



City of Rockingham

MINUTES

Planning and Engineering Services Committee Meeting

Held on Monday 15 August 2022 at 4:00pm
City of Rockingham Council Chamber



City of Rockingham
Planning and Engineering Services
Committee Minutes
Monday 15 August 2022




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<p>City of Rockingham Planning and Engineering Services Committee Minutes Monday 15 August 2022 - Council Chamber</p>		
1.	Declaration of Opening	
	<p>The Chairperson declared the Planning and Engineering Services Committee meeting open at 4:00pm and welcomed all present.</p> <p>Acknowledgement of Country</p> <p>The Chairperson noted that the City of Rockingham acknowledges the Traditional Owners and Custodians of this land, the Binjareb and Whadjuk Nyoongar peoples and their continuing connection to the land, waters and community. We pay our respects to all members of Aboriginal communities and their cultures; and to Elders past and present.</p>	
2.	Record of Attendance/Apologies/Approved Leave of Absence	
2.1	Council Members	
	Cr Hayley Edwards (<i>Deputy Mayor</i>)	Chairperson
	Mayor Deb Hamblin	
	Cr Lorna Buchan	
	Cr Dawn Jecks	
	Cr Mark Jones	
2.2	Executive	
	Mr Michael Parker	Chief Executive Officer
	Mr Peter Ricci	A/Director Planning and Development Services
	Mr Sam Assaad	Director Asset Services
	Mr Brett Ashby	Manager Strategic Planning and Environment
	Mr James Henson	Manager Land and Development Infrastructure
	Ms Erica King	Manager Health and Building Services
	Mr David Caporn	Manager Compliance and Emergency Liaison
	Mr David Waller	A/Manager Statutory Planning
	Mr David Banovic	A/Manager Major Planning Projects
	Mr Ian Daniels	Manager Infrastructure Project Delivery
	Mr Manoj Barua	Manager Technical Services
	Mr Tony Bailey	Manager Operations and Fleet Services
	Mr Adam Johnston	Manager Parks Services
	Mr Jim Olynyk, JP	Manager Governance and Councillor Support
	Ms Melinda Wardle	EA to Director Planning and Development Services
2.3	Members of the Gallery:	6
2.4	Apologies:	
	Cr Brett Wormall	
2.5	Approved Leave of Absence:	Nil

3.	Responses to Previous Public Questions Taken on Notice
	<p>3.1 Mr James Mumme - Shoalwater - Various</p> <p>At the Planning and Engineering Services Committee meeting held on 18 July 2022, Mr Mumme asked the following questions that were taken on notice and the Acting Director Planning and Development Services provided a response in a letter dated 26 July 2022 as follows:</p> <p><u>Question</u></p> <p>1. I note that the questions taken on notice at the last full Council meeting were not answered and yet are expected to be Confirmed at the next meeting on Tuesday 26 July 2022.</p> <p>How can Council approve minutes containing questions taken on notice without including the answers in the same minutes? I submit that a full month's delay in responding is a breach of the purpose of the Local Government Act and is insulting to the community.</p> <p><u>Response</u></p> <p><i>Questions taken on notice at a meeting of the Council or Committee are to be responded to in writing, to the person asking the question, and included in the Agenda of the next meeting of Council or Committee as the case may be. As you did not ask any questions at the June 2022 Council Meeting and are referring in your following question to matters raised by Mr Miller, it is advised that responses to Mr Miller's questions on notice have been provided to him in writing. These responses will appear in the July 2022 Council Meeting Agenda.</i></p> <p><i>Minutes are a record of what transpired in that meeting and where questions are taken on notice, that is what is reflected in those minutes. It is inappropriate to retrospectively record answers to questions taken on notice after the meeting has closed, hence why responses are included in the Agenda of the next meeting, as is industry best practice. There is no breach of the Local Government Act 1995 as you have suggested and your accusation of 'insulting to the community' is refuted.</i></p> <p><u>Question</u></p> <p>2. Can the Mayor confirm that Councillors have been apprised of the concerns quoted in Mr Sunny Miller's question 1 asked without notice on 28 June and if so, what is their response to the evident inadequacy of the State's Environmental Laws to protect our environment?</p> <p><u>Response</u></p> <p><i>See response to Question 1.</i></p> <p><u>Question</u></p> <p>3. The Mandurah Mail of 14 July (page 12) contains reference to a recent decision of Mandurah Council to budget to purchase and maintain privately held bushland. I understand from their Councillors that at least 83ha is being purchased at the moment with ultimate goal to purchase at least 140ha. Has the City of Rockingham ever purchased privately held bushland for purpose of preserving valuable bush and if not will the City consider budgeting to do so in future? If not why not?</p> <p><u>Response</u></p> <p><i>A program for the acquisition of land for conservation purposes would most appropriately be addressed in the Council's Planning Strategy - Environmental Protection ('Strategy') which, as you are aware, is in draft and will shortly be released for public comment.</i></p> <p><i>The purchase of private land for conservation purposes was not included in the draft Strategy given the significant cost involved in acquiring land and the availability of alternative options for the conservation of significant areas.</i></p>

	<p><i>Rather than pursue the purchase of land, the City introduced incentives through its Rural Land Strategy to encourage the ceding of environment assets to the Crown, for management by the City, through 'Special Rural' land subdivision processes. Areas of significant conservation value, most likely to be captured through this process, include Outridge Swamp, Fount Swamp and Churcher Swamp with a total area of over 50 hectares. Portions of Outridge Swamp have already been ceded to the Crown following adoption of the Rural Land Strategy.</i></p> <p><i>Other processes are also available for the protection and conservation of bushland, including the acquisition of land by the State through the Metropolitan Region Scheme (as was undertaken for Stakehill Swamp) or ceding through the urban development process.</i></p> <p><i>If you believe the matter warrants further consideration, you may make a submission on the draft Strategy when it is released for public comment, or alternatively, make a recommendation through the Environmental Advisory Committee as a Member of that Committee.</i></p>
4.	Public Question Time
	<p>4:01pm The Chairperson opened Public Question Time and invited members of the Public Gallery to ask questions. The Chairperson noted that this was the only opportunity in the meeting for the public to ask questions.</p> <p>4.1 Mr James Mumme, Shoalwater - Various</p> <p>The Chairperson invited Mr Mumme to present his questions to the Planning and Engineering Services Committee. Mr Mumme asked the following questions:</p> <ol style="list-style-type: none"> 1. Thank you for the fulsome response to my question about Council land purchases for environmental purposes. To follow up I appreciate that there are costs involved, but ask why Rockingham does not seem to be able to find the funds that Mandurah seems to have? <p><i>The Chairperson advised as per the response provided to your question from last month, the City did not recommend that the Environmental Protection Planning Strategy include a program for the purchase of private land for conservation purposes given the significant cost involved and the availability of alternative options.</i></p> <p><i>If a program for the purchase of land was considered by the Council, it would need to reconcile the budget implications of doing so.</i></p> <ol style="list-style-type: none"> 2. Can council confirm how many hectares have been 'captured' under the State Government purchases for management by Council and whether such purchases would also carry money for maintenance/regeneration? <p><i>The Chairperson advised over 5,200ha of land has been secured as 'Parks and Recreation' Reserves by the State.</i></p> <p><i>Land purchased by the State Government for conservation is not always managed by the City, with the majority managed by the State through the DBCA. Funding towards the management of land is generally a matter of prior negotiation if the City is to consider taking on the management responsibility for a 'Parks and Recreation' Reserve.</i></p> <ol style="list-style-type: none"> 3. PD-030/22 Lithium plant and Coterra's Report on Flora. <p>I know that no trees are to be removed but I submit that it is lazy to merely supply two aerial photos from Landgate 12 months apart and taken at different times of days with different shadows. There is no on-ground identification of the species present. In view of the loss of pine trees and other habitat trees for Cockatoos, should Council not be expecting better information and better suggestions for planting trees to support threatened populations?</p> <p><i>The Chairperson advised that firstly, to clarify - the subject item is not for a proposed 'Lithium Plant' but for a Scheme Amendment to permit a warehouse/storage proposal.</i></p>

	<p><i>To answer the question, given that the proposed Scheme Amendment is not being supported, the request for further information is not considered warranted at this stage.</i></p> <p>4. Bulletin: Water Sampling</p> <p>I note that there is no testing of water samples for radio activity. In view of Cockburn Sound having nuclear powered (and probably armed) submarines both recently and possibly based here, will Council consider including testing for radio-nucleides in regular water tests?</p> <p><i>The Chairperson advised that the State currently manages the ongoing testing associated with nuclear powered vessels in Cockburn Sound, and any emergency response, if required.</i></p> <p><i>As a result, the City has no intention of carrying out this function.</i></p> <p>5. On the larger issue of risk from nuclear accidents and detonations in Cockburn Sound, will Council consider doing what many Councils have done, including Fremantle, declaring Rockingham and Cockburn Sound a nuclear free zone? If not will Council raise questions with the State Government and the Minister for Defence regarding measures to protect citizens against such incidents?</p> <p><i>The Chairperson advised that over twenty years ago, the Council resolved that, in support of a 'Nuclear Free Zone', to declare certain things, including that no nuclear power stations be built within the City and that uranium, nuclear waste etc. not be stored or transported through Rockingham.</i></p> <p><i>As confirmed in the previous response, the State is responsible, through the Department of Health, for monitoring nuclear powered vessels.</i></p> <p>4:06pm There being no further questions the Chairperson closed Public Question Time.</p>
5.	Confirmation of Minutes of the Previous Meeting
	<p>Moved Cr Buchan, seconded Mayor Hamblin:</p> <p>That Committee CONFIRMS the Minutes of the Planning and Engineering Services Committee meeting held on 18 July 2022, as a true and accurate record.</p> <p style="text-align: right;">Committee Voting (Carried) - 5/0</p>
6.	Matters Arising from the Previous Minutes
	Nil
7.	Announcement by the Presiding Person without Discussion
	<p>4:07pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.</p>
8.	Declarations of Members and Officers Interests
	<p>4:07pm The Chairperson asked if there were any interests to declare.</p> <p>There were none.</p>
9.	Petitions/Deputations/Presentations/Submissions
	<p>9.1 Deputation - Ms Tamara Vreeken, Associate Director, Niche Planning Studio - PD-030/22 - Proposed Scheme Amendment No.193 - Additional Use (Warehouse/Storage)</p> <p>4:07pm The Chairperson invited Ms Vreeken to make her deputation.</p>

	<p>Ms Vreeken provided a presentation explaining the site context, amenity and proposed landscaping of the site. Ms Vreeken advised that the proposal involves the storage of machinery/equipment only and that there will be no warehouse component.</p> <p>Ms Vreeken requested that the proposed Scheme Amendment be approved for initiation, to allow for the matter to be advertised for public comment and more detailed assessment.</p> <p>4:14pm The Chairperson thanked Ms Vreeken for her deputation.</p> <p>9.2 Deputation - Mr Dale Harris, Chief Operating Officer, EcoGraf - PD-031/22 - Joint Development Assessment Panel Application - Proposed Industrial Graphite Processing Plant</p> <p>4:14pm The Chairperson invited Mr Harris to make his deputation.</p> <p>Mr Harris provided an overview of EcoGraf's operations, advised that the Officer Recommendation is supported and that representatives had attended the Planning and Engineering Services Committee meeting to answer any questions Committee members may have.</p> <p>4:17pm The Chairperson thanked Mr Harris for his deputation.</p>
10.	Matters for which the Meeting may be Closed
	Nil
11.	Bulletin Items
	<p>Planning and Development Services Information Bulletin - August 2022</p> <p>Health Services</p> <ol style="list-style-type: none"> 1. Health Services Team Overview 2. Human Resource Update 3. Project Status Reports <ol style="list-style-type: none"> 3.1 FoodSafe 3.2 Industrial and Commercial Waste Monitoring 3.3 Mosquito Control Program 3.4 Environmental Waters Sampling 3.5 Food Sampling 4. Information Items <ol style="list-style-type: none"> 4.1 Food Recalls 4.2 Food Premises Inspections 4.3 Public Building Inspections 4.4 Outdoor Event Approvals 4.5 Permit Approvals 4.6 Complaint - Information 4.7 Noise Complaints - Detailed Information 4.8 Health Approvals 4.9 Septic Tank Applications 4.10 Demolitions 4.11 Swimming Pool and Drinking Water Samples 4.12 Rabbit Processing 4.13 Hairdressing and Skin Penetration Premises 4.14 Bookings for Halls and Reserves <p>Building Services</p> <ol style="list-style-type: none"> 1. Building Services Team Overview 2. Human Resource Update



<ul style="list-style-type: none">3. Project Status Reports4. Information Items<ul style="list-style-type: none">4.1 Monthly Building Permit Approvals - (All Building Types)4.2 Other Permits4.3 Monthly Caravan Park Site Approvals <p>Compliance and Emergency Liaison</p> <ul style="list-style-type: none">1. Compliance and Emergency Liaison Team Overview2. Human Resource Update3. Project Status Reports4. Information Items<ul style="list-style-type: none">4.1 Ranger Services Action Reports4.2 Compliance and Emergency Liaison - Prosecutions4.3 Building and Development Compliance4.4 Emergency Liaison and Fire Prevention4.5 SmartWatch Key Result Areas <p>Strategic Planning and Environment</p> <ul style="list-style-type: none">1. Strategic Planning and Environment Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Local Planning Strategy and New Town Planning Scheme3.2 Local Commercial Strategy Review3.3 Greening Plan3.4 Lake Richmond Management Plan Implementation - Thrombolite Study3.5 Karnup District Structure Plan3.6 Foreshore Management Plan3.7 Wetland Management Plan3.8 Sustainable Transport Plan4. Information Items<ul style="list-style-type: none">4.1 Structure Plan Assessment Status4.2 Tree Removals - Approvals Issued Under Delegated Authority <p>Land and Development Infrastructure</p> <ul style="list-style-type: none">1. Land and Development Infrastructure Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Managed Aquifer Recharge (MAR) - Feasibility Study4. Information Items<ul style="list-style-type: none">4.1 Referrals4.2 Delegated Land and Development Infrastructure Assets Approvals4.3 Handover of Subdivisional Roads4.4 Delegated Subdivision Engineering and Public Open Space Practical Completions4.5 Delegated Authority to Approve the Release of Bonds for Private Subdivisional Works <p>Statutory Planning</p> <ul style="list-style-type: none">1. Statutory Planning Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Review of Planning Policy 3.3.1 - Control of Advertisements3.2 Review of Planning Policy 3.3.21 - Heritage Conservation and Development and Website Heritage Information Sheet3.3 Proposed Planning Policy 3.3.26 - Guidelines to Establishing a Heritage List3.4 Proposed Planning Policy 7.5 - Heritage Incentives3.5 Small Business Approvals Program - Action Plan
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<ul style="list-style-type: none">4. Information Items<ul style="list-style-type: none">4.1 Subdivision/Development Approval and Refusals by the WAPC4.2 Notifications and Gazettals4.3 Subdivision Clearances4.4 Subdivision Survey Approvals4.5 Subdivision Lot Production4.6 Delegated Development Approvals4.7 Delegated Development Refusals4.8 Delegated Building Envelope Variations4.9 Subdivision/Amalgamation Approved4.10 Strata Plans4.11 Subdivision/Amalgamation Refused <p>Planning and Development Directorate</p> <ul style="list-style-type: none">1. Planning and Development Directorate Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Rockingham Strategic Metropolitan Centre Local Planning Framework Review3.2 Design Review Panel4. Information Items <p>Advisory Committee Minutes</p>
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Committee Recommendation

Moved Mayor Hamblin, seconded Cr Jones:

That Council Members acknowledge having read the Planning Services Information Bulletin - August 2022 and the content be accepted.

Committee Voting (Carried) - 5/0

<p>Asset Services Information Bulletin - August 2022</p> <p>Asset Services Directorate</p> <ul style="list-style-type: none">1. Asset Services Directorate Team Overview2. Human Resource Update3. Project Status Reports4. Information Items<ul style="list-style-type: none">4.1 Bushfire Risk4.2 Strategic Asset Management <p>Operations and Fleet Services</p> <ul style="list-style-type: none">1. Operations and Fleet Services Team Overview2. Human Resource Update3. Project Status Reports4. Information Items<ul style="list-style-type: none">4.1 Building Maintenance - Operations4.2 Building Maintenance - Buildings4.3 Building Maintenance - Reserves4.4 Graffiti Program 2021/2022 <p>Infrastructure Project Delivery</p> <ul style="list-style-type: none">1. Infrastructure Project Delivery Team Overview2. Human Resource Update3. Project Status Reports4. Information Items



- 4.1 Baldivis Road (Kerosene Lane to Fifty Road), Baldivis - Widen and Install Median Island
- 4.2 Bus Shelter Replacements
- 4.3 Dixon Road (Goddard Street to Ennis Avenue), Rockingham - Footpath Upgrades
- 4.4 Don Cuthbertson Reserve (Cooloongup) - Replace luminaires
- 4.5 Ennis Avenue (Hillman Park to Carvie Street), Rockingham - Construct Shared Path
- 4.6 Gascoyne Way (Willmott Drive to Grange Drive), Cooloongup - Install Raised Safety Platforms
- 4.7 Lark Hill Sporting Complex Soccer and Cricket Club Building Refurbishments, Port Kennedy
- 4.8 Lark Hill Sporting Complex Softball and Hockey Club Building Refurbishments, Port Kennedy
- 4.9 Maratea Parade (West of Warnbro Sound Avenue), Secret Harbour - Guarded School Crossing
- 4.10 Playground Replacements 2022/2023
- 4.11 Playground Rubber soft fall Replacements 2022/2023
- 4.12 Point Peron Boat Launching Facility, Peron - Construct Carpark Extension
- 4.13 Read Street / Chalgrove Avenue, Rockingham - Extend Right Turn Pockets
- 4.14 Read Street / Council Avenue, Rockingham - Extend Right Turn Pockets
- 4.15 Rockingham Arts Centre Improvements
- 4.16 Rockingham Aquatic Centre LED Sign
- 4.17 Safety Bay Road/Mandurah Road, Baldivis - Install Road Safety Crash Barriers
- 4.18 Safety Bay Road / Settlers Avenue, Baldivis - Extend Right Turn Pocket
- 4.19 Safety Bay Tennis Club - Fence Replacement
- 4.20 Secret Harbour - Street Lighting Upgrade
- 4.21 Shoalwater Reserve - Construction of Activity Node
- 4.22 Victoria Street Carpark, Rockingham - Accessible (ACROD) Parking Bays Upgrade
- 4.23 Warnbro Beach Road (near View Street), Warnbro - Accessible (ACROD) Parking Bay Upgrade

Parks Services

1. Parks Services Team Overview
2. Human Resource Update
3. Project Status Reports
 - 3.1 Communities Environment Program Projects
4. Information Items
 - 4.1 CRM Statistics
 - 4.2 Delegated Public Open Space Handovers
 - 4.3 Contract Management - Requests for Quote and Tender
 - 4.4 Weed Management
 - 4.5 Reserve and POS Maintenance
 - 4.6 Natural Area Maintenance
 - 4.7 Bushfire Mitigation
 - 4.8 Irrigation Maintenance
 - 4.9 Tree Maintenance
 - 4.10 Litter Program 2021/2022

Technical Services

1. Technical Services Team Overview
2. Human Resource Update
3. Project Status Reports
 - 3.1 Strategic Boating Provision Plan (SBPP)
 - 3.2 Bent Street Dredge Material - Environmental Study

4.	<ul style="list-style-type: none">3.3 Coastal Sediment Management Plan and Beach Renourishment3.4 Footpath Defect Inspection3.5 Rockingham Future Traffic Modelling (Traffic Counts) <p>Information Items</p> <ul style="list-style-type: none">4.1 Delegated Authority for Temporary Thoroughfare Closure4.2 Delegated Authority for approval of Directional Signage4.3 Delegated Authority for approval of Heavy Haulage4.4 Authorised Traffic Management Plans for Works on City Controlled Roads4.5 Civil Works Program 2022/20234.6 Traffic investigations4.7 Civil Maintenance Program 2022/20234.8 Civil Maintenance Program 2022/20234.9 Road Rehabilitation & Renewal Programs 2022/20234.10 Drainage Renewal Program Municipal Works 2022/20234.11 Footpath Renewal Program Municipal Works 2022/20234.12 Carpark Renewal Program Municipal Works 2022/20234.13 Delegated Authority for the payment of crossover subsidies4.14 Third Party Works within the City4.15 Asset Inspections4.16 Verge Treatment Applications4.17 Verge Issues4.18 Coastal Capital Projects4.19 Coastal Infrastructure Management <p>Advisory Committee Minutes</p>
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Committee Recommendation

Moved Mayor Hamblin, seconded Cr Jones:

That Council Members acknowledge having read the Asset Services Information Bulletin - August 2022 and the content be accepted.

