and vehicle types;
- Places of Cultural Heritage Significance;
- Rehabilitation and end land use;
- Fuel storage;
- Rural land designated Urban or Future Urban and sequential land use;
- Post Excavation Site Levels; and
- Staging and excavation method.

3.4.2 Setbacks

3.4.2.1 The following minimum excavation setbacks are to be applied to Extractive Industries:

(a) 40 metres to a road reserve, watercourse or other public reserve boundary;
(b) 20 metres to all other lot boundaries and land affected by a grant of easement; and
(c) 50 metres from regionally significant vegetation identified within a Bush Forever site, Conservation Category Wetland or Environmental Protection Policy Wetland.

unless otherwise determined by the City.

3.4.2.2 The setback area shall comprise remnant vegetation, which shall remain undisturbed except for:-

(a) Access ways for entering and leaving the Extractive Industry site;
(b) Firebreaks as may be required under the Bush Fires Act;
(c) Re-vegetation to reinstate or supplement remnant vegetation, to provide an effective visual screen from adjoining and nearby public and private owned land; and
(d) Public and private utility infrastructure.

3.5 Advertising

Extractive Industry applications are treated as a major land use application that must be advertised in accordance with the requirements of Council’s Planning Procedure 1.3 - Community Consultation and clause 6.3.3 of the Scheme.

3.6 Referrals

3.6.1 All applications will be referred to the Department of Water and Department for Environment for comment before being determined by Council, in accordance with clause 6.5 of the Scheme.

3.6.2 Where an Extractive Industry proposed on land or abuts a Category 1, 2 or 3 Primary or Regional Road Reservation, it shall be referred either to Main Roads WA or the Department of Planning, as applicable, for comment and recommendation, before being determined by Council.

3.6.3 The City will refer applications for Extractive Industries in the ‘Rural’ zone (in the MRS) to the WAPC and provide its recommendations to the WAPC.
3.7. Approval Period

The consideration of a renewal of Planning Approval will be subject to the City being satisfied that there are no adverse environmental impacts and off-site impacts to neighbouring properties. The City will also consider if there have been any breaches of planning conditions, and if there are any unresolved matters.

3.8. Other Approvals

An Extractive Industry Licence is required under the City of Rockingham Extractive Industries Local Law (2000), prior to any ground disturbing works. Where the extraction of sand is required to prepare the land for subdivision and the WAPC have granted a current Subdivision Approval, that Planning Approval and/or an Extractive Industry Licence will not be required.

An application to clear Native Vegetation to the Department of Environment and Conservation is also required, prior to clearing pursuant to the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. An exemption does not apply within the City as the Scheme was not formally assessed by the Environmental Protection Authority prior to gazettal.

Approval under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) may be required for certain actions or activities that affect our environment. For enquiries on this matter contact the Department of Sustainability, Environment, Water, Population and Communities.

3.9 Information Requirements

3.9.1 Application Information

Applications for Planning Approval for the establishment or extension of Extractive Industry uses shall be made on the form prescribed by the Council (and WAPC MRS Form 1 if applicable). The application shall be signed by owner(s) and include five copies of plans and must address the information requirements listed under Clause 6.2 of the Scheme, the Extractive Industries Local Law (2000) and the following:-

(a) Five copies of an Environmental Management Plan addressing the following:-
- Visual impact assessment;
- Details of any blasting;
- The identification and location of neighbouring houses within buffer;
- Habitat Study which includes a Spring Survey, assessment of existing vegetation and a Fauna Study (as required);
- Tree Hollow survey for habitat;
- Dust Management Plan; and
- Acoustic Consultants Report.

(b) Five copies of a Traffic Management Plan addressing the following:-
- Impact on traffic composition and volume;
- Road capacity and analysis to accommodate heavy haulage traffic;
- Road Maintenance (on and off-site);
- Access/Egress locations;
- Frequency of vehicle movements;
- Capacity and axle size of vehicles; and
- Modifications to road design and vehicle access points.

(c) Five copies of an Excavation Management Plan addressing the following:-
- Site plans showing all improvements (proposed and existing), drainage, services and access arrangements;
- Details of existing and proposed contours;
- Duration, staging and timing of the excavation;
- On-site processing and excavation methodology;
- Method for removing overburden and undertaking stockpiling; and
- Evidence of access to ground water supply or alternative water supply for dust suppression.

d) Five copies of a Rehabilitation and Decommissioning Plan addressing the following:-
- Objectives of the Plan in the short-term (pre-initial planting), long-term (post maintenance phase) and end land use of the site;
- Restoration and reinstatement of the excavation site;
- The method by which top soil is to be replaced and soil management;
- The number and type of trees and planting to occur;
- Target densities for rehabilitation;
- How rehabilitation areas are to be maintained and irrigated;
- Contingency for replacement of dead plants; and
- Monitoring.

e) A synopsis report suitable for reproduction and distribution by the City during advertising of the proposal.

4. Non-Compliance

A breach of Planning Approval conditions based on the approved application will be dealt with in accordance with the Planning and Development Act 2005 and/or Planning Procedure 1.7 – Infringement Notices.

5. Appeal

If an applicant is aggrieved by a determination, there exists a right of review by the State Administrative Tribunal (SAT) in accordance with section 252 of the Planning and Development Act 2005. An application must be made to SAT within 28 days of the Council's determination.

6. Interpretations

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

WAPC means the Western Australian Planning Commission constituted under the Planning and Development Act 2005.

Council means the Council of the City of Rockingham.

For the purpose of this Planning Procedure, the following terms are defined as follows:

'Scheme' means City of Rockingham Town Planning Scheme No.2

'Basic Raw Materials' means sand (including silica sand), clay, hard rock, limestone (including metallurgical limestone) and gravel and other construction and road building materials.

'EPA Guidance Statement No.3' - Environmental Protection Authority's Guidance Statement No.3: Separation Distances between Industrial and Sensitive Land Uses, and is intended as a guide only.

'EPA Guidance Statement No.51' - Environmental Protection Authority Guidance for the Assessment of Environmental Factors - Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in Western Australia No.51 - June 2004.

'EPA Guidance Statement No.56' - Environmental Protection Authority Guidance for the Assessment of Environmental Factors - Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia No.56 - June 2004.
‘Sensitive Land Use’ means a land use sensitive to emissions from industry and infrastructure. Sensitive land uses include residential development, hospitals, hotels, 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 retailing outlets, offices and training centres, and some types of storage and manufacturing. This term has been derived from the EPA Guidance Statement No.3.

7. Adoption
This Planning Procedure was adopted by the Council at its ordinary Meeting held on the 27th April 2011.

Committee Voting – 4/0

8. The Committee’s Reason for Varying the Officer’s Recommendation
Not applicable.

9. Implications of the Changes to the Officer’s Recommendation
Not applicable.
### 13. Reports of Councillors

Nil

### 14. Addendum Agenda

Nil

### 15. Motions of which Previous Notice has been given

Nil

### 16. Notices of Motion for Consideration at the Following Meeting

Nil

### 17. Urgent Business Approved by the Person Presiding or by Decision of the Committee

Nil

### 18. Matters Behind Closed Doors

Nil

### 19. Date and Time of Next Meeting

The next Planning Services Standing Committee Meeting will be held on **Monday 16 May 2011** in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.

### 20. Closure

There being no further business, the Chairman thanked those persons present for attending the Planning Services Standing Committee meeting, and declared the meeting closed at 5.05pm.

### 21. Attachments

Nil