



City of Rockingham

MINUTES

Planning and Engineering Services Committee Meeting

Held on Monday 17 April 2023 at 4:00pm
City of Rockingham Council Chamber



City of Rockingham
Planning and Engineering Services
Committee Minutes
Monday 17 April 2023



CONTENTS

1.	Declaration of Opening	3
2.	Record of Attendance/Apologies/Approved Leave of Absence	3
3.	Responses to Previous Public Questions Taken on Notice	4
4.	Public Question Time	4
5.	Confirmation of Minutes of the Previous Meeting	4
6.	Matters Arising from the Previous Minutes	4
7.	Announcement by the Presiding Person without Discussion	4
8.	Declaration of Member's and Officer's Interest	4
9.	Petitions/Deputations/Presentations/Submissions	5
10.	Matters for which the Meeting may be Closed	5
11.	Bulletin Items	5
	Planning and Development Services Information Bulletin - April 2023	5
	Asset Services Information Bulletin - April 2023	5
12.	Agenda Items - Planning and Engineering Services Committee	
	Planning and Development Services	10
	PD-016/23 Planning Strategy - Environmental Protection (Adoption)	10
	PD-017/23 Draft Local Planning Strategy - Advertising Consent	20
	PD-018/23 Joint Development Assessment Panel Application - Proposed Industry: General (Licenced) Tyre Recycling Facility	28
	PD-019/23 Proposed Scheme Amendment No.190 - Rezoning from 'Rural' to 'Special Rural' and 'Special Residential'	53
13.	Reports of Council Members	74
14.	Addendum Agenda	74
15.	Motions of which Previous Notice has been given	74
16.	Notices of Motion for Consideration at the Following Meeting	74
17.	Urgent Business Approved by the Person Presiding or by Decision of the Committee	74
18.	Matters Behind Closed Doors	74
19.	Date and Time of Next Meeting	74
20.	Closure	74

<p style="text-align: center;">City of Rockingham Planning and Engineering Services Committee Minutes Monday 17 April 2023 - Council Chamber</p>																																					
1.	<p>Declaration of Opening</p> <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.	<p>Record of Attendance/Apologies/Approved Leave of Absence</p> <p>2.1 Council Members</p> <p>Deputy Mayor Hayley Edwards Chairperson Mayor Deb Hamblin Cr Lorna Buchan Cr Dawn Jecks Cr Mark Jones Cr Brett Wormall</p> <p>2.2 Executive</p> <table> <tr> <td>Mr Michael Parker</td><td>Chief Executive Officer</td></tr> <tr> <td>Mr Peter Ricci</td><td>Director Planning and Development Services</td></tr> <tr> <td>Mr Sam Assaad</td><td>Director Asset Services</td></tr> <tr> <td>Mr Peter Doherty</td><td>Director Legal Services and General Counsel</td></tr> <tr> <td>Mr Brett Ashby</td><td>Manager Strategic Planning and Environment</td></tr> <tr> <td>Mr Sean Hollywood</td><td>A/Manager Land and Development Infrastructure</td></tr> <tr> <td>Ms Erica King</td><td>Manager Health and Building Services</td></tr> <tr> <td>Mr David Caporn</td><td>Manager Compliance and Emergency Liaison</td></tr> <tr> <td>Mr Mike Ross</td><td>Manager Statutory Planning</td></tr> <tr> <td>Mr David Banovic</td><td>A/Manager Major Planning Projects</td></tr> <tr> <td>Mr Ian Daniels</td><td>Manager Infrastructure Project Delivery</td></tr> <tr> <td>Mr Manoj Barua</td><td>Manager Technical Services</td></tr> <tr> <td>Mr Tony Bailey</td><td>Manager Operations and Fleet Services</td></tr> <tr> <td>Mr Adam Johnston</td><td>Manager Parks Services</td></tr> <tr> <td>Mr Jim Olynky, JP</td><td>Manager Governance and Councillor Support</td></tr> <tr> <td>Ms Louise Pleasance</td><td>Governance Coordinator</td></tr> <tr> <td>Ms Melinda Wardle</td><td>EA to Director Planning and Development Services</td></tr> <tr> <td>Ms Alana Allen</td><td>EA to Director Asset Services</td></tr> </table> <p>2.3 Members of the Gallery: 1</p>	Mr Michael Parker	Chief Executive Officer	Mr Peter Ricci	Director Planning and Development Services	Mr Sam Assaad	Director Asset Services	Mr Peter Doherty	Director Legal Services and General Counsel	Mr Brett Ashby	Manager Strategic Planning and Environment	Mr Sean Hollywood	A/Manager Land and Development Infrastructure	Ms Erica King	Manager Health and Building Services	Mr David Caporn	Manager Compliance and Emergency Liaison	Mr Mike Ross	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 Olynky, JP	Manager Governance and Councillor Support	Ms Louise Pleasance	Governance Coordinator	Ms Melinda Wardle	EA to Director Planning and Development Services	Ms Alana Allen	EA to Director Asset Services
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	2.4 Apologies: Nil									
	2.5 Approved Leave of Absence: Nil									
3.	Responses to Previous Public Questions Taken on Notice									
	Nil									
4.	Public Question Time									
	4:00pm 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. There were none.									
5.	Confirmation of Minutes of the Previous Meeting									
	<p>Moved Cr Jones, seconded Mayor Hamblin:</p> <p>Recommendation:</p> <p>That Committee CONFIRMS the Minutes of the Planning and Engineering Services Committee meeting held on 20 March 2023, as a true and accurate record subject to the following amendment:</p> <p>Item PD-014/23 - Final Approval - Revised Local Planning Policy 3.3.8 - East Rockingham Industrial Zones (Revised)</p> <p><i>Two typographical errors corrected in Table No.2 - Building Setbacks for Industrial Zones, as shown below.</i></p> <p>Table No.2 - Building Setbacks for Industrial Zones</p> <table><tr><th>Zone</th><th colspan="2">Building Setback Requirements</th></tr><tr><td>Special Industry Zone and General Industry Zone</td><td>Primary Street Frontage: Secondary Street Frontage: Patterson Road and Western side of Mandurah Road: Side and Rear Setbacks:</td><td>Minimum: 15 metres Minimum: 10 metres In accordance with the Building Code of Australia</td></tr><tr><td>Light Industry Zone</td><td>Primary Street Frontage: Secondary Street Frontage: Side and Rear Setbacks::</td><td>Minimum: 25 15 metres Minimum: 3 metres In accordance with the Building Code of Australia</td></tr></table> <p>Committee Voting (Carried) - 6/0</p>	Zone	Building Setback Requirements		Special Industry Zone and General Industry Zone	Primary Street Frontage: Secondary Street Frontage: Patterson Road and Western side of Mandurah Road: Side and Rear Setbacks:	Minimum: 15 metres Minimum: 10 metres In accordance with the Building Code of Australia	Light Industry Zone	Primary Street Frontage: Secondary Street Frontage: Side and Rear Setbacks::	Minimum: 25 15 metres Minimum: 3 metres In accordance with the Building Code of Australia
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6.	Matters Arising from the Previous Minutes									
	Nil									
7.	Announcement by the Presiding Person without Discussion									
	4:01pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.									
8.	Declarations of Members and Officers Interests									
	4:01pm The Chairperson asked if there were any interests to declare. There were none.									

9.	Petitions/Deputations/Presentations/Submissions
	<p>9.1 Deputations - Mr James Paull, Niche Studio - PD-019/23 - Proposed Scheme Amendment No.190 - Rezoning from 'Rural' to 'Special Rural' and 'Special Residential'</p> <p>4:01pm The Chairperson invited Mr Paull, to make his deputation.</p> <p>Mr Paull expressed appreciation on behalf of Niche Studio for the City's support in initiating the Scheme Amendment, however, disagreed with the classification of the Amendment as a 'Complex Amendment', as in their view it meets the requirements of the City's Rural Land Strategy in the absence of an adopted Local Planning Strategy. On that basis, Niche Studio requested that the Scheme Amendment be considered as a 'Standard Amendment'.</p> <p>4:06pm The Chairperson thanked Mr Paull for his deputation.</p>
10.	Matters for which the Meeting may be Closed
	Nil
11.	Bulletin Items
	<p>Planning and Development Services Information Bulletin - April 2023</p> <p>Health Services</p> <ol style="list-style-type: none"> 1. Health Services Team Overview 2. Project Status Reports <ol style="list-style-type: none"> 2.1 FoodSafe 2.2 Industrial and Commercial Waste Monitoring 2.3 Mosquito Control Program 2.4 Environmental Waters Sampling 2.5 Food Sampling 3. Information Items <ol style="list-style-type: none"> 3.1 Food Recalls 3.2 Food Premises Inspections 3.3 Public Building Inspections 3.4 Outdoor Event Approvals 3.5 Permit Approvals 3.6 Complaint - Information 3.7 Noise Complaints - Detailed Information 3.8 Health Approvals 3.9 Septic Tank Applications 3.10 Demolitions 3.11 Swimming Pool and Drinking Water Samples 3.12 Rabbit Processing 3.13 Hairdressing and Skin Penetration Premises 3.14 Bookings for Halls and Reserves <p>Building Services</p> <ol style="list-style-type: none"> 1. Building Services Team Overview 2. Project Status Reports 3. Information Items <ol style="list-style-type: none"> 3.1 Monthly Building Permit Approvals - (All Building Types) 3.2 Other Permits 3.3 Monthly Caravan Park Site Approvals