Committee Voting (Carried) - 5/0



12. Agenda Items

Planning and Development Services

Planning and Development Services Statutory Planning Services



Reference No & Subject:	PD-028/22 Revised Planning Policy 3.3.1 - Control of Advertisements - Final Approval
File No:	LUP/1491-03; LUP/2196
Applicant:	City of Rockingham
Owner:	
Author:	Mr Chris Parlane, A/Coordinator Statutory Planning
Other Contributors:	Mr David Waller, A/Manager Statutory Planning
Date of Committee Meeting:	15 August 2022
Previously before Council:	22 March 2022 (PD-009/22)
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Executive
Site:	
Lot Area:	
LA Zoning:	
MRS Zoning:	
Attachments:	
Maps/Diagrams:	

Purpose of Report

To consider Planning Policy 3.3.1 - Control of Advertisements (revised PP3.3.1) for Final Approval.

This matter forms part of a broader review of the City of Rockingham's (City) signage control framework, as follows:

- (i) Scheme Amendment No.185 - transfer development control in respect to signs and advertisements from the Scheme to a revised Planning Policy No.3.3.1 - Control of Advertisements;
- (ii) Planning Policy No.3.3.1 (PP3.3.1) - revise PP3.3.1 to include 'policy level' development controls that inform the need for, and assessment of applications for Development Approval for signs and advertisements on zoned land and on local reserves throughout the City; and

- (iii) *Signs Hoardings and Bill Posting By-Law 1990* (Signs Local Law) - to avoid duplication, the Signs Local Law will be repealed as part of the City's ongoing review of Local Laws.

This Report should be considered in conjunction with Item PD-029/22 - Proposed Scheme Amendment No.185 - Control of Advertisements - Final Approval.

Background

This Report refers to the terms 'sign' and 'advertisement'. A 'sign' is a method of conveyance for display, whereas an 'advertisement' is what is placed on a sign for advertising purposes.

Signs and advertisements on public and private land within the City have historically been controlled through a combination of By-Laws (Local Laws), Town Planning Scheme (TPS) Provisions and Local Planning Policy. Furthermore, signage control is also affected by the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) which has exempted certain classes of advertisements from requiring development approval.

- In June 1998, the City adopted a Local Planning Policy for *Advertising and Directional Signs*. The Policy made note of the dual approvals required for advertisements under (the then) TPS1 and the Signs Local Law.
- In November 2009, a review of the *Advertising and Directional Signs* policy led to the adoption of the current local planning policy for the *Control of Advertisements* (PP3.3.1).
- In 2015, the Regulations came into effect which identified planning exemptions for some advertisements (such as Election Signage), and enabled Council to prescribe circumstances when Development Approval is not required for advertisements through a Local Planning Policy adopted pursuant to a TPS.
- In 2019, the City conducted a review of its local laws, whereupon the *Public Places and Local Government Property Local Law 2018* came into effect, and the following Local Laws were repealed:
 - *Activities in Thoroughfares and Public Places and Trading Local Law 2001*;
 - *Street Verandas Local Law 2000*;
 - *Public Property Local Law 2001*.
- In November 2020, the City appointed a consultant to undertake the review of planning controls regulating signs and advertisements within the City of Rockingham, with the following objectives:
 - To rationalise the City's controls over signs and advertisements in conjunction with the City's review of Local Laws that is currently underway;
 - To simplify application processes to remove the need for dual approvals and to provide clear guidance for stakeholders proposing signs on private land and public land not under the care and control of the City;
 - Ensure that sign controls within the local planning framework complement and do not duplicate requirements of the *Public Places and Local Government Property Local Law 2018* to the extent practicable;
 - Provide clear criteria for the assessment of applications for signs and advertisements;
 - To provide the ability for businesses to advertise their premises incorporating contemporary forms of advertising devices in a manner that enhances the built form outcome;
 - Minimise the proliferation of advertisements within the City of Rockingham;
 - Protect the amenity of residential areas, townscape areas and areas of environmental significance;
 - Ensure that advertisements do not adversely impact on traffic circulation and management, or pedestrian safety;
 - To clearly define the roles of departments within the City in respect to managing signage; and

- Provide for more effective enforcement mechanisms where action is required by the City.
- In March 2022, Council approved the advertising of the revised PP3.3.1 for public comment, as contained in the Officer Recommendation (without changes in red).

Implications to Consider

a. Consultation with the Community

Revised PP3.3.1 was advertised concurrently with proposed Scheme Amendment No.185 in accordance with the Regulations for a period of 43 days, commencing on 19 May 2022 and concluding on 1 July 2022.

Public advertising was carried out in the following manner:

- A notice appeared in the public notices section of the Sound Telegraph newspaper on 18 May 2022;
- The Rockingham Kwinana Chamber of Commerce; local sign companies, planning consultants and developers were advised of the proposal in writing and invited comment;
- A copy of the revised PP3.3.1 was advertised on the City website; and
- Revised PP3.3.1 was made available for inspection at the City's Administration Offices.

At the close of the public consultation period there were no public submissions received on the Scheme Amendment or revised Planning Policy.

b. Consultation with other Agencies or Consultants

The following government, servicing agencies and consultancies were also consulted:

- Department of Planning, Lands and Heritage;
- Main Roads WA (MRWA);
- City of Kwinana;
- Shire of Serpentine Jarrahdale;
- City of Mandurah; and
- Shire of Murray.

A total of two submissions were received in respect to the revised Planning Policy, being from the Shire of Murray and MRWA.

The Shire of Murray expressed no objections to the proposed PP3.3.1.

MRWA indicated no objection to the revised PP3.3.1 and proposed Scheme Amendment No.185, but noted that signage in the local government area is to comply, where applicable with Main Roads' Policy and Application Guidelines for Advertising Signs Within and Beyond Road Reserves. This is pertinent to signage on, and visible from state roads, and adjacent to traffic control devices (e.g. traffic signs and traffic signals).

MRWA recommended the following amendments to the wording of PP3.3.1:

Main Roads WA

Submission:

Current wording in PP3.3.1

"3 (iii) Ensure advertising is well situated to avoid hazards, confusion and distraction to pedestrians, cyclists and drivers."

Recommended revised wording:

Change "pedestrians, cyclists and drivers" to "road users". The revised wording captures all modes of road users.

Main Roads WA (cont...)
<u>City's Comment:</u> Noted and agreed that the revised wording captures all modes of road users.
Recommendation: That section 3 Policy Objectives clause (iii) be modified as follows: "3 (iii) <i>Ensure advertising is well situated to avoid hazards, confusion and distraction to road users</i> ".
Submission: <u>Current wording in PP3.3.1</u> "4.1 (ii) <i>Signage within any State Road reserve, where approval may be required from Main Roads WA pursuant to the Main Roads (Control of Advertisement) Regulations 1996 and any other appropriate governing body. This includes advertisements along Patterson Road, Ennis Avenue, Mandurah Road and Kwinana Freeway</i> ". <u>Recommended revised wording:</u> "4.1 (ii) <i>Signs within the boundaries of State Roads, as well as advertising beyond but visible from State roads, require approval from Main Roads, pursuant to the Main Roads (Control of Advertisement) Regulations 1996</i> ". The current wording is unclear and does not reflect the intent of the state policy. The revised statement reflects the state policy position.
<u>City's Comment:</u> Noted. It is agreed that the wording of the clause should be amended where appropriate to align the City's policy position with that of Main Roads WA.
Recommendation: That section 4.1 Requirement for Development Approval clause (ii) be modified as follows: "4.1 (ii) <i>Signs within the boundaries of State Road reserves, as well as advertising beyond but visible from State roads, where approval may be required from Main Roads WA pursuant to the Main Roads (Control of Advertisement) Regulations 1996, and any other appropriate governing body. This includes advertisements along Patterson Road, Ennis Avenue, Mandurah Road and Kwinana Freeway</i> ".

c. **Strategic**

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Strategic Community Plan 2019-2029:

Aspiration 3: *Plan for Future Generations*

Strategic Objective: *Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of a growing population, with consideration of future generations.*

d. **Policy**

Nil

e. **Financial**

Nil

f. **Legal and Statutory**

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations), Schedule 2

Under clause 4(3), after the expiry of the period within which submissions may be made, the local government must:



- (a) Review the proposed policy in the light of any submissions made; and
- (b) Resolve to:
 - (i) Proceed with the policy without modification; or
 - (ii) Proceed with the policy with modification; or
 - (iii) Not proceed with the policy.

Under clause 4(4), if the local government resolves to proceed with the policy, notice of the policy must be published on the City's website.

Pursuant to clause 87(4), the local government may also, should it be appropriate in the circumstances, publish a notice in a newspaper circulating in the scheme area.

Under clause 4(5), a policy has effect upon publication of a notice under subclause (4).

Under clause 6, a local planning policy may be revoked:

- (a) By a subsequent local planning policy that:
 - (i) Is prepared in accordance with this Part; and
 - (ii) Expressly revokes the local planning policy;
- or
- (b) By a notice of revocation:
 - (i) Prepared by the local government; and
 - (ii) Published by the local government in accordance with clause 87.

g. Risk

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

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

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

Nil

Comments

The proposed (revised) PP3.3.1 has been considered in conjunction with proposed Scheme Amendment No.185, as part of a broader review of the City's signage control framework.

The purpose of the Scheme Amendment is to transfer signage control, including exempted signage provisions, from TPS2 to an adopted local planning policy.

Revised PP3.3.1 seeks to simplify the current policy framework by refining the policy objectives and assessment criteria, expanding on the range of exempted advertisements which do not require Development Approval providing greater clarity as to when Development Approval is required and deletes reference to the *Signs, Hoardings and Bill Posting Local Law* which is included in Appendix 3 of PP3.3.1 at present.

The revised Policy also aligns with the City's *Public Places and Local Government Property Local Law 2018* to minimise duplication of approvals processes.

Matters raised in the submissions received relate to policy provision clarification and aligning the City's policy the MRWA policy position.

The only recommended changes to the revised policy PP3.3.1 relate to a minor policy wording change and modifying wording as it relates to MRWA requirements in respect to clarifying one of the triggers for development approval.

As the revised PP3.3.1 will replace the existing version of PP3.3.1 in its entirety, the existing Policy needs to be revoked when the replacement policy is adopted. In considering the submissions received, it is recommended that Council grant Final Approval to PP3.3.1 subject to minor modifications marked in red. Revised PP3.3.1 will come into effect upon the gazettal of Scheme Amendment No.185.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **REVOKES** Planning Policy No.3.3.1 - Control of Advertisements on gazettal of Amendment No.185 to Town Planning Scheme No.2;
2. **ADOPTS** revised Planning Policy No.3.3.1 - Control of Advertisements on gazettal of Amendment No.185 to Town Planning Scheme No.2, subject to the modifications as highlighted in red.

Committee Recommendation

Moved Cr Jones, seconded Mayor Hamblin:

That Council:

1. **REVOKES** Planning Policy No.3.3.1 - Control of Advertisements on gazettal of Amendment No.185 to Town Planning Scheme No.2;
2. **ADOPTS** revised Planning Policy No.3.3.1 - Control of Advertisements on gazettal of Amendment No.185 to Town Planning Scheme No.2, subject to the following modifications as highlighted in red:

PLANNING POLICY NO.3.3.1 - CONTROL OF ADVERTISEMENTS

1. INTRODUCTION

Advertisements and signage are part of our built environment. Advertisements are important to assist with wayfinding and notifying the public of goods and services available on a property, but the size, scale and location of advertisements needs to be balanced to ensure that it complements the streetscape, built environment and public realm.

The City of Rockingham has developed a consolidated approach to managing signage and this policy provides clear guidance as to when Development Approval is and is not required and guidelines for assessment when Development Approval is required.

This Policy provides guidance to determine:

- (i) Whether Development Approval is required for signage;
- (ii) In the event that Development Approval is required, matters that will be taken into account in the City's determination of the application; and
- (iii) When an application should be lodged and which Department should be contacted for enquires.

2. POLICY APPLICATION

This Planning Policy applies to all applications for Development Approval for advertisements within the City

For any advertisements located on City reserves (such as parks and road reserves), this Planning Policy should be read in conjunction with the Council's Public Places and Local Government Property Local Law 2018 and any policy prepared under that Local Law.

Notwithstanding the provisions of this planning policy, a Permit may be required for advertisements on Council reserves under the Public Places and Local Government Property Local Law 2018.

3. POLICY OBJECTIVES

The objectives of this Planning Policy are to:

- (i) Ensure advertising is good quality, proportionate to the site it is located on and complements the character and amenity of the locality and the public realm;
- (ii) Minimise clutter of advertising and avoid a proliferation of signs;
- (iii) Ensure advertising is well situated to avoid hazards, confusion and distraction to road users;

- (iv) To ensure outdoor advertising complements the overall amenity of the locality and is commensurate to the locality in relation to context, quantity, size, visual impact and content;
- (v) Ensure that advertising relates to the businesses, goods, services and products available on the lot that the advertisement is located;
- (vi) Protect the streetscape and the amenity of adjoining and nearby residents by minimising the visual impact of signs; and
- (vii) Ensure that advertising is not a dominant feature in the urban environment and rural landscape.

4. PLANNING CONSIDERATIONS

The City in considering any development applications for signage or advertising will have due regard to this policy and any other policy or relevant local law, the City's Town Planning Scheme No.2 and the Deemed Provisions as appropriate. For any inconsistency between this Policy and the City of Rockingham Town Planning Scheme No.2, the scheme shall prevail.

4.1 Requirement for Development Approval

Whilst this policy provides exemptions for Development Approval for some advertisements and signs, approval will be required when advertisements or signs are located in or comprise the following:

- (i) Where five or more exempted advertisements (per Table 1), are proposed on a lot;
- (ii) **Signs within the boundaries of State Road reserves, as well as advertising beyond but visible from State roads**, where approval may be required from Main Roads WA pursuant to the Main Roads (Control of Advertisement) Regulations 1996, and any other appropriate governing body. This includes advertisements along Patterson Road, Ennis Avenue, Mandurah Road and Kwinana Freeway.
- (iii) Land reserved under the Metropolitan Region Scheme where approval may be required from the Western Australian Planning Commission;
- (iv) Advertisements and signage on local reserves (including local road reserves) and public places where the advertising does not comply with the standard provisions of the City of Rockingham Public Places and Local Government Property Local Law 2018 and the associated Local Policy;
- (v) Advertising that does not relate to the building or use of the lot on which the advertising is contained (third party advertising);
- (vi) Advertising that is digital or flashing or contain images/text that is animated, flashes, moves or changes;
- (vii) Advertising that is illuminated that does not comply with:
 - (a) Australian Standard 1997: Control of the Obtrusive Effects of Outdoor Lighting; and/or
 - (b) Main Roads Western Australian: Policy and Application Guidelines for Advertising Within and Beyond State Road Reserves;
- (viii) Any advertisement on a lot or building that is a heritage protected place;
- (ix) Advertising that does not meet the standards in Column 2 of Table 1 below; and
- (x) Any type of signage or advertisement that is not listed in Table 1.

4.2 Exempted Advertisements


Any signage or advertisement internal to a building (other than window signs on the external windows to a building) does not require Development Approval.

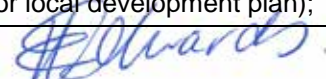
In addition to the exempted forms of advertising specified elsewhere in this policy, in accordance with Clause 61 of the Deemed Provisions, Development Approval is not required for:

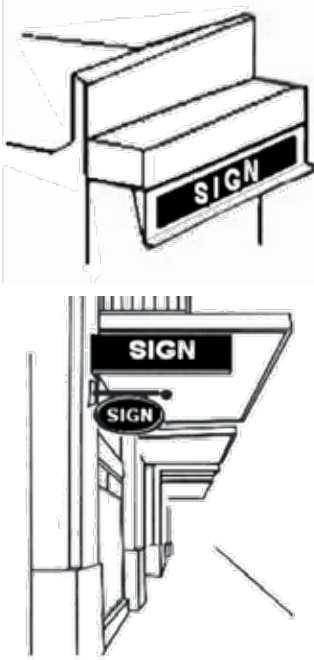


- (i) The temporary erection or installation of an advertisement for political communication (to be removed within 48 hours for an election, referendum or poll);
- (ii) The erection or installation of a sign of a class specified in a local planning policy or local development plan that applies to the works as not requiring Development Approval; or
- (iii) Works to change an existing sign that has been erected or installed on land where the sign is being replaced with a sign consistent with the existing sign.

Table 1 below provides guidelines as to what advertisements external to a building that do not require Development Approval. If the advertisement does not meet the standards detailed in Column 2 of Table 1, Development Approval is required.


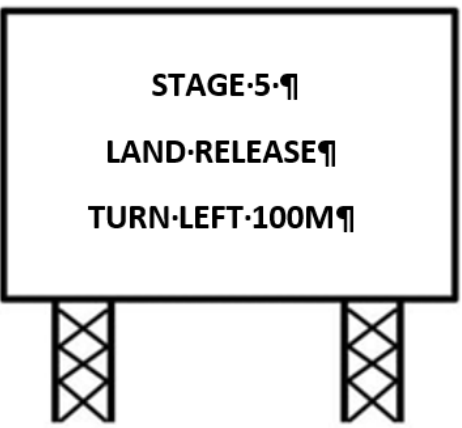
Table 1: Signage Exemptions

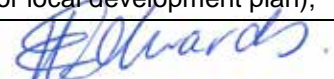
Sign Type	Exemption Criteria
Advertisements on a Building	
<p>Name Plate Advertisement that details the address, building name or business name.</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <p style="text-align: center;">MY BUSINESS MY ADDRESS</p> </div>	<p>An advertisement not exceeding 0.2m² in any zone or local reserve.</p>
<p>Verandah Sign (above) A sign located above the outer fascia of a verandah, balcony or awning.</p> 	<ul style="list-style-type: none"> (i) One advertisement per business tenancy with the area of the sign measuring not more than 4m²; (ii) Not be located within 1 metre of another sign on an adjacent property/business tenancy; (iii) Not project beyond (other than above) the awning/verandah to which it is attached; (iv) The lot does not have dwellings located on the upper level that would be directly affected by the sign; and (v) Exemption <u>not</u> applicable in the following zones: <ul style="list-style-type: none"> ÿ Residential (or land designated as Residential in an approved structure plan or local development plan); ÿ Rural; ÿ Special Residential; ÿ Special Rural; and ÿ Special Use.
<p>Verandah Sign (below) An advertisement fixed to or suspended from the underside of a verandah, balcony or awning and/or an advertisement located under a verandah/awning.</p>	<ul style="list-style-type: none"> (i) One advertisement per business tenancy; (ii) Minimum clearance of 2.7m above ground level; (iii) Is contained wholly under the verandah, balcony or awning; and (iv) Exemption <u>not</u> applicable in the following zones: <ul style="list-style-type: none"> ÿ Residential (or land designated as Residential in an approved structure plan or local development plan);





Sign Type	Exemption Criteria
	<ul style="list-style-type: none"> Y Rural; Y Special Residential; Y Special Rural; and Y Special Use.
<p>Wall Sign</p> <p>A sign that is affixed to the external wall or façade of a building or structure and does not protrude from the face of the wall by more than 300mm.</p> 	<ul style="list-style-type: none"> (i) The sign does not extend beyond the side or top of the wall; (ii) Is limited to two signs per business tenancy with a maximum total area of 4m² per sign or 20% of the total surface area of a wall on a building, whichever is the lesser; (iii) Have a minimum clearance of 2.7m above the existing ground level if directly above a door opening; and (iv) Exemption <u>not</u> applicable in the following zones: <ul style="list-style-type: none"> Y Residential (or land designated as Residential in an approved structure plan or local development plan); Y Rural; Y Special Residential; Y Special Rural; and Y Special Use.
<p>Wall Mural</p> <p>An advertisement or artwork painted directly onto a wall.</p> 	<ul style="list-style-type: none"> (i) The wall mural does not exceed 20% of the area of the wall; and (ii) Exemption <u>not</u> applicable in the following zone: <ul style="list-style-type: none"> Y Residential (or land designated as Residential in an approved structure plan or local development plan); and Y Special Residential.



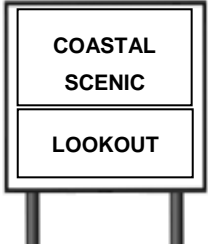


Sign Type	Exemption Criteria
<p>Window sign An advertisement that is affixed or painted to the interior or exterior of a window.</p> 	<ul style="list-style-type: none"> (i) Limited to a maximum of 10m² per business tenancy or 25% of the glazed area on each street frontage, whichever is the lesser; (ii) Does not obstruct street surveillance and natural lighting; and (iii) Exemption <u>not</u> applicable in the following zones: <ul style="list-style-type: none"> ÿ Residential (or land designated as Residential in an approved structure plan or local development plan); ÿ Rural; ÿ Special Residential; ÿ Special Rural; and ÿ Special Use.
Stand-Alone Advertisements	
<p>Directional and/or Estate, City or Suburb Signage An advertisement providing direction to and/or the location of the particular land subject of sale or the particulars of the location.</p> 	<ul style="list-style-type: none"> (i) One estate sign located at the entrance to the estate and/or within the estate, not exceeding 10m²; (ii) Located a minimum of 1.5m from a side boundary or corner truncation; (i) For City or suburb entry statements, subject to the written approval of the landowner being obtained, one suburb or City entry statement on each regional road for each suburb abutting that regional road, not exceeding 10m²; and (ii) If located within a local reserve, complies with the requirements of the City's Public Places and Local Government Property Local Law 2018 and associated Local Policy.
<p>Monolith Sign An advertisement structure that is solid with in-filled panels that may advertise more than one business.</p>	<ul style="list-style-type: none"> (i) Maximum height 6m, except for land within a District Town Centre Zone and Primary Centre City Centre where the height shall not exceed 9m; (ii) Maximum width 4m; (iii) Not to be located within the 1.5m of a boundary, crossover or truncation; (iv) Limited to one monolith sign per frontage per lot; (v) The lot does not contain a pylon sign on the same street frontage; (vi) The lot does not contain dwellings; and (vii) Exemption <u>not</u> applicable in the following zones: <ul style="list-style-type: none"> ÿ Residential (or land designated as Residential in an approved structure plan or local development plan);

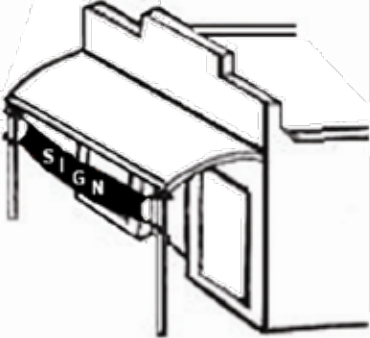




Sign Type	Exemption Criteria
	<ul style="list-style-type: none"> Y Rural; Y Special Residential; Y Special Rural; and Y Special Use.
<p>Portable Advertisements An advertisement that is not permanently attached to a structure or foundation and usually represents an A frame shape.</p> 	<ul style="list-style-type: none"> (i) A maximum of one portable advertisement per business; (ii) Not exceed 1.2m in any dimension; (iii) Has a maximum of 2 facing sides; (iv) Is secured and stabilised so as not to be moveable by wind or natural forces; (v) Does not obstruct vehicle accessways, sightlines or parking; (vi) Does not obstruct pedestrian access to and within the property and does not present a hazard to pedestrians; (vii) Only on display during the hours that the business is open; (viii) Is located under an awning and/or within the lot boundary; (ix) If located within a local reserve, complies with the requirements of the City's Public Places and Local Government Property Local Law 2018 and associated Local Policy; and (x) Exemption not applicable in the following zone: <ul style="list-style-type: none"> · Residential (or land designated as Residential in an approved structure plan or local development plan); and · Special Residential.
<p>Pylon Sign An advertisement structure supported by one or more piers and not attached to a building and includes a detached sign framework supported on one or more piers to which sign panels may be added.</p>	<ul style="list-style-type: none"> (i) Not more than one pylon sign per lot per street frontage; (ii) The lot does not contain a monolith sign on the same street frontage; (iii) Has a minimum clearance of 2.7 metres from ground level; (iv) Not extend more than 6.0 metres above ground level or in the case of the District Town Centre Zone and Primary Centre City Centre be not more than 9 metres in height; and (v) Exemption <u>not</u> applicable in the following zones:


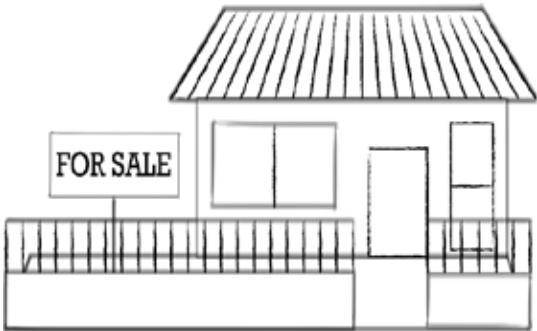
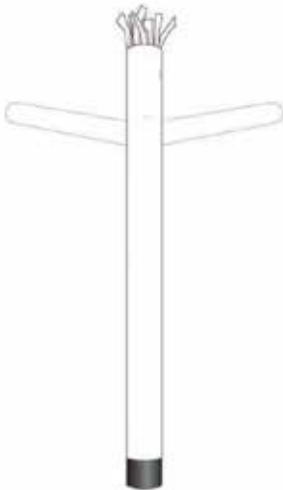


Sign Type	Exemption Criteria
	<ul style="list-style-type: none"> Y Residential (or land designated as Residential in an approved structure plan or local development plan); Y Rural; Y Special Residential; Y Special Rural; and Y Special Use.
<p>Rural Producer Sign</p> <p>An advertisement that relates to goods or products produced, grown or manufactured on the land.</p> 	<ul style="list-style-type: none"> (i) Not more than 1 sign per lot that shall not exceed 4m² and not more than 3 metres in any dimension; (ii) Only advertises goods and/or products produced/manufactured on site; (iii) Not to be located within the 1.5m of a boundary, crossover or truncation; and (iv) Exemption <u>is</u> only applicable in the following zones: <ul style="list-style-type: none"> Y Rural; Y Special Rural; Y Special Residential.
<p>Compliance/Regulatory and Wayfinding sign</p> <p>Signs on local reserves and Council property that details information about that reserve or place.</p> 	<ul style="list-style-type: none"> (i) Way finding advertising in a local reserve or land in the care and control of the City where such advertising is in accordance with the City's Public Places and Local Government Property Local Law 2018 and associated Local Policy and/or City's adopted Strategy; (ii) Way finding advertising that provides regulatory information such as Beach Emergency Numbers; and (iii) Advertisements on City's buildings, properties and reserves detailing the name of the facility/reserve and the services/facilities that are provided on that reserve where such advertising is in accordance with the City's Public Places and Local Government Property Local Law 2018 and associated Local Policy and/or City's adopted Strategy.
Temporary Advertisements	
<p>Banner (attached to building/structure)</p> <p>Temporary advertisement that is made of lightweight material that is attached to a part/s of a building with such signage normally relating to an event or promotion.</p>	<ul style="list-style-type: none"> (i) The banner does not exceed more than 10m²; (ii) Is limited to a maximum of one banner per business tenancy; (iii) Not be installed for more than 2 weeks in a calendar month; and (iv) Exemption <u>not</u> applicable in the following zones:




Sign Type	Exemption Criteria
	<ul style="list-style-type: none"> Y Residential (or land designated as Residential in an approved structure plan or local development plan); Y Rural; Y Special Residential; Y Special Rural; or Y Special Use.
<p>Banner (free standing)</p> <p>A freestanding banner is an advertising device made from lightweight material attached to a pole weighted to the ground. Freestanding banner signs can represent a variety of different shapes.</p> 	<ul style="list-style-type: none"> (i) A maximum of one free standing banner per 5 metres of lot street frontage, to a maximum of three (3) banners per lot per frontage; (ii) Are safely secured to the ground or the signs foundation; (iii) Are only displayed during hours the business is operating; (iv) Exemption <u>not</u> applicable in the following zones: <ul style="list-style-type: none"> Y Residential (or land designated as Residential in an approved structure plan or local development plan); or Y Special Residential; and (v) If located within a local reserve, complies with the requirements of the City's Public Places and Local Government Property Local Law 2018 and associated Local Policy;
<p>Community Event Sign</p> <p>An advertisement which is temporary and provides details of a non-profit short term community event.</p> 	<ul style="list-style-type: none"> (i) Located on site of the registered community event; (ii) One advertisement per street frontage of the subject property; (iii) A maximum of 4m² per sign located a minimum of 1.5m from a side boundary; (iv) To be installed not more than 2 weeks before the event and to be removed within 5 calendar days of the end of the event; and (v) If located within a local reserve, the advertisement complies with the requirements of the City's Public Places and Local Government Property Local Law 2018 and associated Local Policy.
<p>Construction Site Sign</p> <p>An advertisement providing details at a building site.</p>	<ul style="list-style-type: none"> (i) One advertisement per street frontage of the subject lot under construction; (ii) A maximum of 4m² per sign located a minimum of 1.5m from a side boundary; and (iii) Advertisement to be removed within 5 calendar days of completion of construction.



Sign Type	Exemption Criteria
	
<p>Display Sign (including to lease/for sale) and Public Notice Sign</p> <ul style="list-style-type: none"> An advertisement indicating that the premises or part of the premises where the advertisement is located is for sale, lease, letting or auction; or a public advertising display sign required by State or Local Government that contains particular details in relation to the premises. 	<ul style="list-style-type: none"> (i) One advertisement per street frontage; and (ii) Portable display signs within road reserves that are in accordance with the City's Public Places and Local Government Property Local Law 2018 and associated Local Policy.
<p>Inflatable sign</p> <p>An advertisement that is incorporated into or painted or stencilled or attached to an inflated device. This includes hot air balloon type devices as well as other inflatable devices such as the tube devices.</p> 	<ul style="list-style-type: none"> (i) Inflatable signs such as tube devices are permitted for a consecutive period of 2 weeks, twice per calendar year on the basis that: <ul style="list-style-type: none"> (a) Located more than 3 metres from a property boundary and vehicular access areas; (b) Is secured and stabilised to the ground so the base to tube device is not moveable by wind or natural forces; and (c) Only inflated during hours the business is operating; (ii) If located within a local reserve, complies with the requirements of the City's Public Places and Local Government Property Local Law 2018 and associated Local Policy; and (iii) Exemption <u>not</u> applicable in the following zones: <ul style="list-style-type: none"> Y Residential (or land designated as Residential in an approved structure plan or local development plan); Y Rural;



Sign Type	Exemption Criteria
	<ul style="list-style-type: none"> • Special Residential; • Special Rural; and • Special Use. <p>Note: No exemptions apply for hot air balloon devices.</p>
<p>Portable Variable Message Sign An advertisement on a board that is typically mounted on a trailer that can be altered to display a variety of different texts.</p> 	<ul style="list-style-type: none"> (i) To be used as temporary measure for traffic management associated with: <ul style="list-style-type: none"> • construction work; or • a temporary event; (ii) To be used on a temporary nature associated with providing the community of notification of relevant Government purposes or notification (such as advising of the location of a COVID testing clinic or a community event); and (iii) If located within a local reserve, complies with the requirements of the City's Public Places and Local Government Property Local Law 2018 and associated Local Policy.

4.3 Assessment Criteria in determining a development application for advertising

In determining a Development Application for advertising, in addition to consideration of the objectives of this policy and the provisions of Clause 67 of the Deemed Provisions, the Local Government shall have regard to the following matters:

- (i) Advertisements is not to be, in the opinion of the Local Government, objectionable, dangerous or offensive;
- (ii) Advertisements are to be appropriate to the locality in terms of the number of advertisements, size, prominence, visual impact, colour, content and relevance to the property upon which it is located;
- (iii) Advertisements shall be commensurate to the size of the buildings/structures on the lot and in the immediate locality and be complementary to its surrounds;
- (iv) High quality third party advertisements will only be supported where the advertisement:
 - (a) Relates to Government, sporting or community organisations;
 - (b) Provides direction to a location that the Local Government deem is necessary or appropriate to have off site directional signage; or
 - (c) Is part of a contractual arrangement with the City and in accordance with an adopted Strategy, such as an illuminated sign, bin or bus shelter advertising;
- (v) Illuminated advertising shall be designed to comply with the relevant Australian Standard regarding the control of the obtrusive effects of outdoor lighting and designed to minimise light overspill and impacts of lighting particularly to nearby residential properties;
- (vi) If deemed required by the Local Government, digital signage shall be accompanied by a lighting impact assessment and a road safety assessment and such reports given due consideration in determining the application to ensure that amenity and traffic safety is not adversely impacted;
- (vii) Where the advertisement is located on a heritage protected place, the applicant is to demonstrate that the advertisement does not unreasonably detract from the architectural and setting characteristics of the heritage protected place; and



- (viii) Signage shall not have undue adverse impact on:
- ÿ the amenity of the locality, including residential and/or rural amenity;
 - ÿ the visual amenity and/or character of the locality;
 - ÿ other advertisements;
 - ÿ pedestrian or vehicle safety; or
 - ÿ other land uses.

4.4 Application Procedure

Where an application for Development Approval is required, it shall be made on the form prescribed by the Council and lodged with the City's Statutory Planning Services section and be accompanied by the following information:

- (i) A written submission describing the proposal, which should include confirmation that the requirements of this Planning Policy can be achieved;
- (ii) Such plans and other information that the Council may reasonably require to enable the application to be determined. Information to include:-
 - (a) Plans and/or diagrams (to scale) showing the location, size and materials to be used for the proposed advertisement(s);
 - (b) Diagrams showing the content of the sign panel;
 - (c) Details on illumination or other treatment;
 - (d) Any other information as requested by the City such as a sign strategy, structural engineering details, traffic safety audit, lighting assessment etc.
- (iii) The payment of an Administration Fee as detailed in the Council's Planning Information Bulletin No. 2.2 - Scale of Fees for Planning Services.

5. POST APPROVAL CONSIDERATIONS

Building Permit

Regardless of whether an advertisement requires Development Approval, a Building Permit may be required for signs that are to be installed for more than 28 days.

Repair of Advertisements

Refer to Clause 80 of the Deemed Provisions for the requirements relating to repair of advisements, which outlines that a Local Government may require the owner of an advertisement to repair the advertisement if, in the opinion of the Local Government, the advertisement has deteriorated to a point where it is in conflict with the aims of the Scheme.

Offences

Where an advertisement is not in compliance with the City's requirements, the enforcement actions will be as follows:

- ÿ Engage with the offender to negotiate compliance (if appropriate);
- ÿ If unresolved and/or immediate action is required, the City will issue a Direction Notice pursuant to Section 214 of the Planning and Development Act 2005 (s.214 Direction Notice) requiring the offender to take specific action (e.g. 'remove, pull down or alter the advertisement) to restore the land to its condition immediately before the development started to the satisfaction of the City;
- ÿ Where an offender fails to comply with a s.214 Direction Notice (which is an offence), the offender will be issued an Infringement Notice for failing to comply with a Direction Notice and the appropriate penalty will be applied in accordance with the relevant legislation;
- ÿ Where a person does not comply with a Direction Notice, s.215 of the Planning and Development Act 2005 also provides the City with power to give effect to the notice to recover any expenses of doing so from that person as a debt in a court of competent jurisdiction; and
- ÿ The City also can utilise its powers to commence legal proceedings under section 223 of the Planning and Development Act 2005 if deemed necessary.

6. AUTHORITY

This Planning Policy has been adopted by the Council under clause 4(3) of the Deemed Provisions of Town Planning Scheme No.2 and whilst it is not part of the Scheme and does not bind the Council in respect of any application for Development Approval, the Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision.

7. INTERPRETATIONS

For the purposes of the Planning Policy, the following terms shall have the same meaning as in the Planning and Development (Local Planning Schemes) Regulations 2015:

Advertisement:

means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, that is used wholly or partly for the purposes of advertising, announcing or directing, and includes:

- (i) any hoarding or similar structure used, or adapted for use, for the display of advertisements; and
- (ii) any airborne device anchored to any land or building used for the display of advertising; and
- (iii) any vehicle or trailer or other similar object placed or located so as to serve the purpose of displaying advertising;

Deemed Provisions:

means the provisions set out in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015;

Heritage Protected Place:

means a place:

- (i) That is entered in the State Register of Heritage Places under the Heritage Act 2018 section 42;
- (ii) That is under consideration for entry into the State Register of Heritage Places as described in subclause (2); or
- (iii) That is the subject of an order under the Heritage Act 2018 Part 4; or
- (iv) That is the subject of a heritage agreement that has been certified under the Heritage Act 2018 section 90; or
- (v) That is included on a heritage list as defined in clause 7; or
- (vi) That is within a heritage area as defined in clause 7.