Compliance and Emergency Liaison

1. Compliance and Emergency Liaison Team Overview
2. Project Status Reports
3. Information Items
 - 3.1 Ranger Services Action Reports
 - 3.2 Compliance and Emergency Liaison - Prosecutions
 - 3.3 Building and Development Compliance
 - 3.4 Emergency Liaison and Fire Prevention
 - 3.5 SmartWatch Key Result Areas
 - 3.6 Compliance Community Engagement

Strategic Planning and Environment

1. Strategic Planning and Environment Team Overview
2. Project Status Reports
 - 2.1 Local Planning Strategy and New Town Planning Scheme
 - 2.2 Local Commercial Strategy Review
 - 2.3 Greening Plan
 - 2.4 Lake Richmond Management Plan Implementation - Thrombolite Study
 - 2.5 Karnup District Structure Plan
 - 2.6 Foreshore Management Plan
 - 2.7 Wetland Management Plan
 - 2.8 Sustainable Transport Plan
3. Information Items
 - 3.1 Structure Plan Assessment Status
 - 3.2 Tree Removals - Approvals Issued Under Delegated Authority

Land and Development Infrastructure

1. Land and Development Infrastructure Team Overview
2. Project Status Reports
 - 2.1 Managed Aquifer Recharge (MAR) Study
3. Information Items
 - 3.1 Referrals
 - 3.2 Delegated Land and Development Infrastructure Assets Approvals
 - 3.3 Handover of Subdivisional Roads
 - 3.4 Delegated Subdivision Engineering and Public Open Space Practical Completions
 - 3.5 Delegated Authority to Approve the Release of Bonds for Private Subdivisional Works

Statutory Planning

1. Statutory Planning Team Overview
2. Project Status Reports
 - 2.1 Review of Planning Policy 3.3.1 - Control of Advertisements
 - 2.2 Review of Planning Policy 3.3.21 - Heritage Conservation and Development and Website Heritage Information Sheet
 - 2.3 Proposed Planning Policy 3.3.26 - Guidelines to Establishing a Heritage List
 - 2.4 Proposed Planning Policy 7.5 - Heritage Incentives
 - 2.5 Small Business Approvals Program - Action Plan
3. Information Items
 - 3.1 Subdivision/Development Approval and Refusals by the WAPC
 - 3.2 Notifications and Gazettals
 - 3.3 Subdivision Clearances
 - 3.4 Subdivision Survey Approvals
 - 3.5 Subdivision Lot Production
 - 3.6 Delegated Development Approvals

	<ul style="list-style-type: none">3.7 Delegated Development Refusals3.8 Delegated Building Envelope Variations3.9 Subdivision/Amalgamation Recommended for Approval3.10 Strata Plans3.11 Subdivision/Amalgamation Refused3.12 Development Application and Lot Production Statistics <p>Planning and Development Directorate</p> <ul style="list-style-type: none">1. Planning and Development Directorate Team Overview2. Project Status Reports<ul style="list-style-type: none">2.1 Rockingham Strategic Centre Local Planning Framework Review2.2 Design Review Panel2.3 Cape Peron (including Mangles Bay) Planning Investigation Area - Recommendation No.5 (Transport Needs Study)3. Information Items <p>Advisory Committee Minutes</p>
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Committee Recommendation

Moved Cr Buchan, seconded Mayor Hamblin:

That Council Members acknowledge having read the Planning Services Information Bulletin - April 2023 and the content be accepted.

Committee Voting (Carried) - 6/0

4:16pm Mr Peter Doherty, Director Legal Services and General Counsel departed the Planning and Engineering Services Committee meeting

	<p>Asset Services Information Bulletin - April 2023</p> <p>Asset Services Directorate</p> <ul style="list-style-type: none">1. Asset Services Directorate Team Overview2. Project Status Reports3. Information Items<ul style="list-style-type: none">3.1 Bushfire Risk3.2 Strategic Asset Management3.3 Delegated Authority for the payment of crossover subsidies3.4 Asset Inspections3.5 Verge Treatment Applications3.6 Verge Issues <ul style="list-style-type: none">1. Operations and Fleet Services Team Overview2. Project Status Reports3. Information Items<ul style="list-style-type: none">3.1 Building Maintenance - Operations3.2 Building Maintenance - Buildings3.3 Building Maintenance - Reserves3.4 Graffiti Program 2022/2023 <p>Infrastructure Project Delivery</p> <ul style="list-style-type: none">1. Infrastructure Project Delivery Team Overview2. Project Status Reports3. Information Items<ul style="list-style-type: none">3.1 Bus Shelter Replacements3.2 Churchill Park - Changing Place3.3 Churchill & Bell Parks - Infrastructure replacements
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- 3.4 Depot Administration and Workshop Building Refurbishment
- 3.5 Don Cuthbertson Reserve - Lighting upgrade
- 3.6 Grange Drive (Willmott Drive to Gascoyne Way), Cooloongup - Construct Traffic Treatments
- 3.7 Larkhill Rugby and Soccer/Cricket Buildings Cool room replacements
- 3.8 Naval Memorial Park - New path (Weld Street to Governor Road) with lighting
- 3.9 Playground Replacements - Mersey Point Reserve "Pengos Cafe"
- 3.10 Rae Road (Rockingham Train Station to Read Street), Rockingham - Construct Red Asphalt Shared Path
- 3.11 Renegade Reserve - Lighting upgrade
- 3.12 Reserve Barbeque Replacements
- 3.13 Reserve Furniture Replacements
- 3.14 Rockingham Arts Centre Improvements
- 3.15 Safety Bay Road (Tropicana Way to Short Street), Safety Bay - Drainage Upgrade
- 3.16 Safety Bay Tennis Club - Fence Replacement
- 3.17 San Sebastian Boulevard (near Cordoba Avenue), Port Kennedy - Drainage Upgrade
- 3.18 Stan Twight Reserve, Rockingham - Upgrade and Extend Carpark
- 3.19 Warnbro Sound Avenue/Port Kennedy Drive, Port Kennedy - Construct Pre-deflections

Parks Services

- 1. Parks Services Team Overview
- 2. Project Status Reports
 - 2.1 Communities Environment Program Projects
- 3. Information Items
 - 3.1 CRM Statistics
 - 3.2 Delegated Public Open Space Handovers
 - 3.3 Contract Management - Requests for Quote and Tender
 - 3.4 Weed Management
 - 3.5 Reserve and POS Maintenance
 - 3.6 Natural Area Maintenance
 - 3.7 Bushfire Mitigation
 - 3.8 Irrigation Maintenance
 - 3.9 Tree Maintenance
 - 3.10 Greening Plan
 - 3.11 Litter Program 2022/2023

Technical Services

- 1. Technical Services Team Overview
- 2. Project Status Reports
 - 2.1 Strategic Boating Plan (SBP)
 - 2.2 Bent Street Dredge Material - Environmental Study
 - 2.3 Coastal Sediment Management Plan and Beach Renourishment
 - 2.4 Footpath Defect Inspection
 - 2.5 Rockingham Future Traffic Modelling (Traffic Counts)
- 3. Information Items
 - 3.1 Delegated Authority for Temporary Thoroughfare Closure
 - 3.2 Delegated Authority for approval of Directional Signage
 - 3.3 Delegated Authority for approval of Heavy Haulage
 - 3.4 Authorised Traffic Management Plans for Works on City Controlled Roads
 - 3.5 Civil Works Program 2022/2023
 - 3.6 Traffic investigations

	<p>3.7 Civil Maintenance Program 2022/2023</p> <p>3.8 Civil Maintenance Program 2022/2023</p> <p>3.9 Road Rehabilitation & Renewal Programs 2022/2023</p> <p>3.10 Drainage Renewal Program Municipal Works 2022/2023</p> <p>3.11 Footpath Renewal Program Municipal Works 2022/2023</p> <p>3.12 Carpark Renewal Program Municipal Works 2022/2023</p> <p>3.13 Coastal Capital Projects</p> <p>3.14 Coastal Infrastructure Management</p> <p>Advisory Committee Minutes</p>
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4:20pm Mr Peter Doherty, Director Legal Services and General Counsel rejoined the Planning and Engineering Services Committee meeting

Committee Recommendation

Moved Cr Buchan, seconded Mayor Hamblin:

That Council Members acknowledge having read the Asset Services Information Bulletin - April 2023 and the content be accepted.