For the purposes of the Planning Policy, the following terms shall have this meaning:

Business Tenancy:

means a business that occupies portion or all of a building that is located on a lot that is not zoned Residential (or land designated as Residential in an approved structure plan or local development plan) or Special Residential.

Exempted Advertisement:

means an advertisement that complies with any requirements specified in this Planning Policy in relation to the exemption from the requirement for development approval.

Non-profit:

means an "incorporated not for profit association" which is an incorporated association that:

- (i) Cannot operate for the profit or gain of its individual members; and

- (ii) Contributes to the community in a social, sporting, cultural, environmental or charitable context".

Regional Road

means a road that is reserved as Primary Regional Road or Other Regional Road in the Metropolitan Region Scheme

Signage Strategy:

means a report and plans (site plans, elevations and perspectives) detailing all proposed advertisements on a lot subject of a Development Application.

Third party advertising:

means any advertisement that is used wholly or partly for the purposes of advertising, announcing or directing to a business, service or product unrelated to the property where the advertisement is placed.

8. DELEGATION

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

Applications for Development Approval that comply in all other respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to Part 10, Division 2, Clauses 81-84 of the Deemed Provisions and Planning Procedure 1.1 - Delegated Authority.

9. ADOPTION

This Planning Policy was adopted by the Council at its Ordinary meeting held on _____.

10. REVOCATION

This Planning Policy supersedes the Council's Planning Policy 3.3.1 - Control of Advertisements, as adopted by Council on 27 May 2008 and amended on 15 December 2009.

Committee Voting (Carried) - 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable



Planning and Development Services Statutory Planning Services



Reference No & Subject:	PD-029/22 Proposed Scheme Amendment No.185 - Control of Advertisements - Final Approval
File No:	LUP/1491-03; LUP/2196
Applicant:	City of Rockingham
Owner:	
Author:	Mr Chris Parlane, A/Coordinator Statutory Planning
Other Contributors:	Mr David Waller, A/Manager Statutory Planning
Date of Committee Meeting:	15 August 2022
Previously before Council:	22 March 2022 (PD-010/22)
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Legislative
Site:	
Lot Area:	
LA Zoning:	
MRS Zoning:	
Attachments:	
Maps/Diagrams:	

Purpose of Report

To consider Amendment No.185 to Town Planning Scheme No.2 (TPS2) for Final Approval, following the conclusion of public advertising.

This matter forms part of a broader review of the City of Rockingham's (City) signage control framework, as follows:

- (i) Scheme Amendment No.185 - transfer development control in respect to signs and advertisements from the Scheme to a revised Planning Policy No.3.3.1 - Control of Advertisements;
- (ii) Planning Policy No.3.3.1 (PP3.3.1) - revise PP3.3.1 to include 'policy level' development controls that inform the need for, and assessment of applications for Development Approval for signs and advertisements on zoned land and on local reserves throughout the City; and
- (iii) *Signs Hoardings and Bill Posting By-Law 1990* (Signs Local Law) - to avoid duplication, the Signs Local Law will be repealed as part of the City's ongoing review of Local Laws.

This Report should be considered in conjunction with Item PD-028/22 - Revised Planning Policy 3.3.1 - Control of Advertisements - Final Approval.

Revised PP3.3.1 will not come into effect until the gazettal of Scheme Amendment No.185.

The Signs Local Law should be repealed upon the Gazettal of Amendment No.185, when revised PP3.3.1 comes into effect.

Background

In March 2022, the Council resolved as follows:

- “1. **ADOPTS** (Initiates) Amendment No.185 to Town Planning Scheme No.2 for the purpose of amending provisions relating to the Control of Advertisements as follows:
 - (i) *Modify clause 5.3.1 (a) by deleting the words “requiring” and “development approval is required in addition to any licence pursuant to the local government’s Signs, Hoardings and Bill Posting Local-Laws” and rewording clause 5.3.1 (a) to state “For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act. Except as otherwise provided, Development Approval is required from the Local Government”.*
 - (ii) *Deleting the two occurrences of “Schedule No. 6” within Clause 5.3.4 and replace both with “Local Planning Policy No.3.3.1 - Control of Advertisements.” It is also proposed to update within clause 5.3.4 reference to the “Main Roads (Control of Signs) Regulations 1983” to state the “Main Roads (Control of Signs) Regulations 1996”.*
 - (iii) *Adding a new paragraph at the end of the 5.3.4 to state:
“Pursuant to Clause 61 (1) of the Deemed Provisions, Table Row 10, exempted advertisements are detailed in the City’s Local Planning Policy No.3.1.1 - Control of Advertisements”.*
 - (iv) *In Schedule A - Supplementary Provisions to the Deemed Provisions, amend Clause 61 (6) (g) by deleting “Schedule 6” and replace it with “the City’s Local Planning Policy No.3.3.1 - Control of Advertisements”.*
 - (v) *Delete the contents of Schedule 6 Exempted Advertisements and replace with the words “Pursuant to Clause 61 (1) of the Deemed Provisions, Table Row 10, exempted advertisements are detailed in the City’s Local Planning Policy No.3.3.1 - Control of Advertisements”.*
2. **CONSIDERS** the proposed Scheme Amendment is a ‘Standard Amendment’ in accordance with Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015; and
3. **REQUIRES** the proposed Scheme Amendment to be advertised for a minimum period of 42 days in accordance with Regulation 47(4) of the Planning and Development (Local Planning Schemes) Regulations 2015.”

Details

This proposed Scheme Amendment is an outcome of a comprehensive review of the planning and local law framework relating to signs and advertisements, which is intended to simplify the relevant planning requirements.

The advertised changes (in red text) to TPS2 are summarised below:

Recommendation 1:

Clause 5.3.1:

Modify clause 5.3.1 (a) by deleting the words “requiring” and “development approval is required in addition to any licence pursuant to the local government’s Signs, Hoardings and Bill Posting Local-Laws” and rewording clause 5.3.1 (a) to state:

“5.3.1 Power to Control Advertisements

- (a) For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act. ~~requiring, Except as otherwise provided, Development Approval is required from the Local Government development approval is required in addition to any licence pursuant to the Local Government’s Signs, Hoardings and Bill Posting Local Laws”.~~

Recommendation 2:

Clause 5.3.4:

Schedule No.6 of TPS2 outlines exempted forms of advertisements. It is proposed to delete the two occurrences of “Schedule No. 6” within Clause 5.3.4 and replace both with “Local Planning Policy No.3.3.1 - Control of Advertisements.” It is also proposed to update within clause 5.3.4 reference to the “Main Roads (Control of Signs) Regulations 1983” to state the “Main Roads (Control of Signs) Regulations 1996”, as follows:

“5.3.4 Exemptions from the Requirement to Obtain Development Approval

Subject to the provisions of the Main Roads (Control of Signs) Regulations ~~1983~~ 1996 and notwithstanding the provisions of clause 5.3.1 (a), the Local Government’s prior development approval is not required in respect of an exempted advertisement listed in ~~Schedule No.6 Local Planning Policy No.3.3.1 - Control of Advertisements~~. The exemptions listed in ~~Schedule No.6 Local Planning Policy No.3.3.1 - Control of Advertisements~~ do not apply to land, buildings, objects, structures and places included on the Heritage List or within a Heritage Area established or designated under clause 9 of the deemed provisions.

Recommendation 3:

It is proposed to add a new paragraph at the end of 5.3.4 to state:

~~“Pursuant to Clause 61 (1) of the Deemed Provisions, Table Row 10, exempted advertisements are detailed in the City’s Local Planning Policy No.3.1.1 - Control of Advertisements”.~~

Recommendation 4:

SCHEDULE A - SUPPLEMENTARY PROVISIONS TO THE DEEMED PROVISIONS:

Amend Clause 61 (6) (g) by deleting “Schedule 6” and replace it with “the City’s Local Planning Policy No.3.3.1 - Control of Advertisements” as follows:

- “Clause 61(6) (a) the use of land reserved under the Scheme, where such land is held by the Local Government or vested in a public authority.
- (i) for the purposes for which the land is reserved under the Scheme; or
 - (ii) in the case of land vested in a public authority, for any purposes for which such land may be lawfully used by that authority.
- (b) the erection of a boundary fence except as otherwise required by the Scheme.
- (c) the erection on a lot of two grouped dwellings where the proposed use is designated with the symbol “P” and “D” in the cross-reference to City of Rockingham Town Planning Scheme No. 2 Scheme Text Page 9-2 that zone in the Zoning Table and in the Development Zone, except where otherwise provided by the Scheme.
- (d) the carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act.
- (e) the carrying out of works urgently necessary in the public safety or security of plant or equipment or for the maintenance of essential services.
- (f) family day care.
- (g) any of the exempted classes of advertisements listed in ~~Schedule No.6 the City’s Local Planning Policy No.3.3.1 – Control of Advertisements~~, except in respect of a place included in the Heritage List or in a Heritage Area.

- (h) *single holiday accommodation within the Development Area within the area covered by the Port Kennedy Development Agreement Act, 1992 (as amended), including any extensions, ancillary buildings or swimming pools.*
- (i) *the minor works undertaken on land in the General and Special Industrial Zones of the IP14 Area (as detailed in Clause 61(7), where such works are undertaken in accordance with an Structure Plan prepared in accordance with Clause 4.10.11 of the Scheme”.*

Recommendation 5:

SCHEDULE 6 - EXEMPTED ADVERTISEMENTS:

As it is proposed to transfer the exempted signage provisions from Schedule No.6 of TPS2 into Local Planning Policy PP3.3.1, the contents of Schedule 6 will be replaced as follows:

“SCHEDULE NO.6
EXEMPTED ADVERTISEMENTS

~~(under clause 5.3.4)~~

Pursuant to Clause 61 (1) of the Deemed Provisions, Table Row 10, exempted advertisements are detailed in the City's Local Planning Policy No.3.3.1- Control of Advertisements”.

Implications to Consider

a. Consultation with the Community

Proposed Scheme Amendment No.185 was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 43 days, commencing on 19 May 2022 and concluding on 1 July 2022.

Public advertising was carried out in the following manner:

- A notice appeared in the public notices section of the Sound Telegraph newspaper on 18 May 2022;
- The Rockingham Kwinana Chamber of Commerce; local sign companies, planning consultants and developers were advised of the proposal in writing and invited comment;
- A copy of the Scheme Amendment documents and revised PP3.3.1 were advertised on the City's website; and
- Copies of the Scheme Amendment and supporting documentation were made available for inspection at the City's Administration Offices.

At the close of the public consultation period there were no public submissions received on the Scheme Amendment.

b. Consultation with other Agencies or Consultants

The Scheme Amendment was referred to the Environmental Protection Authority (EPA) to determine if an environmental assessment was required, prior to advertising. The EPA advised that the Scheme Amendment should not be assessed under the *Environmental Protection Act 1986*.

The following government and servicing agencies were also consulted:

- Department of Planning, Lands and Heritage;
- Main Roads WA (MRWA);
- City of Kwinana;
- Shire of Serpentine Jarrahdale;
- City of Mandurah; and
- Shire of Murray;

The only submission received on the proposed Scheme Amendment was MRWA which indicated no objection. MRWA provided comments on the proposed revised PP3.3.1 which was advertised concurrently; these are addressed in Item PD-028/22.

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Strategic Community Plan 2019-2029:

Aspiration 3: *Plan for Future Generations*

Strategic Objective: *Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of a growing population, with consideration of future generations.*

d. Policy

The proposed Scheme Amendment is being progressed in conjunction with proposed revised PP3.3.1, which is being reported separately under Item PD-028/22.

e. Financial

Nil

f. Legal and Statutory

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

Adoption:

Regulation 50(3) provides that the City shall:

"Before the end of the consideration period for a standard amendment to a local planning scheme [60 days], or a later date approved by the Commission, the local government must pass a resolution-

(a) To support the amendment without modification; or

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

(c) Not support the amendment".

The Council must consider submissions on a standard amendment within 60 days after the end of the submission period for the amendment. The period after closing of submissions is the consideration period.

In the case of a resolution to support an amendment to a local planning scheme without modifications, the local government must provide its resolution to the WAPC within 21 days of passing the resolution.

g. Risk

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

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

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

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

Nil

Comments

The proposed Scheme Amendment has been considered in conjunction with the review of PP3.3.1 as part of a broader review of the statutory framework relating to the control of signs and advertisements within the City.

The main change proposed to the statutory framework relates to the transfer of signage control, include exempted signage provisions, from the Town Planning Scheme to an adopted Local Planning Policy.

There were no submissions received on the proposed Scheme Amendment during advertising.

Given the intention of the Scheme Amendment is to reduce 'red-tape' for businesses, simplify the planning framework and is largely administrative in nature, it is recommended that Council adopt the Scheme Amendment for Final Approval, without modification.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPTS** for Final Approval Amendment No.185 to Town Planning Scheme No.2 for the purpose of amending provisions relating to the Control of Advertisements, as follows:

1. Modify clause 5.3.1 (a) by deleting the words *“requiring”* and *“development approval is required in addition to any licence pursuant to the local government’s Signs, Hoardings and Bill Posting Local-Laws”* and rewording clause 5.3.1 (a) to state *“For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act. Except as otherwise provided, Development Approval is required from the Local Government”*.
2. Deleting the two occurrences of *“Schedule No. 6”* within Clause 5.3.4 and replace both with *“Local Planning Policy No.3.3.1 - Control of Advertisements.”* It is also proposed to update within clause 5.3.4 reference to the *“Main Roads (Control of Signs) Regulations 1983”* to state the *“Main Roads (Control of Signs) Regulations 1996”*.
3. Adding a new paragraph at the end of the 5.3.4 to state:
“Pursuant to Clause 61 (1) of the Deemed Provisions, Table Row 10, exempted advertisements are detailed in the City’s Local Planning Policy No.3.1.1 - Control of Advertisements”.
4. In Schedule A - Supplementary Provisions to the Deemed Provisions, amend Clause 61 (6) (g) by deleting *“Schedule 6”* and replace it with *“the City’s Local Planning Policy No.3.3.1 - Control of Advertisements”*.
5. Delete the contents of Schedule 6 Exempted Advertisements and replace with the words *“Pursuant to Clause 61 (1) of the Deemed Provisions, Table Row 10, exempted advertisements are detailed in the City’s Local Planning Policy No.3.3.1 - Control of Advertisements”*.

Committee Recommendation

Moved Cr Buchan, seconded Cr Jones:

That Council **ADOPTS** for Final Approval Amendment No.185 to Town Planning Scheme No.2 for the purpose of amending provisions relating to the Control of Advertisements, as follows:

1. Modify clause 5.3.1 (a) by deleting the words *“requiring”* and *“development approval is required in addition to any licence pursuant to the local government’s Signs, Hoardings and Bill Posting Local-Laws”* and rewording clause 5.3.1 (a) to state *“For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act. Except as otherwise provided, Development Approval is required from the Local Government”*.
2. Deleting the two occurrences of *“Schedule No. 6”* within Clause 5.3.4 and replace both with *“Local Planning Policy No.3.3.1 - Control of Advertisements.”* It is also proposed to update within clause 5.3.4 reference to the *“Main Roads (Control of Signs) Regulations 1983”* to state the *“Main Roads (Control of Signs) Regulations 1996”*.
3. Adding a new paragraph at the end of the 5.3.4 to state:
“Pursuant to Clause 61 (1) of the Deemed Provisions, Table Row 10, exempted advertisements are detailed in the City’s Local Planning Policy No.3.1.1 - Control of Advertisements”.
4. In Schedule A - Supplementary Provisions to the Deemed Provisions, amend Clause 61 (6) (g) by deleting *“Schedule 6”* and replace it with *“the City’s Local Planning Policy No.3.3.1 - Control of Advertisements”*.



5. Delete the contents of Schedule 6 Exempted Advertisements and replace with the words "*Pursuant to Clause 61 (1) of the Deemed Provisions, Table Row 10, exempted advertisements are detailed in the City's Local Planning Policy No.3.3.1 - Control of Advertisements*".

Committee Voting (Carried) - 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable



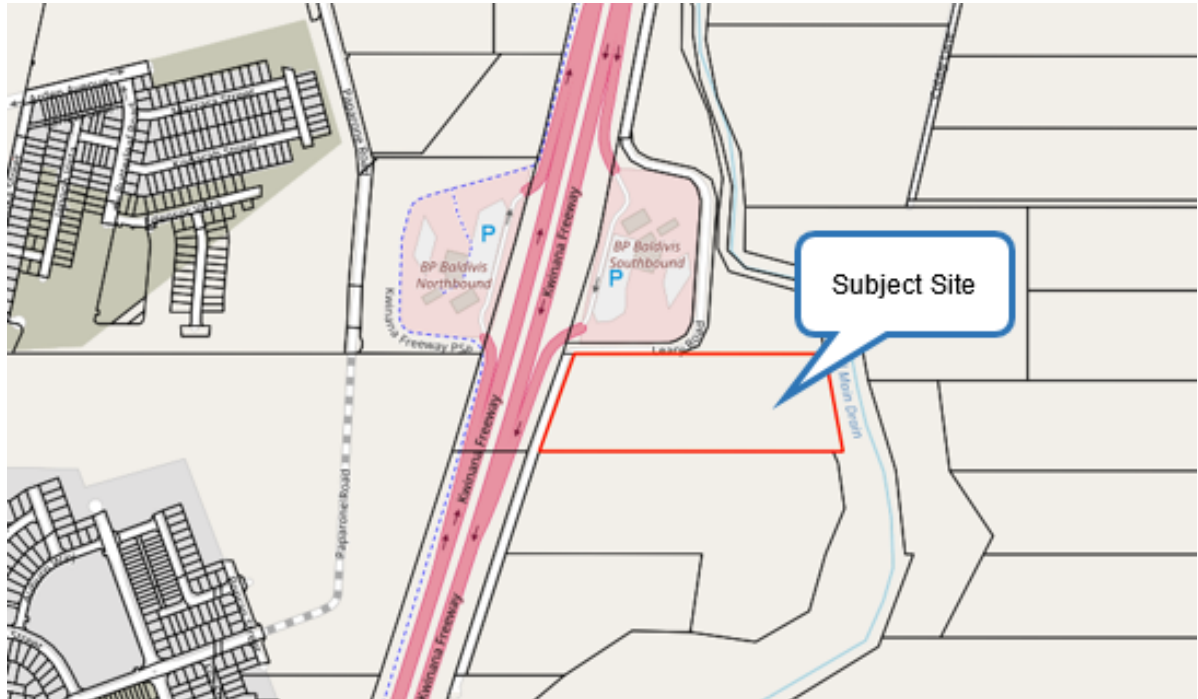
Planning and Development Services Statutory Planning Services



Reference No & Subject:	PD-030/22 Proposed Scheme Amendment No.193 - Additional Use (Warehouse/Storage)
File No:	LUP/2224
Applicant:	Niche Planning Studio
Owner:	Cootech Pty Ltd
Author:	Miss Nyah Cheater, Planning Assistant
Other Contributors:	Mr Chris Parlane, A/Coordinator Statutory Planning Mr David Waller, A/Manager Statutory Planning
Date of Committee Meeting:	15 August 2022
Previously before Council:	
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Legislative
Site:	Lot 9001 Leary Road, Baldvis
Lot Area:	5.7068ha
LA Zoning:	Rural
MRS Zoning:	Rural
Attachments:	Scheme Amendment Report
Maps/Diagrams:	1. Location Plan 2. Aerial Photograph 3. Photo of Subject Site from Leary Road facing South-West 4. Photo from Subject Site facing West 5. Photo from Subject Site facing South 6. Photo from Subject Site facing East 7. Photo from Leary Road facing North (BP Southbound Service Station) 8. Current Rural Zoning - TPS2 9. Proposed Rural Zoning with Additional Use No.35 (Warehouse/Storage) 10. Site Plan 11. Landscape Plan 12. Proposed APZ Extent

Purpose of Report

To consider Amendment No.193 to Town Planning Scheme No.2 (TPS2), to include an Additional Use (Warehouse/Storage) at Lot 9001 Leary Road, Baldivis (Subject Site).



1. Location Plan



2. Aerial Photograph

Background

The subject site is relatively flat land that has been mostly cleared, having historically been used for agricultural purposes. There are scattered trees remaining in the south-west corner of the lot and along the eastern boundary.

There is an existing Telstra telecommunications tower in the north-west corner of the site which was approved by Council in December 2016 (PDS-083/16).

Site Context

The subject site has frontage to Leary Road along its northern and western boundaries. To the west of Leary Road is the Kwinana Freeway road reserve.

The southbound Freeway Service Centre is located across Leary Road north of the site, while the Peel Main Drain adjoins the site to the east.

With the exception of the Freeway Service Centre, the locality surrounding the subject site, east of the Kwinana Freeway, comprises largely of vacant and generally small rural landholdings. The land west of the Kwinana Freeway is zoned for urban development.



3. Photo of Subject Site from Leary Road facing South-West



4. Photo from Subject Site facing West



5. Photo from Subject Site facing South



6. Photo from Subject Site facing East



7. Photo from Leary Road facing North (BP Southbound Service Station)

Details

The City has been requested to initiate a proposed Amendment to TPS2, to include an 'Additional Uses (Warehouse/Storage)' on Lot 9001 Leary Road, Baldvis. The subject site is currently zoned 'Rural' under TPS2.



8. Current Rural Zoning - TPS2

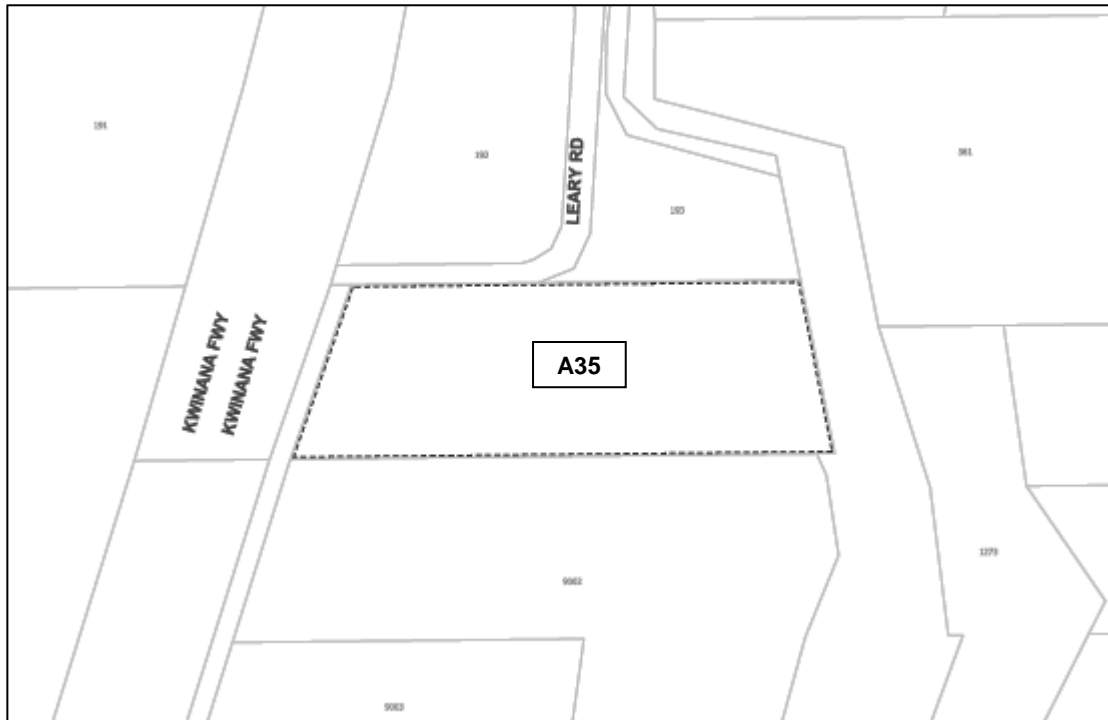
The Applicant has submitted the proposal on behalf of Coogee Chemicals (the Proponent), who propose to use the subject site for the temporary storage of the following types of equipment:

- Transport trailing equipment;
- Sea containers; and
- Redundant operational equipment, including empty tanks, drive equipment and pipe work.

Information submitted with the Application indicates:

- The storage area is proposed to be located on an asphalt hardstand area measuring 90m by 90m, secured by a fence to restrict unauthorised access;
- A 3.0 metre wide, 1.0-1.2 metre high landscaped bund buffer is proposed to surround and visually screen the storage area, setback 5m from Leary Road;
- No chemicals or liquid substances will be stored at the site;
- All equipment will be thoroughly cleaned and free from any chemical residue prior to storage; and
- Access to the site will be infrequent, with transport vehicles expected to attend the site up to two times per month.

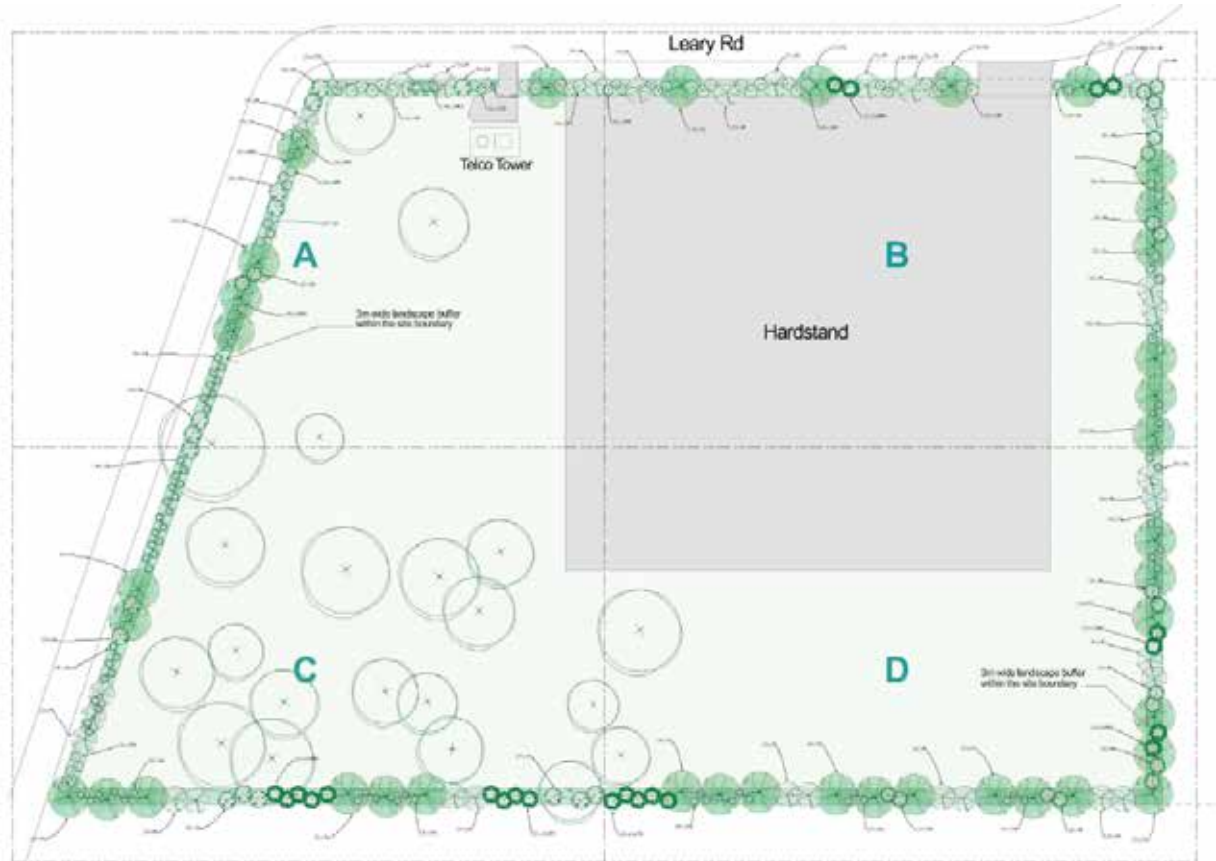
The proposal to use the site for storage, as described above, would be classified as either "Warehouse/Storage" or "Contractor's Yard" under TPS2, of which both uses are "X" uses (i.e. prohibited) in the Rural zone. The applicant has suggested that the proposed industrial land use is considered acceptable, given the subject site's proximity to the Freeway Service Centre.



9. Proposed Rural Zoning with Additional Use No.35 (Warehouse/Storage)



10. Site Plan



11. Landscape Plan

Implications to Consider

a. Consultation with the Community

If the Scheme Amendment is initiated by Council and treated as a Complex Amendment, it is required to be advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) for a minimum period of 60 days from the date of publication, as follows:

- Published on the City's website;
- A copy of the Scheme Amendment made available for public inspection at the City's Administration Offices; and
- A notice published in the newspaper circulating the locality.

b. Consultation with Government Agencies

Consultation with the Environmental Protection Authority will only occur if the Scheme Amendment is initiated by Council in accordance with Regulation 37 of the Regulations.

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Strategic Community Plan 2019-2029:

Aspiration 3: *Plan for Future Generations*

Strategic Objective: *Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of a growing population, with consideration for future generations.*

d. Policy

State Government Policies

State Planning Policy 2.1 - Peel-Harvey Coastal Plain Catchment (SPP2.1)

SPP2.1 aims to ensure that land use changes within the Peel-Harvey Estuarine System, likely to cause environmental damage to the estuary, are brought under planning control and prevented.

The relevant objectives of SPP2.1 to this Scheme Amendment are listed as follows:

- *“To improve the social, economic, ecological, aesthetic, and recreational potential of the Peel-Harvey Coastal Plain Catchment.*
- *To ensure that changes to land use within the Catchment to the Peel-Harvey Estuarine system are controlled so as to avoid and minimise environmental damage.*
- *To reflect the environmental objectives in the Draft Environmental Protection Policy (Peel-Harvey Estuarine System) 1992.*
- *To prevent land uses likely to result in excessive nutrient export into the drainage system.”*

The Application states that the proposed use of the site as an inert material laydown area does not pose a risk to water resources. Also, that the landscaping proposed will include native, deep rooted vegetation, and that no fertilisers/nutrients will be applied to the landscaping area or the site in general.

It is noted, however, that the industrial equipment proposed to be stored relates to a chemical manufacturing company, which, if not cleaned properly before transporting to the site, has potential to result in adverse environmental impact, and conflict with the above Objectives of SPP2.1.

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

The purpose of SPP2.5 is to protect and preserve Western Australia’s rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome.

As the proposal involves the use of the site for industrial related storage purposes, the proposed amendment is considered to be inconsistent with the broader strategic objectives of SPP2.5.

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

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

The subject site is located within a Bushfire Prone Area and the applicant has submitted a Bushfire Management Plan (BMP) to support the proposal. The BMP has identified that on completion, the proposed development will not exceed a rating of BAL-29 which can be achieved through the implementation of a 14.0m wide Asset Protection Zone (APZ) (refer Figure 12).

It is noted that the northern portion of the APZ includes portion of the proposed landscaped bund, which is intended to provide visual screening of the storage area.

Any vegetation within an APZ will need to comply with the specifications outlined in the Guidelines for Planning in Bushfire Prone Areas (the Guidelines), which include:

- Shrubs and scrub should not be planted in clumps greater than 5m² in area;
- Clumps should be separated from each other by at least 10 metres; and
- Tree canopies at maturity should be at least five metres apart to avoid forming a continuous canopy.

The City considers that the maintenance requirements for an APZ are likely to impact the proposed landscape buffer adjacent Leary Road to the north, which may compromise the effectiveness of the landscaping that is intended to visually screen the industrial equipment.

Due to this conflict, the City does not consider the proposal will result in an appropriate balance between bushfire mitigation and preserving the landscape amenity, particularly when the site is viewed from the north. The City does acknowledge though that the property to the north is a Freeway Service Centre which will not be as adversely impacted by views of industrial equipment, in comparison to adjoining Rural properties.

The application is considered to be inconsistent with the following objective of SPP3.7:

“Achieve an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change.”



12. Proposed APZ Extent

The City further considers that the BMP has not adequately addressed Element 3 of the Guidelines relating to safe and available vehicular access in the event of a bushfire. Leary Road is a no-through road, and no information has been provided demonstrating the provision of an emergency access way for the egress of vehicles in the event of a bushfire.

Local Planning Policies

Planning Policy 3.1.1 - Rural Land Strategy (RLS)

The RLS provides the basis for land use planning in the rural area of the City. In particular, it provides Council with a framework for the assessment of proposals to rezone, subdivide, manage and develop rural land in the City.

The RLS considers the City's rural land in terms of 'Policy Areas' which are further divided into Planning Precincts. The subject land is situated in Precinct 2A - Baldivis (East), which is described as:

“The Baldivis (East) precinct is located on the eastern side of the Kwinana Freeway, generally between Mundijong Road to the north and Karnup Road to the south, extending eastward to the municipal boundary. The precinct is predominantly zoned Rural, with some Special Rural zoned land in the vicinity of Doghill Road.”

The strategic intent for Precinct 2A, includes the following provision:

Y “To protect and enhance visual character and amenity.”

The proposed development involves the storage of industrial equipment of unknown size/height. It is not known if the height of proposed landscaping will be sufficient to screen equipment from surrounding view.

Furthermore, due to bushfire requirements for the maintenance of an APZ, effective visual screening of the proposed storage area cannot be guaranteed. Should the storage of industrial equipment be visible from beyond the site, then this will impact on the visual character and amenity of this rural area.

It is acknowledged by the City that the Freeway Service Centre to the north does not possess rural characteristics that would be adversely impacted by unscreened views of industrial equipment. Also, neighbouring rural properties to the north and south do not currently contain dwellings, however, it is likely there will be visual impacts to neighbouring residents in future should the development proceed.

With consideration of the above, the City considers it has not been sufficiently demonstrated that the development will protect and enhance the visual character of the rural area, east of the Kwinana Freeway. To this extent, the proposal is considered to be inconsistent with the RLS.

e. Financial

Nil

f. Legal and Statutory

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

The procedure for Scheme Amendments is outlined in the Regulations, as per the *Planning and Development Act 2005*. Regulation 35(1) allows the Council to adopt an amendment to TPS2 proposed by the owners of land within the scheme area.

Under Regulation 35(2) a Council resolution must:

- “(a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and*
- (b) include an explanation of the reasons for the local government forming that opinion”.*

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

- “(a) an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- (b) an amendment that is not addressed by any local planning strategy;*
- (c) an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;*
- (d) an amendment made to comply with an order made by the Minister under [section 76](#) or 77A of the Act;*
- (e) an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan.”*

The City considers the proposal to be a Complex Amendment, pursuant to Regulation 34, given it is an amendment that is not addressed by a local planning strategy and will result in potential visual and environmental implications that could adversely impact the amenity of surrounding rural properties.

Under Regulation 37(1), in considering a Complex amendment proposed by an owner of land in the scheme area, the local government must resolve —

- “(a) to proceed to advertise the amendment to the local planning scheme without modification; or*
- (b) to proceed to advertise the amendment to the local planning scheme with modifications; or*
- (c) not to proceed to advertise the amendment to the local planning scheme.”*

Metropolitan Region Scheme (MRS)

The MRS defines the future use of land and provides the legal basis for planning in the Perth Metropolitan Region, dividing it into broad zones and reservations. The subject site is zoned 'Rural'. The proposed industrial land use is considered to be inconsistent with the MRS zoning.

Town Planning Scheme No.2 (TPS2)

The subject site is zoned 'Rural' in TPS2.

Land Use

The storage of industrial equipment is considered to be a land use that could be defined as either a 'Contractors Yard' or 'Warehouse/Storage' use, both of which are prohibited uses ('X') in the 'Rural' zone.

Within TPS2, a 'Contractors Yard' is defined to mean:

"premises used for the storage of contractor's plant and equipment, including prefabricated or transportable buildings and materials".

'Warehouse/Storage' is defined to mean:

"premises including indoor or outdoor facilities used for:

(a) the storage of goods, equipment, plant or materials; or

(b) the display or sale by wholesale of goods".

TPS2 guides the development of 'Contractors Yard' land use into industrial areas within the City or into the Port Kennedy Business Enterprise zone.

'Warehouse/Storage' is a use that is provided for in a broader range of zones within the City, including some of the City Centre areas, Commercial and Industrial zones.

Rural Zone Objective

The objective for the Rural zone is *"...to preserve land for farming and foster semi-rural development which is sympathetic to the particular characteristics of the area in which it is located, having due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the Local Government may adopt from time to time as a guide to future development within the zone".*

The locality east of the Kwinana Freeway comprises rural small holdings where the existing rural character is reinforced by the environmental values of the Peel Main Drain, adjoining the site to the east.

The City is concerned that the introduction of an industrial land use will bring with it industrial related heavy traffic (albeit in low volumes) and potentially, have an adverse visual impact despite the proposed landscaping buffer. It is considered that this would adversely affect the character and amenity of the locality.

It is considered that the proposed Scheme Amendment promotes ad-hoc industrial development to intrude into the Rural zone east of the freeway. As such, the proposal is not considered to *"foster semi-rural development which is sympathetic to the particular characteristics of the area"*, and is inconsistent with the objective for the Rural zone.

g. Risk

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

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

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

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

Nil

Comments

The proposed Scheme Amendment to provide for an 'Additional Use (Warehouse/Storage)' at the subject site would allow the ad-hoc introduction of an industrial related land use, that is inconsistent with the underlying Rural zoning of the subject property and surrounding area.

The Freeway Service Centre located directly to the north of the Subject Site was rezoned to 'Special Use (Freeway Service Centre)' under Scheme Amendment No.89 to TPS2, which was gazetted in April 2011.