Committee Voting (Carried) - 6/0



12. Agenda Items

Planning and Development Services

Planning and Development Services Strategic Planning and Environment Environmental Advisory Committee



Reference No & Subject:	PD-016/23	Planning Strategy - Environmental Protection (Adoption)
File No:	EVM/179	
Proponent/s:		
Author:	Mr Brett Ashby, Manager Strategic Planning and Environment	
Other Contributors:	Mr Paul Compe, Senior Planning Officer - Strategic Projects	
Date of Committee Meeting:	17 April 2023	
Previously before Council:	26 July 2022 (PD-025/22)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
LA Zoning:		
MRS Zoning:		
Attachments:	<ol style="list-style-type: none">1. Schedule of Submissions2. Draft Planning Strategy - Environmental Protection (as amended)3. Minutes of the Environmental Advisory Committee meeting held on 22 March 2023	
Maps/Diagrams:		

Purpose of Report

To consider adoption of the draft Planning Strategy - Environmental Protection ('the Strategy'), in light of submissions received during public consultation.

Background

The City of Rockingham's (City) Strategic Community Plan (2019-2029) contains an action to prepare an 'Environmental Planning Strategy' (now referred to as 'Planning Strategy - Environmental Protection').

The Strategy has informed the City's Local Planning Strategy (see Item PD-017/23 of this Agenda). In this regard, the Strategy is specifically intended to address 'planning' matters that can be implemented through the Local Planning Strategy, Town Planning Scheme, or other planning mechanisms.

The Strategy is not intended to address the management of public reserves, which is addressed in the City's Natural Area Conservation Strategy, along with the Greening Plan and Coastal Hazard Risk Management and Adaptation Plan.

To inform preparation of the Strategy, the City undertook a Natural Areas Technical Assessment to determine the extent of environmental assets on private land across the entire municipality. The findings of the assessment determined that approximately 3,260ha of all natural areas exist on privately owned land. By comparison, only 1,230ha of natural assets occur in conservation reserves managed by the City, in accordance with the Natural Area Conservation Strategy.

Following the completion of preliminary investigations, the item was the subject of discussion and input at a previous Councillor Engagement Session, which identified some key issues and potential responses, and informed preparation of the draft Strategy.

Further analysis undertaken by the City has identified that the following nine key issues are impacting upon the protection of Local Natural Areas (LNAs) on private land:

1. Under the current legislative and policy framework, the ability to control the environmental impacts of development on 'Rural', 'Special Rural' and 'Special Residential' properties is limited;
2. The subdivision of 'Rural' land without prior rezoning to 'Special Rural' does not ensure that appropriate planning provisions are in place to protect significant environmental values;
3. Under the current legislative and policy framework, there is a limited ability to protect wetlands and their buffers on private land;
4. The current process for determining Development Applications seeking approval to keep livestock is resulting in the degradation of high quality LNAs;
5. Environmentally significant LNAs (Medium to High Priority) currently lack protection through future rezoning and there is no guidance for integration of these areas into urban development through structure planning;
6. There is limited ability to ensure the protection of trees as part of greenfield and infill developments within 'Residential', 'Development', 'Commercial' and 'Industrial' zoned land;
7. Protection of LNAs needs to be carefully considered throughout the preparation of the Karnup District Structure Plan;
8. Under the State Planning Framework, there is no requirement for subdivisions in 'Industrial' zones to set aside land for Public Open Space (POS). This is resulting in the removal of LNAs across the 'Industrial' zones in the City of Rockingham; and
9. There is an outdated policy framework for environmental planning and protection, particularly in relation to expansion of urban development in areas of high ecological value.

LNAs are an essential component of the City's Environmental capital, enhancing the City's sense of local character and identity. These LNAs include a variety of landforms and ecosystems throughout the City's coastal, wetland and bushland environments and support a diverse collection of flora and fauna.

Details

The draft Strategy, as advertised, recommends a series of management actions to address the nine key issues identified above, including:

Key Issue	Management Actions
1. Under the current legislative and policy framework, the ability to control the environmental impacts of development on 'Rural', 'Special Rural' and 'Special Residential' properties is limited.	<ul style="list-style-type: none">• Revise Rural Land Strategy (PP 3.1.1), incorporating recommended updates to achieve environmental objectives.• Incorporate outcomes of the Planning Strategy - Environmental Protection into the Local Planning Strategy.

Key Issue	Management Actions
1. cont...	<ul style="list-style-type: none"> Advocate to the Western Australian Planning Commission ('WAPC') to include a standard condition for the provision of street trees in residential subdivision approvals.
2. The subdivision of 'Rural' land without prior rezoning to 'Special Rural' does not ensure that appropriate planning provisions are in place to protect significant environmental values.	<ul style="list-style-type: none"> Investigate the feasibility of rezoning lots adjacent to Stakehill Swamp and Tamworth Hill Swamp to 'Special Rural'.
3. Under the current legislative and policy framework, there is a limited ability to protect wetlands and their buffers on private land.	<ul style="list-style-type: none"> Prepare a Wetland Protection Policy – Planning Policy, that might include: <ol style="list-style-type: none"> Investigate the feasibility of landowner environmental management grants. Seek to have the Wetland Protection Policy endorsed by the WAPC.
4. The current process for determining Development Applications seeking approval to keep livestock is resulting in the degradation of high quality LNAs.	<ul style="list-style-type: none"> Identify 'Rural' areas which are not suitable for supporting livestock. Prepare Assessment Procedure for keeping of livestock applications in the City.
5. Environmentally significant LNAs (Medium to High Priority) currently lack protection through future rezoning and there is no guidance for integration of these areas into urban development through structure planning.	<ul style="list-style-type: none"> Identify potential future conservation areas, based on priority Local Natural Areas and significant landforms.
6. There is limited ability to ensure the protection of trees as part of greenfield and infill developments within 'Residential', 'Development', 'Commercial' and 'Industrial' zoned land.	<ul style="list-style-type: none"> Development of a Planning Policy - Tree Protection and Planting for New Developments. Incorporate provisions of the Tree Protection Policy in the Public Open Space Strategy. Advocate for the WAPC to include a standard subdivision condition for the provision of street trees and to establish policy guidance at a State level consistent with the measures under the proposed Planning Policy.
7. Protection of LNAs needs to be carefully considered throughout the preparation of the Karnup District Structure Plan.	<ul style="list-style-type: none"> Consider opportunities for the protection of LNAs through the preparation of the Karnup District Structure Plan, including: <ol style="list-style-type: none"> Undertaking detailed environmental surveys; Revision of LNA mapping which reflects on-ground assessments; Prepare an Environmental Assessment Report of all on ground assessments findings to incorporate into the Karnup District Structure Plan design through all future stages of development;

Key Issue	Management Actions
8. Under the State Planning Framework, there is no requirement for subdivisions in 'Industrial' zones to set aside land for Public Open Space. This is resulting in the removal of LNAs across the 'Industrial' zones in the City of Rockingham.	<ul style="list-style-type: none">• Advocate to the WAPC to prepare and implement a new State Development Control Policy which includes a requirement for subdivisions in "Industrial" and "Commercial" zoned land to set aside 10% of the subdivisible area for the purpose of POS.
9. There is an outdated policy framework for environmental planning and protection, particularly in relation to expansion of urban development in areas of high ecological value.	<ul style="list-style-type: none">• Review the outdated Local Planning Policies which are no longer being used to protect environmental values and determine whether they should be updated or rescinded. Policies to be reviewed are:<ul style="list-style-type: none">- PP7.1 - East Rockingham Industrial Park: Environmental Planning;- PP7.2 - Local Bushland Strategy; and- PP7.3 - Cockburn Sound Catchment.• Review changes to LNA coverage across the City and update the Planning Strategy - Environmental Protection if required.• Amend TPS2 to incorporate new provisions as identified from the outlined actions.

The draft Strategy details the basis for each recommendation, and provides costing estimates and implementation timeframes for each proposed action.

Implications to Consider

a. Consultation with the Community

The draft Planning Strategy - Environmental Protection was advertised for a period of 42 days in the following manner:

- The 'Share Your Thoughts' page of the City's website;
- Rockport subscribers registered for 'Local Planning Strategy' and Environmental Interests' categories; and
- Advertised via the City's social media channels on Facebook on four occasions (29 July - 19 August 2022).

Nineteen (19) submissions were received from the public, with an additional submission received from the Housing Industry Association WA.