The City does not support the applicant's claim that the proposed Additional Use (Warehouse/Storage) is appropriate and suitable given the site's proximity to the Freeway Service Centre. The Freeway Service Centre was approved on a strategic basis to provide rest and food options for persons driving along the freeway. To the contrary, the proposed Additional Use (Warehouse/Storage) is considered an ad-hoc proposal that will result in an industrial intrusion into 'Rural' zoned land.

It is further noted that there is an adequate supply of appropriately zoned land to accommodate the proposed use elsewhere in the City of Rockingham. It is considered that the use would be more appropriate and suitable within an industrial zoned area.

The proposed Scheme Amendment is not supported for the following reasons:

- The proposal is inconsistent with the TPS2 Objective of the 'Rural' zone to *foster semi-rural development which is sympathetic to the particular characteristics of the area in which it is located*;
- The proposal has not adequately demonstrated compliance with SPP2.1 or SPP2.5 as it involves an industrial use that may adversely impact the environmental characteristics and rural land assets of the surrounding locality, east of the Kwinana Freeway;
- The storage of industrial equipment, of unknown bulk and height, may result in undue visual and amenity implications, contrary to the strategic intent for the rural area of this precinct under the RLS; and
- It will set an undesirable precedent for further ad-hoc land use proposals for adjacent lots, which is not consistent with proper and orderly planning.

In consideration of the above points and the relevant planning framework, it is recommended that Council does not proceed to adopt or advertise the proposed Scheme Amendment.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **CONSIDERS** the proposed Scheme Amendment a 'Complex Amendment' in accordance with Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
 - (i) The proposal is not addressed by a local planning strategy; and
 - (ii) The proposal will result in an industrial related development, with potential visual and environmental impacts that could adversely affect the amenity of surrounding rural properties.
2. **NOT ADOPT** or proceed to advertise Amendment No.193 to Town Planning Scheme No.2 for the following reasons:
 - (i) The proposal is inconsistent with the TPS2 Objective for the Rural zone to *foster semi-rural development which is sympathetic to the particular characteristics of the area in which it is located*.
 - (ii) The proposal has not adequately demonstrated compliance with State Planning Policy 2.1 - Peel-Harvey Coastal Plain Catchment or State Planning Policy 2.5 - Rural Planning.
 - (iii) The proposal does not adequately demonstrate compliance with the strategic intent for this precinct in Planning Policy No.3.3.1 - Rural Land Strategy, which is *to protect and enhance visual character and amenity*.

- (iv) The proposal promotes the intrusion of industrial related development within a predominantly rural area, which is inconsistent with proper and orderly planning.

Committee Recommendation

Moved Cr Buchan, seconded Cr Jones:

That Council:

1. **CONSIDERS** the proposed Scheme Amendment a 'Complex Amendment' in accordance with Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
 - (i) The proposal is not addressed by a local planning strategy; and
 - (ii) The proposal will result in an industrial related development, with potential visual and environmental impacts that could adversely affect the amenity of surrounding rural properties.
2. **NOT ADOPT** or proceed to advertise Amendment No.193 to Town Planning Scheme No.2 for the following reasons:
 - (i) The proposal is inconsistent with the TPS2 Objective for the Rural zone to *foster semi-rural development which is sympathetic to the particular characteristics of the area in which it is located.*
 - (ii) The proposal has not adequately demonstrated compliance with State Planning Policy 2.1 - Peel-Harvey Coastal Plain Catchment or State Planning Policy 2.5 - Rural Planning.
 - (iii) The proposal does not adequately demonstrate compliance with the strategic intent for this precinct in Planning Policy No.3.3.1 - Rural Land Strategy, which is *to protect and enhance visual character and amenity.*
 - (iv) The proposal promotes the intrusion of industrial related development within a predominantly rural area, which is inconsistent with proper and orderly planning.

Committee Voting (Carried) - 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable



Planning and Development Services Statutory Planning Services



Reference No & Subject:	PD-031/22 Joint Development Assessment Panel Application - Proposed Industrial Graphite Processing Plant
File No:	DD020.2022.00000031.001
Applicant:	EcoGraf Limited
Owner:	Development WA
Author:	Mrs Casey Gillespie, Senior Planning Officer
Other Contributors:	Mr David Waller, A/Manager Statutory Planning
Date of Committee Meeting:	15 August 2022
Previously before Council:	
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Tribunal
Site:	Lot 2 Zirconia Drive, East Rockingham
Lot Area:	37,711m ²
LA Zoning:	General Industry, Special Industry
MRS Zoning:	Industrial
Attachments:	1. Responsible Authority Report 2. Schedule of Submissions
Maps/Diagrams:	1. Location Plan 2. Aerial Location Plan 3. RIZ (IP14) Structure Plan 4. Site Plan 5. Elevations from Zirconia Drive 6. Elevations from Alumina Road 7. Perspective - Site Entry from Alumina Road 8. Perspective - Visitor Car Park Area and Administration Entry 9. Consultation Map

Purpose of Report

To provide a recommendation to the Metro Outer Joint Development Assessment Panel (JDAP) for a proposed Graphite Processing Plant at Lot 2 Zirconia Drive, East Rockingham.



1. Location Plan



2. Aerial Location Plan

Background

Rockingham Industrial Zone

The East Rockingham Industrial Park (ERIP), or the Rockingham Industrial Zone (RIZ) which it is also known as, adjoins the southern section of the Kwinana Industrial Area (KIA). The RIZ is a strategic precinct that was first identified for industrial development through the Kwinana-East Rockingham Industrial Area Improvement Plan No.14 (IP14).

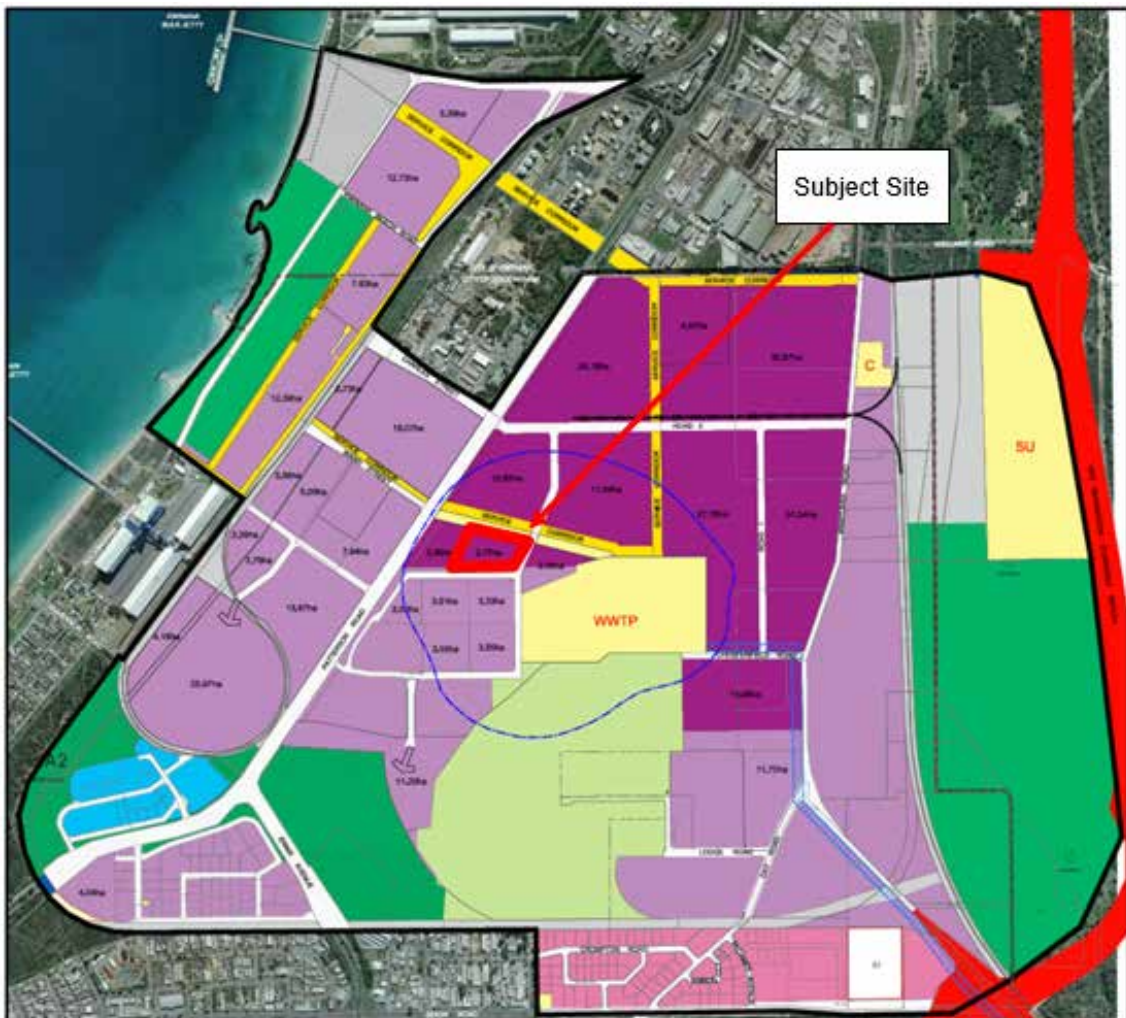
Confirmed at a Planning and Engineering Services
Committee meeting held on Monday 19 September 2022

Presiding Member

IP14 was initiated in 1988 for the purpose of advancing the planning, development and use of the land affected by the Plan for industrial purposes. The IP14 Structure Plan was adopted by Cabinet and the Western Australian Planning Commission (WAPC). The IP14 Structure Plan was never adopted by the City of Rockingham (City) under its Town Planning Scheme, but it has guided the development of East Rockingham for a number of years. IP14 is a plan which supports port-related industry, environmentally acceptable heavy industry, general industry and light industry.

In recent years the Rockingham Industrial Zone Structure Plan (RIZ Structure Plan), which varies from the IP14 Structure Plan, has been used to guide the development of the East Rockingham Industrial area. The RIZ structure plan, which has also not been adopted by the City, is an internal government document used by Development WA to progress and market the RIZ Industrial Estate.

The land subject to this JDAP application is designated as Environmentally Acceptable Heavy Industry on the RIZ Structure Plan.



3. RIZ (IP14) Structure Plan

Environmental Approvals

In May 2011, the Strategic Environmental Assessment (SEA) for the RIZ Structure Plan area was given approval by the Minister for Environment to be implemented. The SEA identified the development footprint for future industrial development over a 339 hectare area of the RIZ, while retaining an area as a conservation reserve (coloured light green on the Structure Plan above).

The Conservation Area was established in order to retain an area that exhibited significant environmental value, whilst the remainder of the site would be cleared for development. Further information on environmental approvals is available on the Environmental Protection Authority's (EPA) website:

[Rockingham Industrial Zone Strategic Environmental Assessment \(Formerly IP14\) | EPA Western Australia](#)

Scheme Amendment 178 and Review of Planning Policy P3.3.8 - East Rockingham Development Guidelines (PP3.3.8)

Proposed Scheme Amendment 178 and the review of PP3.3.8 sought to amend and update the provisions in conjunction with a broader review of the applicable planning framework for the ERIP.

The intended main change to the Industrial zone requirements in TPS2, was to include provisions to maintain existing vegetated buffers along Mandurah Road and Patterson Roads. The intention was to ensure appropriate setback and screening of large scale industrial developments along these major entryways into the City. The City sought a 50m landscaping/building setback to minor buildings/structures and 100m setbacks to major structures.

Ultimately, the Minister for Planning did not agree with the City's proposed setbacks and reduced them to 15m Primary Street building setback, 10m Secondary Street building setback, 10m Primary Street landscaping depth and 5m Secondary Street landscaping depth in the Special Industry and General Industry zones. The Minister has directed the City to make the changes to the Scheme Amendment documents and it is anticipated that it will be gazetted shortly.

Site and Locality

The site is bound by Zirconia Drive to the south, Alumina Road to the east and the Water Corporation easement to the north. Further south east of the site, on the opposite side of Alumina Road, is the East Rockingham Wastewater Treatment Plant.

The site contains remnant vegetation and is currently vacant.

Current Development Application

In February 2022, this JDAP application was lodged by the Applicant for a Graphite Processing Plant.

The following summarises the JDAP application history:

- On 10 March 2022, the City advised the Applicant that to meet the Responsible Authority Report (RAR) deadline of 9 May 2022, the item would need to be on the City's Agenda for the April Council meeting, with the agenda close date being 25 March 2022. This date was before the due date for external referral comments, and the City, bound by statutory requirements, cannot make a recommendation prior to the due date for receiving external referral comments. The City also advised that a formal request for further information (RFI) would be issued, and as such, the City requested that the applicant agree to an Extension of Time (EoT) to 29 June 2022;
- The formal RFI was issued to the Applicant on 8 April 2022, with an advised date of 19 April 2022, confirming the Applicant's acceptance or refusal to respond to the RFI;
- The matters in the RFI related to confirming the separation distance to sensitive land uses, gas, dust and odour emissions, water management and drainage, traffic, access and car parking, bushfire management and landscaping;
- The Applicant advised that they would respond to the RFI, however, the response would not be available until 27 May 2022 and as such, the Applicant sought a further EoT to 27 July 2022;
- An additional request for an EoT was sought by the Applicant on 24 May 2022, seeking an EoT date of 24 August 2022. This was agreed to by the City and the DAP;
- A complete response to the RFI was received by the City on 23 June 2022.

The following sections of this report are based on the additional supporting material submitted in response to the RFI in conjunction with the details at lodgement.

Details

This JDAP application is for a proposed Graphite Processing Plant to support the lithium-ion battery manufacturing industry. Specifically, the proposal seeks to establish a processing plant that mills high-quality graphite flakes into battery-grade spherical graphite to be used in lithium batteries. The proposal includes the following facilities and site improvements:

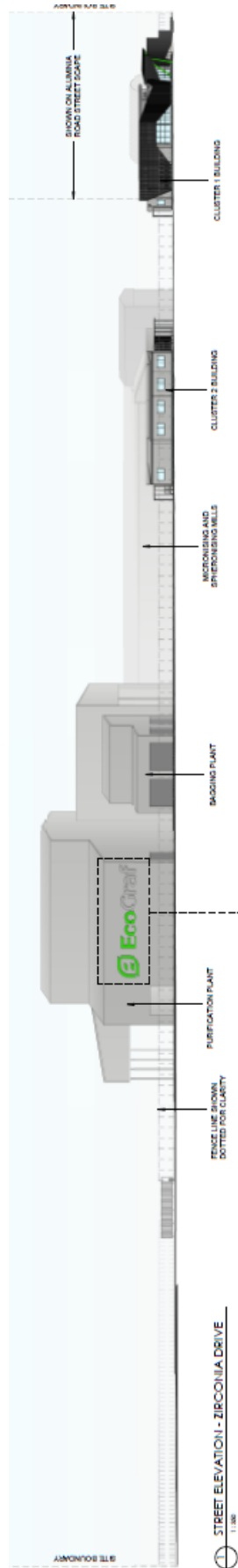
- 4,351m² battery anode facility, comprising of two main buildings where the milling and purification of uncoated spherical graphite products occurs;
- 400m² administrative building;
- 71m² workshop and store;
- 192m² control room and laboratory;
- 60m² motor control room;
- 30 car parks for staff, fenced and secured by a sliding gate; and
- Three visitor car parks located adjacent to the site administration office.

The proposed graphite processing plant will operate on a 24hr/7 day basis, employing 46 staff. The site will accommodate 16 staff during standard shift operations with the number increasing to a total of 30 during shift changeover. On any one shift, staffing comprises 14 shift staff plus 2 shift staff contingent. A total production output of 20,000 tonnes per annum of purified spherical graphite is proposed.

An internal access way network will provide access through the site for heavy vehicles, including waste. Main heavy vehicle entry and exit is proposed via Alumina Road, with an emergency heavy vehicle exit connection to Zirconia Drive provided.

The following reports and supporting material accompany the DAP application:

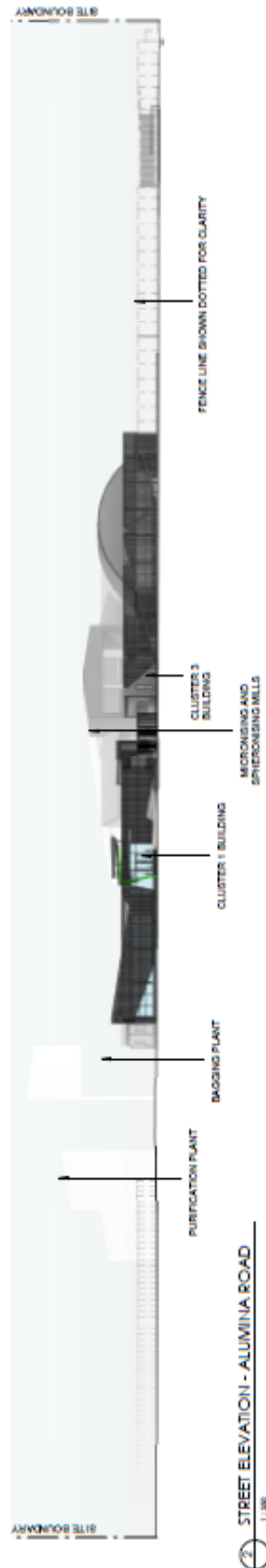
- Development Application Report;
- Development Plans and Drawings;
- Landscape Intent Plan;
- Traffic Impact Statement;
- Surface Water Management Strategy (SWMS) and Addendum;
- Environmental Analysis Report;
- Waste Management Plan;
- Noise Assessment;
- Air Quality Impact Assessment (AQIA); and
- Bushfire Management Plan (BMP).