Matters raised in the submissions are summarised as follows:

- More trees and natural vegetation should be retained in new developments.
- Stop building small residential lots.
- Developers should plant trees within Public Open Space and street verges.
- Consideration should be given to calculating the benefits of the natural environment and trees in the City of Rockingham from an accounting perspective.
- No LNAs were identified within the Port Kennedy foreshore reserve, scientific park or wetlands.
- Land should be purchased by the City to protect natural landscapes and environments.
- Paganoni Swamp should be protected.
- Planning should consider the 10km radius feeding range for Carnaby's Cockatoos.

- The City of Rockingham is unnecessarily clearing in East Rockingham when there is vacant land further north.
- Stop using poisons for spraying of weeds.
- Reduce the amount of land cleared through development.
- Ban plastic bags the Sound Telegraph comes in.
- Resourcing needs to be considered for the management of remnant vegetation.
- Provide a list of appropriate trees for planting in urban areas.
- LNAs surround the salt lakes should be maintained.
- Planning approval should be required for removal of native trees above 4m in height on private land. Trees in areas such as Karnup aren't protected.
- Stock shouldn't be kept within 200m of a wetland.
- Livestock should be fenced from vegetated areas.
- The City should proactively review compliance with maximum stocking rates.
- City should have written to all landowners.
- No LNAs shown land owned by the State, including avocado and poultry farms on Stakehill Road.
- Trees on southern side of Stakehill Road not shown as High Value LNAs.
- What are the implications of rezoning to Special Rural on landowners?
- Issue with land degradation from stocking of livestock is a result of poor management and shouldn't necessitate a blanket ban.
- Landowner grants for management of LNAs.
- Native Vs Non-Native Trees (In relation to proposed Planning Policy – Tree Protection and Planting for New Developments and incorporation of provisions in the Public Open Space Strategy).
- Plant trees and shrubs within verge to provide a corridor for wildlife (NatureLink).
- Ban black roofs.
- Workshops on good land management practices.
- Algae in lake at Safety Bay Road and Eighty Road.
- Early consideration of fauna management in planning process.
- Ensure fire protection requirements don't impact on conservation reserves and natural areas.
- Queried inconsistent position against draft SPP2.9 Reduce Red tape and inconsistent with State government (DPLH) policy directives.

The submissions are included in full in the Schedule of Submissions (Attachment 1) and comments in response to the submissions issues set out in the Comments section of this Report.

b. Consultation with Government Agencies

Submissions were received from the Department of Biodiversity, Conservation and Attractions (DBCA), Department of Primary Industries and Regional Development (DPIRD) and Department of Planning, Lands and Heritage (DPLH).

Matters raised in the submissions are summarised as follows:

- DBCA is supportive of the objectives outlined in the draft Strategy and early consideration of fauna management in planning process.
- DPIRD supports the City's proposed approach to planning approval for the keeping of livestock on small rural holdings and the rezoning of specified areas from Rural to Special Rural, which will provide the City with greater planning oversight of livestock keeping on these lots.

- DPLH stated that the further clarification is required as to where the document sits in the City's Planning Framework and it should reference actions which may be contingent on approval of other authorities e.g. DPLH.

The submissions are included in full in the Schedule of Submissions (Attachment 1) and comments in response to the submissions issues set out in the Comments section of this Report.

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

Nil

e. Financial

Nil

f. Legal and Statutory

Nil

g. Risk

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

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

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

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

Nil

Comments

The matters raised in the submissions have been carefully considered and following response provided:

Submission Issue 1: More trees and natural vegetation should be retained in new developments.

It is agreed, in principle, that the retention and protection of trees and natural vegetation in new developments should be maximised.

Aside from conservation areas where environmental values are required to be protected through other legislation, opportunities for the retention of natural vegetation are primarily limited to public open space where the retention of vegetation must be balanced against other planning requirements, including the provision of suitable recreation spaces and accommodation of drainage.

The ability to retain natural vegetation can also be impacted by servicing constraints, such as maximum water servicing levels and drainage flows, and extraction of basic raw materials.

These matters are carefully considered by the City in the assessment of proposed Structure Plans and subsequent planning processes, and will be the subject of considerable work in the preparation of the Karnup District Structure Plan.

Submission Issue 2: Stop building small residential lots.

Lot sizes in new areas are dictated by State policy and guidelines, which includes a requirement for all new development to achieve a net yield of 15 dwellings per hectare. Subdivision approval is the responsibility of the State's Department of Planning, Lands and Heritage.

Increasing average lot sizes for single residential dwellings will require more land to accommodate the required number of dwellings for population growth.

Submission Issue 3: Developers should plant trees within Public Open Space and street verges.

There are currently limited requirements for developers to plant trees within POS and street verges under the WAPC's Liveable Neighbourhoods.

Relevant New Actions within the strategy (Section 8.1) include:

- Prepare Planning Policy - Tree Protection and Planting for New Developments;
- Advocate to the WAPC to include a standard condition for the provision of street trees and to establish policy guidance at a State level which is consistent with the measures in the above;
- Revise Public Open Space Strategy to incorporate provisions of the Tree Protection and Policy, as necessary.

Submission Issue 4: Consideration should be given to calculating the benefits of the natural environment and trees in the CoR from an accounting perspective.

Not relevant to EPS, however, the City will consider whether there is merit for future processes, taking into account relevant State guidelines.

Submission Issue 5: No LNAs were identified within the Port Kennedy foreshore reserve, scientific park or wetlands.

Crown reserves under the management of the State or the City are not defined as LNAs under the Strategy, and the Strategy is not intended to apply to such reserves. Management of crown reserves are guided by relevant Management Plans.

Submission Issue 6: Land should be purchased by the City to protect natural landscapes and environments.

The purchase of land to protect natural landscapes and environments would come at a significant cost. The City would need to consider what areas were to be targeted, and the cost of doing so, such that it could be considered through the City's Business Planning processes.

The City could also advocate for an expansion of Parks & Recreation reserves by the State through Metropolitan Region Improvement Tax and through the next review of the State's Planning Frameworks (Perth and Peel@3.5million).

Submission Issue 7: Paganoni Swamp should be protected.

Paganoni Swamp is reserved for 'Parks and Recreation' under the Metropolitan Region Scheme and vested in Crown managed by DBCA.

It is acknowledged its values include it being a Conservation Category Wetland, Bush Forever and habitat for threatened black cockatoos.

Submission Issue 8: Planning should consider the 10km radius feeding range for Carnaby's Cockatoos.

Foraging habitat within 7km of a breeding habitat is important. Impacts to Carnaby's Cockatoo are a consideration in environmental impact assessment, at State level under Part IV and Part V of the EP Act and Commonwealth level under the EPBC Act, where proposals and schemes intersect habitat.

Submission Issue 9: The City of Rockingham is unnecessarily clearing in East Rockingham when there is vacant land further north.

Clearing within the East Rockingham area is not being undertaken by the City of Rockingham, and is the result of development approved within the Rockingham Industrial Zone (RIZ). The RIZ was the subject of a Strategic Environmental Assessment which identified areas to be protected through establishment of a Conservation Area.

Submission Issue 10: Stop using poisons for spraying of weeds.

Management within the City's crown reserves is not relevant to this Strategy.

In any event, the matter of herbicide use was carefully considered by the Council in February 2019 when it resolved to support the City's current integrated management approach for weed control.

Submission Issue 11: Reduce the amount of land cleared through development.

The identification and zoning of land for development is a State function.

It is noted that the Perth and Peel@3.5million planning frameworks released by the State in 2018 significantly reduced planned urban development in areas containing native vegetation, including:

- Southern Baldvis (bordered by Sixty Eight Road, Baldvis Road, Stakehill Road and Eighty Road) - approximately 536ha excluded from urban development; and
- Karnup (south of Stakehill Road) - approximately 260ha excluded from urban development.

Submission Issue 12: Ban plastic bags the Sound Telegraph comes in.

The City does not have authority to stop the use of plastics in home delivery of newspapers.

Submission Issue 13: Resourcing needs to be considered for the management of remnant vegetation.

Resourcing is considered and allocated by the City for ongoing management of natural areas the City is responsible for. Where planning processes contemplate the creation of new reserves, the City considers its capacity to provide ongoing management.

Submission Issue 14: Provide a list of appropriate trees for planting in urban areas.

A list of recommended trees for planting is outlined within Appendices A and B of the City's Greening Plan 2017. This will be reviewed through preparation of new Green Planning Plan in 2022/23.

Submission Issue 15: LNAs surround the salt lakes should be maintained.

Responsibility for the management of natural areas within Lake Cooloongup and Walyungup and surrounding areas rests with the DBCA. The Strategy is not intended to guide the management of crown reserves.

Submission Issue 16: Planning approval should be required for removal of native trees above 4m in height on private land. Trees in areas such as Karnup aren't protected.

Approval is required under Town Planning Scheme No.2 for the removal of trees within Rural, Special Rural and Special Residential.

Removal of trees is classified as development and requires planning approval within all zones except for Residential areas. The City believes it is broadly consistent with other Local Governments in how tree removal requests are assessed and approved.

Submission Issue 17: Stock shouldn't be kept within 200m of a wetland.

The City's guidelines, based on Agriculture WA (DPIRD) stocking rate guidelines, make reference to the requirement for fencing and stocking (above base stocking rates) to be 100m from wetlands and water courses. Each application takes into account the environmental values of the relevant property, and scope exits to condition approvals accordingly.

Submission Issue 18: Livestock should be fenced from vegetated areas.

Agree, noting Agriculture WA (DPIRD) Stocking Rate Guidelines include this under guidance for planning scheme provisions, specifying 'remnant vegetation'.

Submission Issue 19: The City should proactively review compliance with maximum stocking rates.

Compliance with planning approvals is inspected at regular intervals following the issue of an approval, until such time as the development has commenced. Due to resource restraints/operational needs, it is not possible to review all aspects of Planning Approval conditions. The City balances the need to proactively address matters it is aware of with other City needs.

Submission Issue 20: City should have written to all landowners.

As the Strategy applies to the entire City, it was not considered feasible to write to all landowners. Where investigations are proposed that may specifically affect certain landowners, the City will undertake further consultation and directly notify landowners.

Submission Issue 21: No LNAs shown land owned by the State, including avocado and poultry farms on Stakehill Road.

The farms referred to in the submission do not contain values that are considered to be LNAs.

Submission Issue 22: Trees on southern side of Stakehill Road not shown as High Value LNAs.

The trees in question are on the northern boundary of lot 100 Stakehill Road. This will be investigated by the City through the Karnup DSP process to consider the environmental values in this area and potential for retention as part of future development.

Submission Issue 23: What are the implications of rezoning to Special Rural on landowners?

A Special Rural zoning contains additional restrictions on the use and development of land, reflective of its intended use for Rural Residential purposes and less intensive rural type uses. Specific provisions will be developed through a planning investigation and affected landowners consulted as part of that process.

Submission Issue 24: Issue with land degradation from stocking of livestock is a result of poor management and shouldn't necessitate a blanket ban.

The Strategy proposes investigating and identifying rural areas which are not suitable for the keeping of livestock due to constraints based on the presence of LNAs, onsite vegetation, Threatened Ecological Communities, soil types, lot sizes and proximity to water bodies. The ability to prevent impacts through appropriate management techniques will be considered as part of the investigation. The City will engage with potentially affected landowners as part of the investigation process.

Submission Issue 25: Landowner grants for management of LNAs.

The Strategy proposes an investigation into the feasibility of landowner environmental management grants.

Submission Issue 26: Native Vs Non-Native Trees (In relation to proposed Planning Policy - Tree Protection and Planting for New Developments and incorporation of provisions in the Public Open Space Strategy).

The City's Greening Plan 2017 addresses this under Greening Principles 4 and 5.

*"Non-native trees are preferred in circumstances where they are considered more to thrive and deliver benefits in urban centres, or where they provide known feeding habitat for Black Cockatoos".
"Native trees are preferred where appropriate for the site conditions and particularly in locations directly abutting conservation areas or in areas of POS outside urban centres, to establish corridors of native habitat across the City".*

Submission Issue 27: Plant trees and shrubs within verge to provide a corridor for wildlife (NatureLink).

Corridors need to be considered at the Sub-Regional and District planning level. Constraints mean the potential of verges acting as wildlife linkages is limited due to a number of factors, including the implications of assessed bushfire risks wildlife safety in close proximity to road networks and alternative verge uses for the provision of essential services etc.

Submission Issue 28: Ban black roofs.

This will be considered under the Sustainability Strategy, which recommends the preparation of Sustainable Development Guidelines.

Submission Issue 29: Workshops on good land management practices.

Noted. This will be considered as part of the City's environmental education program.

Submission Issue 30: Algae in lake at Safety Bay Road and Eighty Road.

This matter is not relevant to this Strategy. Location referenced is unclear but appears to relate to Postans Court Reserve (owned by Water Corporation). The City will investigate this matter further with the managing body for this land.

Submission Issue 31: Early consideration of fauna management in planning process.

A strategic approach to the management of fauna will be considered through Karnup District Structure Plan.

Submission Issue 32: Ensure fire protection requirements don't impact on conservation reserves and natural areas.

The City requires proponents to demonstrate that fire protection requirements, including Asset Protection Zones, can be contained within the development areas. The City does not support such areas encroaching on conservation reserves, but understands in some circumstances a balance maybe required between potential fire risk and conservation needs.

Submission Issue 33: Queried inconsistent position against draft SPP2.9 Reduce Red tape and inconsistent with State government (DPLH) policy directives.

Noted. The City is required to have due regard to SPP 2.9 and other State Government policy documents.

Conclusion

Matters raised in submissions from the community and other stakeholders have been considered, and as a result minor changes have been made to the Strategy in order to clarify its intent and scope. The application and applicability of the Strategy was raised as an issue and these matters will be addressed further through the Local Planning Strategy, Local Planning Scheme and planning policy where appropriate. The amended draft Strategy is included as Attachment 2 and details the minor modifications undertaken.

The Strategy has informed the preparation of the draft Local Planning Strategy, and will in turn inform preparation of the draft Local Planning Scheme No. 4 on relevant environment planning matters. It will also assist the community in understanding the environmental issues impacting the City and inform further environmental planning policies and procedures.

Voting Requirements

Simple Majority

Advisory Committee Recommendation

That Council **ADOPTS** the 'Planning Strategy - Environmental Protection' (as amended), as contained in Attachment 2.

Officer Recommendation if Different to Advisory Committee Recommendation

Nil

The Officer's Reason for Varying the Advisory Committee Recommendation

Nil

Committee Recommendation

Moved Mayor Hamblin, seconded Cr Jecks:

That Council **ADOPTS** the 'Planning Strategy - Environmental Protection' (as amended), as contained in Attachment 2.

Committee Voting (Carried) - 6/0

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 Strategic Planning and Environment



Reference No & Subject:	PD-017/23	Draft Local Planning Strategy - Advertising Consent
File No:	LUP/1352	
Applicant:	City of Rockingham	
Owner:		
Author:	Mr Paul Compe, Senior Planning Officer - Strategic Planning	
Other Contributors:	Mr Brett Ashby, Manager Strategic Planning and Environment	
Date of Committee Meeting:	17 April 2023	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
LA Zoning:		
MRS Zoning:		
Attachments:	<ol style="list-style-type: none">1. Local Planning Strategy Part 12. Local Planning Strategy Part 23. Local Planning Strategy - Key Features Map	
Maps/Diagrams:	<ol style="list-style-type: none">1. Local Planning Strategy Process2. Local Planning Strategy Structure	

Purpose of Report

To consider endorsement of the draft Local Planning Strategy (LPS) to seek certification by the Western Australian Planning Commission to advertise for public comment.

An LPS guides the City of Rockingham's (City) strategic planning priorities and informs the development of a new Local (Town) Planning Scheme No.4 and other statutory planning instruments.

Background

Initial Commencement of Scheme Review and Local Planning Strategy

In 2009, the State Government released a draft Spatial Framework for Perth and Peel and a draft South Metropolitan and Peel Sub-Regional Structure Plan ('Strategic Framework'), for public comment.

In October 2009, Council considered a report on Town Planning Scheme No.2 (TPS 2) and resolved to prepare a new Local Planning Scheme in accordance with Section 4(3) of the (then) *Town Planning Regulations 1967*. The decision to prepare a new Scheme triggered a requirement to prepare a Local Planning Strategy (LPS) under the then *Town Planning Amendment Regulations 1999*. The Report noted that the State's Spatial Framework and Sub-Regional Structure Plan were key considerations for the preparation of the new Scheme and LPS.

In February 2010, the Western Australian Planning Commission (WAPC) advised that it accepted Council's decision to prepare a new Local Planning Scheme.

The City had undertaken the review of TPS2 and commenced work on the LPS in anticipation of finalisation of the State Government's Strategic Framework. By 2012, the City had completed a community engagement process to gain initial community input to guide its preparation of the LPS.

As the State's Strategic Framework had yet to progress to public advertising, however, work on the City's LPS was paused.

Recommencement of Local Planning Strategy Preparation

In 2018, the State finalised its Strategic Framework with release of the *Perth and Peel@3.5million* and the *South Metropolitan and Peel Sub-Regional Structure Plan*, and work on the LPS recommenced.