5. Elevations from Zirconia Drive

Confirmed at a Planning and Engineering Services
Committee meeting held on Monday 19 September 2022

Presiding Member



6. Elevations from Alumina Road

Confirmed at a Planning and Engineering Services
Committee meeting held on Monday 19 September 2022

Presiding Member



7. Perspective - Site Entry from Alumina Road



VIEW FROM ALUMINA ROAD

8. Perspective - Visitor Car Park Area and Administration Entry

Implications to Consider

a. Consultation with the Community

The application was advertised for public comment in accordance with Clause 64 of the deemed provisions of the City's TPS2, in the following manner:

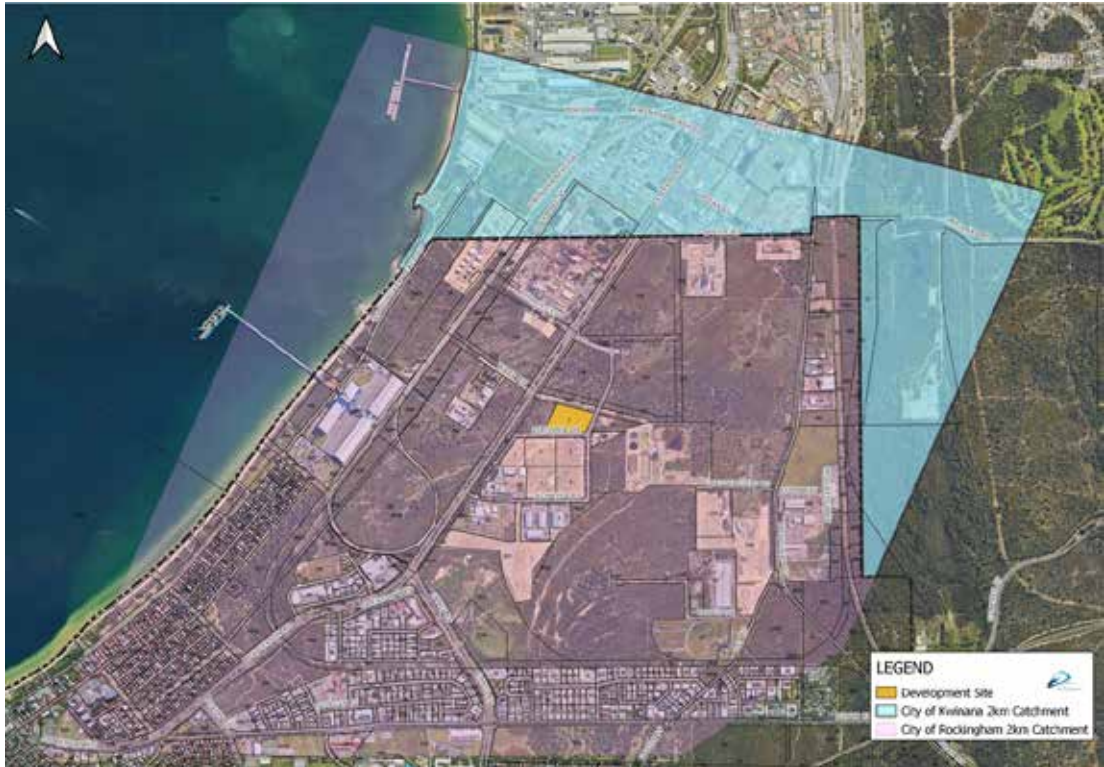
- ÿ Landowners and occupiers identified on the Consultation Map below were notified in writing of the application;
- ÿ The application was made available for public inspection at the City's Administration Offices and published on the City's website; and

Confirmed at a Planning and Engineering Services
Committee meeting held on Monday 19 September 2022

Presiding Member

Y Submissions were requested over the period between 25 February 2022 and 25 March 2022.

A 2km radius extending from the site boundaries was used to establish the consultation area, extending across properties located within the City of Rockingham and City of Kwinana, as depicted in the consultation map.



9. Consultation Map

Two (2) submissions were received at the conclusion of the advertising period, with one (1) being an objection. Matters raised in the submission are summarised in the Table below, along with the Applicant's and City's responses:

Adequate Separation Distance
<p><u>Submission</u></p> <p>1.5km distance from residences is sufficient to minimise exposure, but the strong coastal breezes will increase this impact. I feel the positioning of this site needs to be further isolated from residences.</p>
<p><u>Applicant Response</u></p> <p>An AQIA has been provided, which for the purpose of modelling, used a radius of 3.2km from the subject site to the nearest sensitive land use to determine and assess any impacts. The modelling concludes that emissions can be considered insignificant and impacts at all nearest sensitive and commercial/industrial receptors is negligible.</p>
<p><u>City's Comment</u></p> <p>As per the Environmental Protection Authority (EPA) Guidance Statement No.3 - Separation Distances between Industrial and Sensitive Land Uses 2005 (Guidance Statement), a graphite processing facility is an 'Industrial Use' and would be classified as Chemical Manufacturing facility. The EPA Guidance Statement recommends a buffer distance of 300m to 1,500m from 'Chemical Manufacturing' facilities to sensitive land uses, to eliminate the potential off site impacts. The applicant submitted an AQIA that modelled a duffer distance of 3.2km from the site, which considered wind speed and direction. The modelling concluded that emissions were considered insignificant and impacts at all nearest sensitive and commercial/industrial receptors is negligible. The City is satisfied that the site location, with respect to emission impacts, is appropriate.</p>

Health Concerns
<u>Submission</u> Concern relating to detrimental health effects of fine graphite particles, and continued exposure.
<u>Applicant response</u> An AQIA has been provided, which for the purpose of modelling, used a radius of 3.2km from the subject site to the nearest sensitive land use to determine and assess any impacts. The modelling concludes that emissions can be considered insignificant and impacts at all nearest sensitive and commercial/industrial receptors is negligible.
<u>City's Comment</u> The City has reviewed the submitted AQIA and concurs with the assessment and findings that impacts will be negligible. Furthermore, requirements for emission monitoring and compliance will be governed by a Works Approval issued by the Department of Water and Environmental Regulation (DWER).

b. Consultation with Government Agencies

The following Government Departments were consulted:

- Y Department of Planning, Lands and Heritage (DPLH);
- Y DWER;
- Y Main Roads Western Australia;
- Y Public Transport Authority;
- Y Westport;
- Y Water Corporation;
- Y Department of Mines, Industry Regulations and Safety (DMIR); and
- Y Department of Health (DoH).

Where advice and/or comments have been received relevant to the assessment, these are summarised below. Where advice of "no comment" or "no concern" has been provided, this has been excluded from the Table. The Applicant was provided a copy of the advice received from the Government Agencies, and responded as deemed necessary to inform the response to the RFI the City issued, on the basis that the matters raised in the RFI were similarly raised based on the Government Agency advice and comments.

1. Department of Water and Environmental Regulation Summarised
<ul style="list-style-type: none">· DWER advise that the proposal has the potential for impacts on water resource values and/or management.· DWER does not object to the proposal however key issues, recommendations and advice are provided below and these matters should be addressed. <p><u>Stormwater Management</u></p> <ul style="list-style-type: none">· The proponent should manage stormwater in accordance with the 'Decision process for stormwater management in WA (DoW 2016)' and the 'Stormwater Management Manual for Western Australia (DoW 2004–2007)';· The Surface Water Management Strategy provided uses the Perth Groundwater Atlas to determine the maximum groundwater level (MGL) The use of the Perth Groundwater Atlas to determine MGL for stormwater infrastructure design is not supported as MGLs are based on levels for May when MGLs are lower. DWER prefers the use of historical MGL levels as it gives a higher degree of confidence in drainage basin design given the natural variations in yearly rainfall and likely increase in groundwater levels that occur through development.· DWER's Lower Serpentine Region Groundwater Contours records a historical MGL in the area of Lot 2 of between 2.5 - 2.75 metres AHD and this level should be used when determining inverts of drainage basins and biofiltration basins.· At-source infiltration of the first 15 mm of stormwater runoff from carpark areas should be integrated into the carpark design and should undergo water quality treatment via biofiltration.



1. Department of Water and Environmental Regulation Summarised (cont...)

- The proposed parabolic channel drains should be converted to vegetated biofiltration swales rather than be lined with bituminous geomembrane. Vegetated biofiltration swales will increase at-source infiltration and potentially reduce the required size of drainage basins. Biofiltration areas should be lined with amended soil with a PRI of at least 10. The amended soil should have a minimum thickness of 300 mm.

Industrial Regulation

- DWER has received and is currently assessing a Works Approval application for this proposed graphite processing plant under the Processing Sector - Category 31: chemical manufacturing.

Native Vegetation

- Under section 51C of the *Environmental Protection Act 1986* (EP Act), clearing of native vegetation is an offence unless:
 - it is undertaken under the authority of a clearing permit
 - it is done after the person has received notice under Section 51DA(5) that a clearing permit is not required
 - the clearing is subject to an exemption.
- Based on the information provided, the proposal is likely to be exempt from the requirement for a clearing permit under either Regulation 5, Item 1 of the Clearing Regulations (clearing for a building or structure), or under Schedule 6 Clause 2 of the EP Act, noting that proposed industrial development of the lot was assessed by the Environmental Protection Authority, and subsequently approved under Ministerial Statement 863, subject to conditions.
- Based on the information provided, should development approval be issued, the proposal is likely to be exempt from the requirement for a clearing permit under Regulation 5, Item 1 of the Clearing Regulations.

Groundwater

- The subject property is located within the Cockburn Groundwater Area (Wellard subarea) as proclaimed under the *Rights in Water and Irrigation Act 1914*. Any groundwater abstraction in this proclaimed area for purposes other than domestic and/or stock watering taken from the superficial aquifer, is subject to licensing by the Department of Water. The issuing of a groundwater licence is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee.

City's Comment:

In lieu of a Stormwater Management Plan being submitted as part of the JDAP Application, the applicant has submitted a SWMS and subsequent Addendum which has clarified and addressed surface water management calculations and on site filtration, however, further refinement is still required.

It is recommended that a Development Approval condition be included requiring submission of a Stormwater Management Plan, generally consistent with the SWMS and Addendum, to satisfy DWER advice and the City's requirement under PP3.4.3 - Urban Water Management.

The City has also received advice from DWER that the Works Approval application is pending a decision by the Delegated officer, which should occur prior to the determination of the Development Application.

Comments relating to native vegetation and groundwater are noted and shall be included Development Approval advice.

2. Main Roads Summarised

Main Roads has no objection subject to the following condition being imposed:

- This approval is limited to production of 20,000 tonnes per annum purified spherical graphite.

2. Main Roads Summarised (cont...)
<p>The condition of approval limiting the scale of facilities is based on the detail within the application, including the Transport Impact Statement. If an approval was granted that did not specify a maximum output and production exceeds what was originally proposed, the traffic and any other impacts have not been assessed and might not be acceptable.</p> <p>If in future it is proposed to increase production of such facilities, then an application will need to be made for an amendment to the Development Approval, with appropriate supporting information such as a revised Transport Impact Statement.</p>
<p><u>City's Comment:</u></p> <p>The City considers a condition limiting the design capacity as a condition of Development Approval is appropriate.</p>
3. Water Corporation Summarised
<ul style="list-style-type: none">Water and sewerage services can be made available to the development site. Depending on the proponent's water demands, the water service to the development may need to be dealt with under the Water Corporation's Major Customer framework.A major (900mm diameter) treated wastewater outfall pipeline extending from the East Rockingham Waste Water Treatment Plant runs within a pipe reserve approximately 20m from the northern boundary of the site. The proposal should consider the impacts of any ground disturbing works on the site and to make application through the Corporation's Protection of Assets portal for any works that could potentially impact on the pipeBuildings and structures will require approval by the Water Corporation's Building Services section prior to the commencement of works.
<p><u>City's Comment:</u></p> <p>Advice notes are recommended to be included on the Development Approval.</p>
4. Department of Health Summarised
<p>Water Supply and Wastewater Disposal</p> <ul style="list-style-type: none">The proposal highlights wastewater generated from the project will undergo treatment to ensure it meets the Water Corporation Trade Waste receival requirements. Please advise DoH if domestic wastewater is accepted on this industrial wastewater deep sewerage line, if there is a separate connection required to deep sewerage for domestic wastewater or if an alternative method is proposed. <p>Public Health Impacts</p> <ul style="list-style-type: none">With reference to Appendix E - 'Environmental Assessment' of the submission, DoH notes that 14.5kL of acids (HF) and alkalis will be stored in iso-containers in a partly enclosed bunded area on site. Production will be within a sealed positive pressure building with air scrubbers to remove PM10/25 dusts and other gaseous emissions. The submission makes no reference to air quality monitoring or appropriate risk-based air quality standards.The nearest sensitive residential uses are 1.5km to the west although there are other industrial uses (depot, wastewater treatment and other industrial manufacturing units) within 250m of the proposed facility. The EPA Guidance Statement No. 3 does not provide a default separation distance for this new and evolving industry and recommends in such cases that an emission/risk assessment is conducted. However, comparable fine particle (TiO) manufacture does require 3km, and sulphuric acid storage and use also requires 3km. On this basis the actual 1.5km separation is likely to not be sufficient.

4. Department of Health (DoH) Summarised (cont...)

- The public health (air/dust and gas (HF) issues affecting the suitability of the site and as described in the information provided have not be assessed in sufficient detail. DoH recommends that public health emissions and risk assessments (air/dust and gases) and appropriate monitoring and management measures will be required at Works Approval and as operating license conditions.

The site is not recorded on the Contaminated Sites Database. The proponent should submit a Basic Summary of Records search to complete their enquiries

City's Comment:

The City agreed with the advice provided by the DoH that the proposal is a new and evolving industry and the process may not be adequately covered in the categories of the Guidance Statement. The initial Environmental Assessment provided with the application assessed the impacts of the proposal on sensitive land-uses, within 1,500m of the site. Following consultation with DWER and DOH, it was considered that further investigation of Dust, Gas and Odour Impacts for sensitive uses within 3000m of the proposed facility was more appropriate. The City requested an AQIA be provided, independent of any request made by referral agencies.

The applicant's subsequent AQIA, following consultation, modelled a radius of 3.2km from the subject site to determine and assess any impacts. The modelling concludes that emissions are insignificant and impacts at all nearest sensitive and commercial/industrial receptors is negligible. The City is satisfied that the separation distance based on the AQIA and perceived public health impacts have therefore been addressed and the separation distance is appropriate. The City concurs with DoH that public health emissions and risk assessments, and appropriate monitoring and management measures, will form part of any operating license conditions as part of the pending Works Approval issued by DWER.

Reference to advice received from the Water Corporation, matters of water supply and connection will be required to be dealt with by the applicant with the Water Corporation.

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Strategic Community Plan 2019-2029:

Aspiration 3: *Plan for Future Generations*

Strategic Objective: *Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.*

d. Policy

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

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

The development site has been designated bushfire prone under the *Fire and Emergency Services Act 1998 (as amended)* and therefore the requirements of SPP3.7 are applicable.

The objectives of SPP3.7 are to:

"ÿ *Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.*

- *Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.*



- *Ensure that higher order strategic planning documents, strategic planning proposals, subdivision and development applications take into account bushfire protection requirements and include specified bushfire protection measures.*
- *Achieve an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change”.*

The applicant has provided a Bushfire Management Plan (BMP) that confirms that the site will be maintained to a low bushfire threat state. The proposed development will provide a development footprint within the required BAL ratings of BAL-29, or lower. The required asset protection zone (APZ) specifications of width, location and management can be achieved within the lot boundaries. Application of appropriate building design, bushfire construction standards and the ongoing maintenance of the APZ will ensure the buildings will not be impacted by bushfire threat. The BMP has adequately addressed the requirement of the SPP3.7.

State Planning Policy 4.1 - State Industrial Buffer Policy (SPP4.1)

The key objective of SPP4.1 is to protect industry, infrastructure and special uses from the encroachment of incompatible land uses as well as provide for the safety and amenity of land uses surrounding industry, infrastructure and special uses. As a result, most industries and infrastructure as well as other uses need to be separated from residential areas and other sensitive uses within a buffer area.

The objectives of SPP4.1 are as follows:

- “Ÿ To provide a consistent Statewide approach for the definition and securing of buffer areas around industry, infrastructure and some special uses;*
- *To protect industry, infrastructure and special uses from the encroachment of incompatible land uses;*
 - *To provide for the safety and amenity of land uses surrounding industry, infrastructure and special uses; and*
 - *To recognise the interest of existing landowners with buffer areas who may be affected by residual emissions and risk, as well as the interests, needs and economic benefits of existing industry and infrastructure which may be affected by encroaching incompatible land uses”.*

The proposal is considered to be compatible with existing and future industrial development, within the East Rockingham Industrial Area. Detailed discussion is provided in the following section regarding separation distances.

Environmental Protection Authority - Separation Distance between Industrial and Sensitive Land Uses No.3 (Guidance Statement)

The EPA Guidance Statement provides advice to proponents, responsible authorities, stakeholders and the public, on the minimum requirements for environmental management which the EPA would expect to be met when the Authority considers a development proposal.

For the purpose of the Guidance Statement, 'industrial land use' is used in a general way to encompass a range of industrial, commercial and rural activities, associated with off-site emissions that may affect adversely the amenity of sensitive land uses.

As per the Guidance Statement, for a graphite processing facility, it is recommended that a buffer distance of 300 to 1,500m from 'Chemical Manufacturing' facilities to sensitive land uses be established. Notwithstanding this minimum requirement, the City considered the advice from DoH as outlined in the section 'Consultation with Government Agencies' of this Report, and requested an AQIA be provided to address the buffer separation.

The submitted AQIA, which for the purposes of modelling, used a separation distance radius of 3.2km from the subject site to determine and assess any impacts. The City has reviewed the AQIA and is satisfied that the modelling demonstrates and concludes that emissions are insignificant and impacts at all nearest sensitive and commercial/industrial receptors will be negligible.

EcoGraf Ltd (the Applicant) has applied concurrently for a Works Approval under Division 3 Part V of the *Environmental Protection Act 1986*. At the time of writing this Report, the City has been advised by the assessing officer at DWER that the Works Approval Permit is under assessment and is to be determined by the Delegated Officer. Matters and compliance relating to emissions and monitoring will be managed by any Works Approval issued by DWER. It is also noted that DWER did not require an odour report as part of the Works Approval assessment.

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

The PP3.3.8 has been prepared to guide the orderly development of serviced industrial land within the ERIP. The ERIP has five (5) precincts, and the proposed development site is located within Precinct 2 - Environmentally Acceptable Heavy Industry.

This precinct is designated for heavy industrial uses, namely encouraging large scale industry involving chemical or mineral processing.

PP3.3.8 provides a set of planning criteria to ensure that the ERIP has a consistently high standard of development and visual amenity. The proposal has been assessed against PP3.3.8 with the outcomes detailed in the Table below:

Policy Requirement	Provided	Compliance
Fencing		
<ul style="list-style-type: none"> Security is provided alongside and rear boundaries; Front fencing to any street frontage is preferred behind on-site landscaping. The fenceline for street frontage fencing is preferably setback to the building line but as a minimum, must be set behind the required landscaping buffer strip; The minimum standard for fencing is black PVC coated galvanised linkmesh. 	<ul style="list-style-type: none"> Security fencing is proposed along northern and western side boundaries; Fencing along Alumina Road is setback 25m to the building line, except for that portion of the staff car park area to be fenced securely along the 10m landscape setback; Fencing along Zirconia Drive aligns with the lot boundary and is not setback; Material - 2.4m black PVC coated chain mesh with black posts. 	<p>Yes</p> <p>Yes - complies and is setback to the 10m landscape strip for that portion of the staff car park area;</p> <p>Does not comply along Zirconia Drive, but considered to achieve an acceptable outcome for the secondary street frontage when considered with the landscaping.</p> <p>Complies.</p>

The siting, massing and location of buildings has been considered in relation to the layout of the development with respect to the industrial operations, processes and vehicle movements. The design intent, colour palette and aesthetic of the development presents as a complete development. The development is considered to comply with the requirements of PP3.3.8.

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

PP3.3.14 facilitates the appropriate provision of secure, well designed and effective on site bicycle parking and end-of-trip facilities to encourage the use of bicycles as a means of transport and access to and within the City.



Bicycle Parking Requirement

The requirement for short-term parking is not considered to serve any benefit, and for that reason only the requirement for long-term is applicable under PP3.3.14.

The proposed development requires the provision of 5.1 (being 6 rounded up to the nearest whole number as required by PP3.3.14) long-term bicycle parking spaces. The proposed development has not shown provision of facilities for parking bicycles. A condition requiring the provision of minimum of six (6) long term bicycle parking spaces is recommended to be included.