The outcomes contained within the Strategic Framework significantly influenced the direction and matters that need to be addressed within the City's LPS, which include:

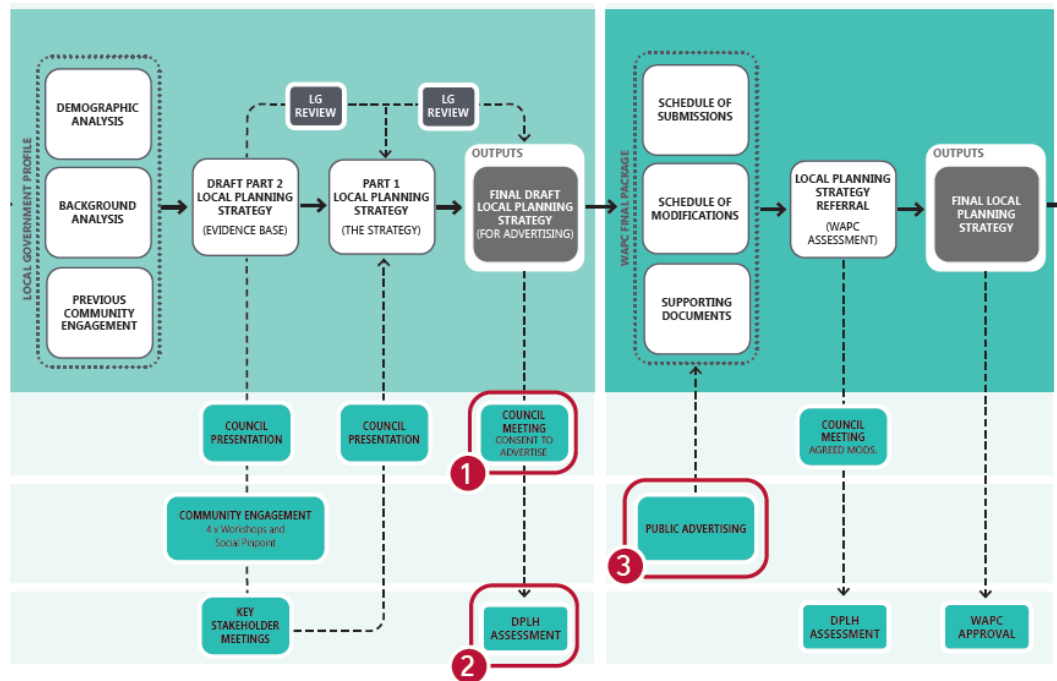
- Considerations for the protection of natural resources, environmental and landscape values;
- Targets for infill residential dwelling development and minimum gross densities in new urban areas;
- Employment targets within Rockingham's Strategic Metropolitan Centre and south western group of Local Government Areas (Cockburn, Kwinana and Rockingham);
- Future transportation considerations;
- Identification of land requiring further planning investigation to determine its purpose;
- Identification of land for future 'Urban Expansion'; and
- Considerations for future social community infrastructure.

The City prepared a series of planning studies and strategies to inform the document's preparation. The released Strategic Framework provided the certainty the City needed to proceed with development of the LPS and new Scheme first envisioned in 2009.

Substantial work has been completed and/or being undertaken to inform preparation of the LPS and new Scheme as follows:

- Preparation of the following planning studies to examine key planning issues:
 - Housing;
 - Employment and Transport; and
 - Environment.
- Preparation and/or review of the following planning strategies;
 - Preparation of the Public Open Strategy;
 - Preparation of the Coastal Hazard Risk Management and Adaptation Plan;
 - Preparation of the Environmental Planning Strategy (see Item PD-016/23 of this Agenda);
 - Review of the Rural Land Strategy;
 - Review of the Local Commercial Strategy and preparation of the Local Commercial and Activity Centres Strategy and Needs Assessment (recently completed); and
 - Review of the Rockingham Strategic Metropolitan Centre Framework (in progress).

Figure 1 graphically depicts the process for preparation and consideration of the LPS.



1. Local Planning Strategy Process

As the legislative framework had subsequently changed with introduction of *the Planning and Development (Local Planning Schemes) Regulations 2015*, a fresh Scheme Review Report was prepared to determine whether TPS2 was satisfactory in its existing form or a new scheme was required. The Scheme Review Report was considered by the Council in July 2021, when it again resolved to recommend to the WAPC that a new Local Planning Scheme be prepared. The WAPC supported the Council's decision to prepare a new Local Planning Scheme.

Community Consultation

In October 2021, the City undertook community engagement in order to obtain preliminary input to inform preparation of the LPS. The City promoted three (3) community workshops, and an online survey conducted by the City's community engagement consultant, Creating Communities, to community groups and stakeholders via the City's website, social media, promotion at the City's facilities and a mail out to 5,000 random households. Three (3) workshops were conducted in October 2021 and 367 participants completed an online survey.

The City also conducted a workshop with the Rockingham Youth Reference Group and had initial stakeholder discussions with the Water Corporation, Department of Biodiversity, Conservation and Attractions, Department of Education, Department of Communities (Housing), Public Transport Authority and DevelopmentWA.

The feedback from the community engagement sessions prioritised the environment and conservation as being the most important factor to consider when planning for land uses and development. In regard to housing, the feedback identified a need to promote development within existing areas, as opposed to continued urban sprawl, with a priority of locating new development in existing areas (infill) and the infill being located in close proximity to public transport and employment/activity centres. The respondents also favoured streetscapes that provided trees and greenery, and favoured streetscapes that retained or planted significant trees and vegetation around dwellings.

Following the appointment of a consultant team in January 2022, further community consultation occurred with the community to refine and further inform the feedback received in October 2021. Additional engagement occurred between August - September 2022 to build on the work undertaken previously and to understand the community's vision and aspirations of where future development should take place and its form (i.e. how it should look). Feedback was sought through four (4) community workshops, an online survey and an online interactive mapping tool. Approximately 99 community members participated in the engagement process.

Residents were invited to participate through a variety of methods including 1,000 emails sent directly to random households, 998 emails to community members registered through Rockport, emails to 17 primary and high schools, advertisements in the MKRain newsletter (access and inclusion network of Cities of Mandurah, Kwinana and Rockingham), local newspaper advertisements, social media promotion, posters at City's facilities and promotion within the City's internal website.

Key themes expressed through this process included suggestion that development be located near public transport, protecting bushland and dunes, utilising vacant land for development, a need to consider community infrastructure to support future development, affordable housing options and aged and retirement living to be considered. The feedback demonstrated that there was not a clear outcome of a preferred building type in certain locations, however, the variation does suggest that it is important to provide a range of housing types.

A full review of the feedback received from the consultant can be viewed in the Appendices of LPS Part 2.

Councillor Engagement

In the course of developing the draft LPS, three (3) Councillor Engagement sessions were held, providing background information, facilitating the discussion of key issues, and providing opportunity for preliminary Councillor input.

The first workshop was held in August 2022, to provide an overview of the project, discuss the intended approach to stakeholder and community engagement, and capture key issues and comments from Councillors.

The second workshop, held in November 2022, provided an update following community engagement and capture final input from Councillors.

In March 2023, the City's consultant provided a briefing on the draft LPS ahead of its referral to Council.

Details

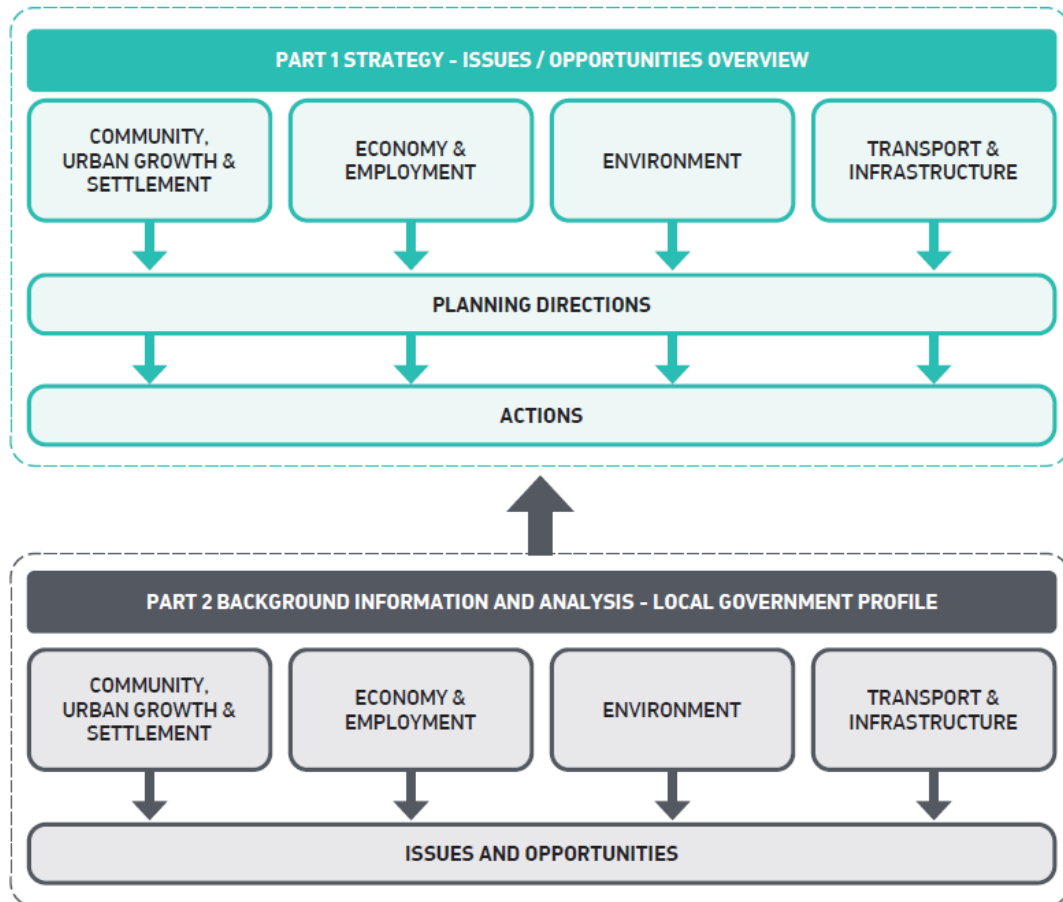
The LPS provides long-term planning directions and actions to manage land use change and development of a local government area, linking state and regional policies and strategies. The WAPC recommends a 15 year outlook to allow the evolution of planning and development in response to local context and requirements. Once adopted, an LPS is required to be reviewed every 5 years to determine whether it remains relevant and effective, should be amended or should be repealed and replaced with a new LPS.

The LPS guides the City's strategic planning priorities and informs the development of a new Local (Town) Planning Scheme and other statutory planning instruments. It considers strategic issues and focuses on four key areas of housing, transport, environment and economy. It provides a blueprint for managing growth of an additional 25,000 dwellings and an additional population of 75,000 people to 2036, development of the Rockingham Metropolitan Strategic Centre and other high-order activity centres within the City.

The draft LPS comprises of:

- (a) Part 1 - Strategy. This part consists of the introduction, vision, issues and opportunities, planning areas, strategy map(s), planning area map(s), and implementation and review; and
- (b) Part 2 - Background Information and Analysis. This part consists of State and regional planning context, local planning framework and local government profile.

Figure 2 graphically depicts the relationship between the different elements of the LPS and its structure.



2. Local Planning Strategy Structure

The City has considered feedback received from the community and relevant government stakeholders as part of the community consultation processes referenced above. The LPS has been created in response to the planning issues identified and is in accordance with the WAPC specifications, policies and guidelines.

In essence, a LPS is the land use response to meeting the community's aspirations in recognition of the guidance provided by the State Government in its regional planning initiatives. There will be a number of elements which have synergies with the outcomes contained in the Council's Strategic Community Plan ('SCP'). The draft LPS references the Aspirations within the existing SCP but notes that, following advertising and it being referred back to Council, alignment with the new SCP will be achieved.

Key Recommendations

The LPS identifies key recommendations within the core categories of Community, Urban Growth & Settlement, Economy & Employment, Environment and Transport & Infrastructure. The LPS key features map is attached to the Report to provide a visual representation of the key features of the LPS.

Community, Urban Growth & Settlement

The LPS aspires to provide 60% of all new dwellings within infill areas by 2050. In the short to medium term, the majority of new housing will continue to be developed within urban zoned land in Baldivis and the Karnup urban expansion area, along with infill redevelopment within a number of established locations. Over the medium to longer term, higher density housing is likely to be concentrated within the Rockingham Strategic Centre (City Centre), identified activity centres and near public transport infrastructure and corridors. Greater housing choice will be facilitated through the identification of land for infill development as the number of persons within three and four bedroom homes has decreased resulting in significant demand for dwellings with one and two bedrooms that can better cater for senior residents, single person households and smaller families.

The LPS recognises aboriginal culture and will embed it more prominently in planning proposals through built design features in public art, naming and signage, and through identifying further engagement opportunities. The City will also undertake further investigations to ensure its heritage places are properly recognised and conserved throughout the City.

Economy and Employment

The LPS has included measures that seek to improve the City's Employment Self-Sufficiency ratio (the ratio of local jobs to local workers) to 74%, being the target contained in the Strategic Framework, which will require an employment gap of between 31,000 and 40,000 jobs to be addressed. Improved self-sufficiency will facilitate opportunities to live and work within the local area and undertake trips via active travel (cycling, walking, E-scooter) and public transport. Strategic employment centres are identified within the Rockingham Strategic Centre, Rockingham Industrial Zone and in new and expanded activity centres. Focal areas for employment include, Port Kennedy and north & east Baldivis, along with the Karnup District Structure Plan area. Further employment opportunities are identified in the defence industry and tourism sectors.

The City's Local Commercial Activity Centre Strategy has identified opportunities in the expansion of activity centres such as the Baldivis Town Centre and Parkland Heights Centre. Consideration has been given to limiting vacant commercial tenancies by only allowing floor space expansion once population targets have been reached.

Environment

The LPS reflects the strong affinity that the City has with its environmental assets, landscape protection areas and open space. The City will continue to advocate for increased tree canopies in residential areas, public open space in industrial areas, and work with the State Government to provide improved environmental outcomes. The LPS also proposed a range of recommendations relating to energy efficiency, the protection of vegetation, wetlands & water resources, bushfire mitigation, coastal hazard planning and flood management.

Transport and Infrastructure

Complementing local employment opportunities, transport will be a key driver in improving connectivity between growth areas. The Rockingham City Centre Transit System, or a high frequent light rail or similar mode, connecting the Rockingham Train Station with the Rockingham Foreshore remains a key infrastructure project. Over the longer term, high frequency public transport routes are planned to service key growth areas from the Rockingham Strategic Centre along Read Street / Warnbro Sound Avenue to Karnup, Warnbro Train Station to Baldivis, and Baldivis to the future Karnup Train Station.

Further improvements recommend greater accessibility to the City's existing train stations at Rockingham and Warnbro, and infrastructure upgrades to pedestrian and cycling infrastructure to encourage active travel modes.

Implications to Consider

a. Consultation with the Community

Following certification from the WAPC, the City has a statutory obligation to advertise the LPS for a minimum period of 21 days unless a longer period is approved by the WAPC. The purpose of public advertising is to provide stakeholders with an opportunity to comment on the draft LPS to assist in refining its content.

Twenty One (21) days is considered to be insufficient and the City recommends a longer period of 60 days.

It is likely that the WAPC would be supportive of an extended period of community consultation given the size and land use complexities of the City of Rockingham and it being the City's inaugural LPS.

The City, along with its external planning consultants, will schedule two community open days to effectively engage with the Community which will be complemented by traditional communication methods such as newspaper advertising and online engagement.

b. Consultation with Government Agencies

The City will forward a copy of the LPS to relevant government agencies for comment, including:

- Department of Communities;
- Water Corporation;
- Department of Water and Environmental Regulation;
- Department of Biodiversity, Conservation and Attractions;
- Department of Jobs, Tourism, Science and Innovation;
- Department of Fire and Emergency Services;
- Department of Primary Industries and Regional Development;
- Department of State Development;
- Department of Education;
- Department of Transport;
- Department of Mines and Petroleum;
- Department of Health; and
- Main Roads Western Australia.

The City will also be seeking feedback from neighbouring local governments.

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the 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.*

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

Strategic Objective: *Effective Governance - Apply systems of governance which empower the Council to make considered and informed decisions within a transparent, accountable, ethical and compliant environment.*

d. Policy

Nil

e. Financial

Nil

f. Legal and Statutory

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Part 3, Section 12, the City is required to provide a copy of the draft LPS to the WAPC for certification prior to commencing public advertising.

The WAPC may, prior to certifying the LPS for advertising, require the City to modify the draft LPS and resubmit it for assessment and certification.

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 LPS is a culmination of research undertaken by the City, analysis of State Government policies and strategies, and preliminary input from the community. It will assist in guiding the future of the City to provide a more sustainable and liveable City, and provides ambitious targets to assist in resolving complex matters in housing, transport, economy and the environment.