Planning Policy 3.4.3 - Urban Water Management (UWMP) (PP3.4.3)

In lieu of a Stormwater Management Plan being submitted, the applicant has provided a SWMS as part of the Development Application, supplemented with an Addendum in response to the City's RFI.

The SWMS and Addendum has clarified and addressed surface water calculations and on site filtration, however requires further refinement to satisfy the City's assessment. It is recommended that a condition be included on any development approval contemplated by the DAP recommending submission of a Stormwater Management Plan, generally consistent with the SWMS and Addendum, to satisfy the City's requirements under PP3.4.3.

e. Financial

Nil

f. Legal and Statutory

Planning and Development (Local Planning Scheme) Regulations 2015 (Regulations), Schedule 2.

Clause 67 of the Regulations outlines matters to be considered by the decision maker in determining this application. Where relevant, these matters are discussed throughout this Report.

Town Planning Scheme No.2 (TPS2)

Clause 3.2 - Zoning Table

The subject site is zoned 'General Industry' and 'Special Industry' under TPS2. The proposed development is consistent with the land use of Industry, meaning:

"premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes:

- (a) the storage of goods;*
- (b) the work of administration or accounting;*
- (c) the selling of goods by wholesale or retail;*
- (d) the provision of amenities for employees;*
- (e) incidental purposes".*

More specifically, as the proposal requires a DWER Works approval, it is defined as 'Industry - General (Licenced)':

"an industry which is a category of Prescribed Premises set out in Schedule 1 of the Environmental Protection Regulations 1987 or premises subject to registration set out in Schedule 2 of the Environmental Protection Regulations 1987, but does not include an abattoir, agriculture—intensive, industry-extractive, industry-hazardous, industry-noxious, industry—rural, landfill (Prescribed Premises Category 63, 64, 65 and 66), livestock holding facility, piggery or stockyards."

An 'Industry- General (licenced)' land use is not permitted ('A') unless the local government has exercised its discretion by granting Development Approval after giving special notice in accordance with Clause 64 of the deemed provisions. Refer to the section 'Consultation with the Community' of this Report in this regard.

It is noted that the proposed development constitutes a 'Prescribed Premises' as set out in Schedule 1 of the *Environmental Protection Regulations 1987*. A Works Approval document seeking approval has been submitted by the applicant to DWER.

The Works Approval Permit is currently under assessment by DWER, who have advised the City that this is to be determined under delegation and issued simultaneously to any determination for this JDAP Application.

Clause 4.10.1 - Objectives of Industrial zones

The following objectives apply to Industrial Zoned land within the TPS2 are:

- "(a) to provide for a range of industrial land uses by establishing guiding principles and policies that are environmentally and socially acceptable;*
- (b) to encourage and facilitate the establishment of attractive and efficient industrial areas ensuring that acceptable levels of safety and high standards of amenity are provided through the application of appropriate landuse, design and landscaping controls; and*
- (c) to ensure that industrial areas are developed in a manner which has due regard to potential industries and their infrastructure needs, and that adjacent urban areas are not subjected to pollution and hazards."*

The proposed development is considered consistent with the objectives of the Industrial zone.

Clause 4.10.2 - Form of Development

In considering an application for Development Approval, the decision maker shall have regard to the following:

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

The proposed development is subject to assessment against PP3.3.8 which details specific design and landscape requirements for the East Rockingham Industrial Precinct which the site is located. The development generally addresses the relevant requirements of the PP3.3.8, as outlined previously in the Policy section of this report and presents as a complete and holistic development with a high aesthetic appeal.

A detailed SWMS and Addendum in support of the DAP has clarified and addressed calculations and on site filtration, however requires further refinement. It is recommended that a condition be included on any development approval contemplated by the DAP recommending that the SWMS be updated to reflect the Addendum and must also further clarify and address outstanding matters relating to swale vegetation design, infiltration basin design and slope, AHD levels and a stormwater management plan.

Clause 4.10.3 - Parking

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

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

The proposal provides 33 car parking spaces comprising 30 staff bays, two visitor bays and one ACROD bay. Based on the proposed operation of the processing plant with a shift roster where a maximum of 30 employees will be on site at peak shift change over only, the car parking provision is considered appropriate to the nature of the development, the anticipated demand and number of employees. The car parking is considered acceptable.

Clause 4.10.4 - General Development Provisions

Clause 4.10.4 provides for development provisions on all 'Industrial' zoned land within the City. The provisions outlined below have been considered in relation to the proposed development.

General Development Provisions	Provided	Compliance
Facade		
The facades of all buildings visible from the primary road or open space area shall be of masonry construction or any other material approved by the Local Government in respect of the ground floor level, provided that if concrete panels are used, such panels must have an exposed aggregate or textured finished. The second floor level or its equivalent may be constructed of any other material in accordance with the Building Code of Australia and to the satisfaction of Local Government.	The administration building provides an interface to the public realm and defines the site entry from Alumina Road. The facades of the building are not masonry, but typical of a modular building design. The administration building provides a focal point and an identifiable arrival destination for the site. The building form has been articulated with glazing and a screening feature. The screening provides a perforated screen creating a layering affect with light and shadow and mitigates glare internal to the work areas of the administration building. The colour palette is complementary to the overall design intent and aesthetic.	Yes

g. Risk

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

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

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

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

Nil

Comments

The proposed development is an industrial land use for the purposes of a Graphite Processing Plant, to support the lithium-ion battery manufacturing industry. The plant will mill high-quality graphite flakes into battery-grade spherical graphite to be used in lithium batteries.

The context of the surrounding locality is a mix of industry land uses and vacant development sites. The proposed development is considered compatible with the existing surrounding context of the locality. The design intent and aesthetic is sympathetic and responsive to the industrial and practical operations of the site.

The proposed industry is a 'Prescribed Premises', categorised as 'Chemical Manufacturing', requiring a Works Approval through DWER. The Works Approval Permit will monitor and regulate the industrial operations with respect to air, dust and odour emissions in conjunction with industrial buffer and separation requirements under the *Environmental Protection Act 1986*.

Confirmed at a Planning and Engineering Services Committee meeting held on Monday 19 September 2022

Presiding Member

To address onsite drainage and stormwater management, the submitted SWMS and Addendum require further refinement to satisfy the City's assessment. It is recommended that through conditions of Development Approval, the submission of a Stormwater Management Plan, generally consistent with the SWMS and Addendum, will satisfy the City's requirements under PP3.4.3.

Having due regard to the relevant planning considerations, including the public submission received regarding emission impacts, this proposal is considered to comply with the applicable planning framework and conditional approval is therefore recommended.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Industry (Graphite Processing Plant) at Lot 2 Zirconia Drive, East Rockingham, contained as Attachment 1 as the report required to be submitted to the presiding member of the Metro South-West Joint Development Assessment Panel pursuant to Regulation 12 of the *Planning and Development (Development Assessment Panels) Regulation 2011*.

Committee Recommendation

Moved Cr Buchan, seconded Mayor Hamblin:

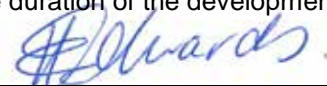
That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Industry (Graphite Processing Plant) at Lot 2 Zirconia Drive, East Rockingham, contained as Attachment 1 as the report required to be submitted to the presiding member of the Metro South-West Joint Development Assessment Panel pursuant to Regulation 12 of the *Planning and Development (Development Assessment Panels) Regulation 2011*, which recommends:

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

APPROVE DAP Application reference DAP/22/02182 and the accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions as follows:

Conditions

1. This decision constitutes development approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. All development must be carried out in accordance with the approved plans as listed below:
 - Site Plan - Drawing No DA-001; Rev H, dated 20 June 2022;
 - Cluster 2 - Drawing No DA-103; Rev C, dated 20 June 2022;
 - Streetscape Elevations - Drawing No DA-002; Rev A, dated 6 February 2022;
 - Cluster 1 - Sheet 1 - Drawing No DA-101; Rev B, dated 8 February 2022;
 - Cluster 1 - Sheet 2 - Drawing No.DA-102; Rev B, dated 8 February 2022;
 - Cluster 3 - Drawing No DA-104; Rev B, dated 8 February 2022;
 - 3D Views - Drawing No DA-105; Rev A, dated 8 February 2022.save that, in the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.
3. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.



4. Prior to the commencement of works, a Construction Management Plan must be submitted and approved by the City of Rockingham. The Construction Management Plan shall include, but not be limited to, the following:
- (i) A Dust, Noise and Vibration Management Plan;
 - (ii) Detail how access roads to and all trafficable areas on the site/s will be treated and maintained to prevent or minimise the generation of airborne dust;
 - (iii) How any stockpiles on site/s are to be managed;
 - (iv) Construction waste disposal strategy and location of waste disposal bins;
 - (v) How materials and equipment will be delivered and removed from the site/s; and
 - (vi) Parking arrangements for contractors.

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

5. The carpark must:

- (i) provide a minimum of 33 car parking spaces;
- (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 1A for staff and User Class 2 for Visitors of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to applying for a Building Permit;
- (iii) provide one universal car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
- (iv) have lighting installed, prior to the occupation of the development, to the satisfaction of the City of Rockingham; and
- (v) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282-1997, Control of the obtrusive effects of outdoor lighting, at all times.

6. In accordance with City of Rockingham Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities, six (6) long-term bicycle parking spaces must be provided for the development. The bicycle parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities and must be approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good and safe condition for the duration of the development.

7. Prior to applying for a Building Permit, the Applicant must submit full detailed engineering drawings showing the various pavement types and cross sectional profiles to be adopted across the entire development site and adjoining road reserves, for review and approval by the City of Rockingham.

8. Crossovers shall be designed and constructed in accordance with the City's *Commercial Crossover Specifications*.

9. Pavement markings and signage shall be provided at the vehicular crossover locations, to clearly delineate the intended traffic flow within the site as follows:

- (i) Restricted emergency exit only for heavy vehicles at the Zirconia Drive crossover;
- (ii) Full movement entry and exit only for heavy vehicles at the northern-most crossover on Alumina Road. No access permitted to staff or visitor vehicles; and
- (iii) Full movement entry and exit for staff and visitor vehicles only at the crossover for the administration building on Alumina Road.

10. Prior to the occupation of the development, a final illumination report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of Australian Standard AS4282-1997, control of the obtrusive effects of outdoor lighting.
11. Prior to applying for a Building Permit, a Landscaping Plan must be submitted and approved to the satisfaction of the City of Rockingham and shall include the following detail:
 - (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) any lawns to be established and areas to be mulched;
 - (iii) any natural landscape areas to be retained;
 - (iv) those areas to be reticulated or irrigated;
 - (v) the provision of shade trees at a ratio of 1 tree per 4 car bays;
 - (vi) use of species consistent with the prescribed plant species list in the East Rockingham Development Guidelines;
 - (vii) fencing type, height and alignments generally consistent with the plans referred in Condition 1;
 - (viii) Clearly defined APZ and landscaping consistent with and referenced against the *Bushfire Management Plan*, prepared by Bushfire Prone Planning - Job Number 190466, Ver 1.2; dated 22 June 2022;
 - (ix) internal footpath and kerb ramps providing linkages between car parking areas to the main office, including any proposed lighting; and
 - (x) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas;

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

12. Prior to occupation of the development, the Asset Protection Zone (APZ), as depicted in the *Bushfire Management Plan* prepared by Bushfire Prone Planning - Job Number 190466, Ver 1.2; dated 22 June 2022, must be installed on the site. The APZ must, be maintained in accordance with these requirements and in a good and safe condition for the duration of the development.
13. All works must be carried out in accordance with the Waste Management Plan titled *Processing Waste Management Plan*, prepared by Encycle Consulting, dated June 2022 (Rev 0) and maintained at all times, for the duration of development.
14. This approval is limited to production of 20,000 tonnes per annum purified spherical graphite.
15. The applicant is responsible for protecting any existing City streetscape assets along Zirconia Drive and Alumina Road during the course of the project. This includes any existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, trees, turf etc. If any damage is caused to the existing assets (identified to be retained), they must be rectified to the satisfaction of the Manager Land and Development Infrastructure. It is recommended that a photographic dilapidation report is undertaken by the applicant, to record the current condition of these assets.
16. Materials, sea containers, goods, bins or similar must not be stored within the carpark areas or vehicle access and movement areas at any time.

Advice Notes

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

2. In relation to Condition 3, the Stormwater Management Plan should be generally consistent with the *Surface Water Management Strategy* prepared by GR Engineering Services; Project Number 12332J, Rev A and dated 17 December 2021 and the Addendum titled *EcoGraf Stormwater Model Response*, prepared by 360 Environmental - Reference 5383AB, Rev 1 and dated 22 June 2022. The applicant is to liaise with the City's Land Development and Infrastructure Services in this regard.
3. In relation to Condition 4, dust management is to be in accordance with the Department of Environment and Conservation Guideline: A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.
4. The proponent is advised that this approval is not a Building Permit. Prior to any building work commencing on site, a Building Permit must be obtained.
5. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant and owner should liaise with the City's Building Services in this regard.
6. With respect to the Landscape Plan, the applicant is to liaise with the City's Land Development and Infrastructure Services in this regard.
7. All works in the road reserve, including construction of a crossover or footpath and any other works to the road carriageway must be to the specifications of the City of Rockingham. The Applicant should liaise with the City of Rockingham's Land and Development Infrastructure Services and Asset Services in this regard.
8. Water and sewerage services can be made available to the site. The water service to the development may need to be dealt with under the Water Corporation's Major Customer framework. The applicant and owner should liaise with the Water Corporation in this regard.
9. An application through the Water Corporation's Protection of Assets portal for any works/groundworks that could potentially impact on any pipes within the vicinity of the site may be required. The applicant and owner should liaise with the Water Corporation in this regard.
10. The subject property is located within the Cockburn Groundwater Area (Wellard subarea) as proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction for purposes other than domestic and/or stock watering taken from the superficial aquifer, is subject to licensing by the Department of Water.
11. A Works Approval for the development, being for Industry (Graphite processing plant) under the Processing Sector - Category 31: chemical manufacturing must be obtained from the Department of Water and Environmental Regulation.

Committee Voting (Carried) - 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable



Asset Services

Asset Services Director and Support



Reference No & Subject:	AS-009/22	Proclamation of Rockingham Beach Road between Kwinana Beach Road and CBH Grain Terminal
File No:	RDS/5-77	
Applicant:		
Owner:		
Author:	Mr Adam Johnston, A/Director Asset Services	
Other Contributors:		
Date of Committee Meeting:	15 August 2022	
Previously before Council:	26 July 2011 (EP-047/11)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:	1.465km of Rockingham Beach Road - southern boundary of Cooperative Bulk Handling (CBH) grain facility to City of Rockingham northern boundary	
Lot Area:		
LA Zoning:	Road Reserve	
MRS Zoning:		
Attachments:	Proclamation Plans; 201021-0205-03 and 202021-0003-00	
Maps/Diagrams:	Location Map - Rockingham Beach Road Proclamation Area	

Purpose of Report

For Council to consider the proclamation of Rockingham Beach Road between Kwinana Beach Road and CBH Grain Terminal, Rockingham.



Location Map - Rockingham Beach Road Proclamation Area

Background

In March 2011, the Town of Kwinana petitioned Main Roads Western Australia (MRWA) with the request that MRWA take over the control and maintenance of Kwinana Beach Road, due to the high maintenance costs as a result of heavy haulage traffic accessing the CBH grain facility.

Given a portion of Rockingham Beach Road is located within the City of Rockingham and was also used as the primary freight route to the CBH grain facility, MRWA requested that the City of Rockingham (City) endorse the Town of Kwinana's re-classification request.

Council, at its meeting held on 26 July 2011, considered report EP-047/11 - Support for the Proposal to Declare a Portion of Rockingham Beach Road as a 'Main Road' and resolved as follows:

"That Council SUPPORT the request by the Town of Kwinana that Main Roads WA to take ownership of a 1.465km section of Rockingham Beach Road from the City of Rockingham northern boundary to the Commercial Bulk Handling Ltd grain facility and consequently take responsibility for any future maintenance required."

The City wrote to MRWA detailing Council support for the transferring of the section of Rockingham Beach Road between Patterson Road and the southern boundary of the CBH Terminal which was scheduled to occur on 1 July 2019.

Further correspondence from MRWA dated 11 June 2019 advised of a delay in the transfer of ownership of Rockingham Beach Road until 1 January 2020. Transfer was finalised on 1 January 2020.

Details

Correspondence was received on 21 July 2022 from MRWA advising that in accordance with section 13 of the *Main Roads Act 1930*, the Commissioner of Main Roads intends to make recommendation to the Hon Minister of Transport to proclaim the roads as shown on drawings; 201021-0205-03 and 202021-0003-00 and, that before making recommendation to the Minister, the Commissioner requires endorsement by Council of the proclamation drawings 201021-0205-03 and 202021-0003-00.

Implications to Consider

a. Consultation with the Community

Nil

b. Consultation with Government Agencies

Main Roads Western Australia

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Strategic Community Plan 2019-2029:

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

Strategic Objective: *Management of current assets - Maintain civic buildings, sporting facilities, public places and road and cycle way infrastructure based on best practice principles and life cycle cost analysis.*

d. Policy

Nil

e. Financial

The City will no longer be required to allocate funds for maintenance or renewal of the identified section of road.

f. Legal and Statutory

Main Roads Act 1930 section 13 Proclamation of highways and main roads.

g. Risk

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

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

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

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

Nil

Comments

As detailed in the previous report EP-047/11 the identified 1.465km section of Rockingham Beach Road has a primary purpose of servicing the CBH grain facility and northern Kwinana beaches. It is not a critical route to service residential properties south of Governor Road. The route is used for heavy haulage traffic accessing the CBH grain facility and the road network as such is susceptible to higher levels of wear and therefore maintenance.

It is Officer's recommendation that the proclamation of Rockingham Beach Road between Kwinana Beach Road and CBH Grain Terminal, Rockingham be endorsed by Council.

Voting Requirements

Simple Majority

Officer Recommendation

That Council in accordance with section 13 and 13A of the *Main Roads Act 1930* **ENDORSES** plans 201021-0205-03 and 202021-0003-00 for the proclamation of Rockingham Beach Road between Kwinana Beach Road and CBH Grain Terminal, Rockingham.

Committee Recommendation

Moved Cr Jones, seconded Cr Jecks:

That Council in accordance with section 13 and 13A of the *Main Roads Act 1930* **ENDORSES** plans 201021-0205-03 and 202021-0003-00 for the proclamation of Rockingham Beach Road between Kwinana Beach Road and CBH Grain Terminal, Rockingham.

Committee Voting (Carried) - 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable



13.	Reports of Council Members
	Mayor Hamblin thanked Crs Buchan and Jones for their representation on the JDAP Panel with respect to the proposed Hindu Temple application, and all Officers involved in the preparation of relevant reports. Deputy Mayor Edwards concurred Mayor Hamblin's gratitude to all involved.
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 and Engineering Services Committee meeting will be held on Monday 19 September 2022 in the Council Chamber, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.
20.	Closure
	There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at 4:54pm .