The LPS can change and will evolve as the City grows as new issues become apparent and new methods are proposed to address these challenges. The DPLH will undertake an assessment of the LPS to ensure it is compliant with the Planning Regulations and the Local Planning Strategy Guidelines, and may request modifications prior to presenting the LPS to the WAPC for certification, which will permit public advertising. The WAPC may also direct the City to make modifications to the LPS and upon the modifications being made, return the draft LPS to the WAPC for reconsideration. It is recommended that Council endorse the LPS to allow further community consultation following certification by the WAPC.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ENDORSES** the draft Local Planning Strategy for the purposes of public advertising to be forwarded to the Western Australian Planning Commission for certification with a recommended advertising period of 60 days in accordance with Regulation 12 of the *Planning and Development Act (Local Planning Schemes) Regulations 2015*.

Committee Recommendation

Moved Cr Buchan, seconded Cr Jones:

That Council **ENDORSES** the draft Local Planning Strategy for the purposes of public advertising to be forwarded to the Western Australian Planning Commission for certification with a recommended advertising period of 60 days in accordance with Regulation 12 of the *Planning and Development Act (Local Planning Schemes) Regulations 2015*.

Committee Voting (Carried) - 6/0

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-018/23 Joint Development Assessment Panel Application - Proposed Industry: General (Licenced) Tyre Recycling Facility
File No:	DD020.2022.00000331.001
Applicant:	Planning Solutions Pty Ltd
Owner:	Hamersley 1 WA Pty Ltd
Author:	Mr Marius Le Grange, Senior Planning Officer
Other Contributors:	Mr David Waller, Coordinator Statutory Planning Mr Mike Ross, Manager Statutory Planning
Date of Committee Meeting:	17 April 2023
Previously before Council:	
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Tribunal
Site:	Lot 12 (No.6) Lodge Drive and Lot 13 (No.4) Lodge Drive, East Rockingham
Lot Area:	11.9ha
LA Zoning:	General Industry
MRS Zoning:	Industrial
Attachments:	1. Responsible Authority Report 2. Schedule of Submissions
Maps/Diagrams:	1. Location Plan 2. Aerial Plan 3. Subdivision plan 4. Overall Site Plan 5. Building Layout Plan 6. Elevations North and South 7. Elevations East and West 8. Consultation Map 9. BAL contour Map 10. Separation to Sensitive Land Uses

Purpose of Report

To provide a recommendation to the Metro Outer Joint Development Assessment Panel (MOJDAP) on a Development (Planning) Application for a proposed General Industry - Licenced (Tyre Recycling Facility).



1. Location Plan



2. Aerial Plan

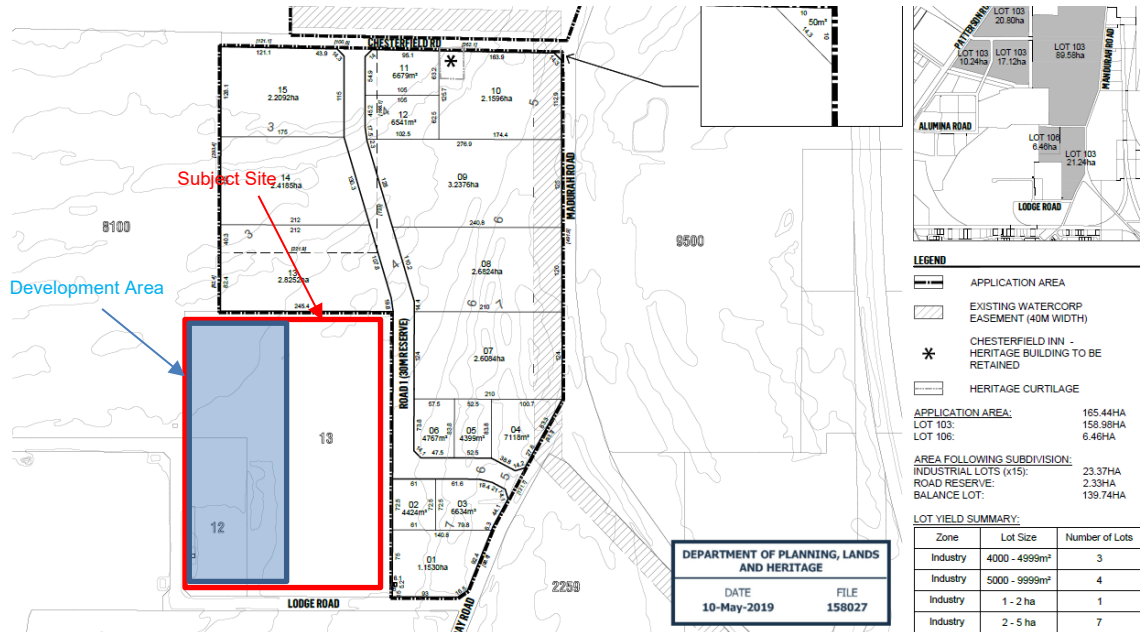
Background

Historical Context

In June 1998, the City granted conditional Development Approval for a 'Wool Washing Plant' (Jandakot Wool Scourers) at the subject site, which was constructed between 1998 and 2004.

In May 2019, the West Australian Planning Commission (WAPC) resolved to grant approval to a 15 lot subdivision over land to the east of the subject site. The subdivision is part of the 'Clipper Estate' industrial area being developed by DevelopmentWA. The subdivision has a road connection (Scandium Way) from Chesterfield Road to Mandurah Road and which adjoins the north-eastern boundary of the site.

The City has issued subdivision clearance to 11 lots, however, lot titles have yet to be issued and Scandium Way has yet to be ceded to the Crown.



3. Subdivision Plan

In July 2022, the City approved a Development Application for additions and alterations of the former 'wool washing' building and created three (3) warehouse tenancies with additional car parking bays.

Details

Site Context

The subject site is located in East Rockingham and fronts Lodge Drive along its southern boundary and a portion of its western boundary. Lot 15 to the west, which is owned by Western Power and the adjoining the north-western boundary of the property forms part of a Conservation Reserve (R 52979). The Development Area is located immediately west of the three (3) warehouse tenancies in the former 'wool washing' building in a portion of land formerly occupied by Water Corporation. The development area occupies all of Lot 12 and the western portion of Lot 13.

Proposal

The application is for a Tyre Recycling Facility. The process involves the operator obtaining refuse tyres (passenger and truck) which are initially inspected on-site for their viability to be recycled. Once accepted, the tyres are cut into small segments in preparation for shredding and extraction. Once the segments have been processed through the various machinery, the outcome produces rubber granules and meshing.

The products are then sold locally and internationally for reuse within applications such as road treatments, recreational surfaces, such as gym and playground flooring, and concrete additives.

The Development Application includes the following:

- An industrial building consisting of workshop and warehouse areas located centrally to the site with a total floor area of 13,710m²;
- Administration and amenities office building comprising an area of 680m²;
- Four crossovers accessed from the future subdivision road (Scandium Way) directly to the east, which will be constructed as part of the subdivision works. The four crossovers propose access as follows:
 - Two, 10m wide crossovers to Lodge Drive (South) for unrestricted heavy vehicle access only;
 - One, 6m wide crossover to the parking area for the use of light vehicles and passenger vehicles only;

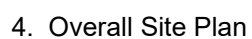
- One, 12m wide crossover to Lodge Drive (West) for heavy vehicle access only; and
- One, 10m wide crossover to Scandium Way (East) for heavy vehicle access.
- A total of 80 new car parking spaces inclusive of one accessible bay;
- A storage area to the north comprising of 6 storage bunds of 1,280m² for tyres.
- Fire tanks and a pump station located abutting the existing (former) 'wool washing' shed structure;
- A electrical voltage substation located to the western boundary, for the electrical requirements of the machinery operating on the site;
- Open air storage spaces located to the east of the proposed building abutting the existing workshop;
- A bin store area 83m² in size abutting the existing bund locations; and
- Landscaping areas abutting all road frontages.

During the assessment of the application the City raised the following concerns with the applicant;

- The need to increase provision of car parking bays to match the number of staff on-site;
- Concerns over the number of one way crossovers in and out of the property;
- Modifications to the Bushfire Management Plan (BMP) to ensure accuracy with *State Planning Policy 3.7 - Planning in Bushfire Prone Areas* (SPP3.7);
- An Acoustic Report to be provided assessing the development against the *Environmental (Protection) Noise Regulations 1997 (Noise Regulations)*; and
- Clarification of operational details regarding the storage, cleaning, and wetting down of tyres to mitigate mosquito breeding.

The applicant submitted Amended Plans which addressed the following concerns raised by the City;

- An addition 21 bays were proposed bringing the total to 80 bays;
- A revised BMP;
- An Environmental Noise Report detailing the operations of the site; and
- Operational detail addressing the storage, cleaning and wetting down of tyres in regards to mosquito breeding concerns.



Presiding Member




Presiding Member



6. Elevations - North and South



7. Elevations East and West

Implications to Consider

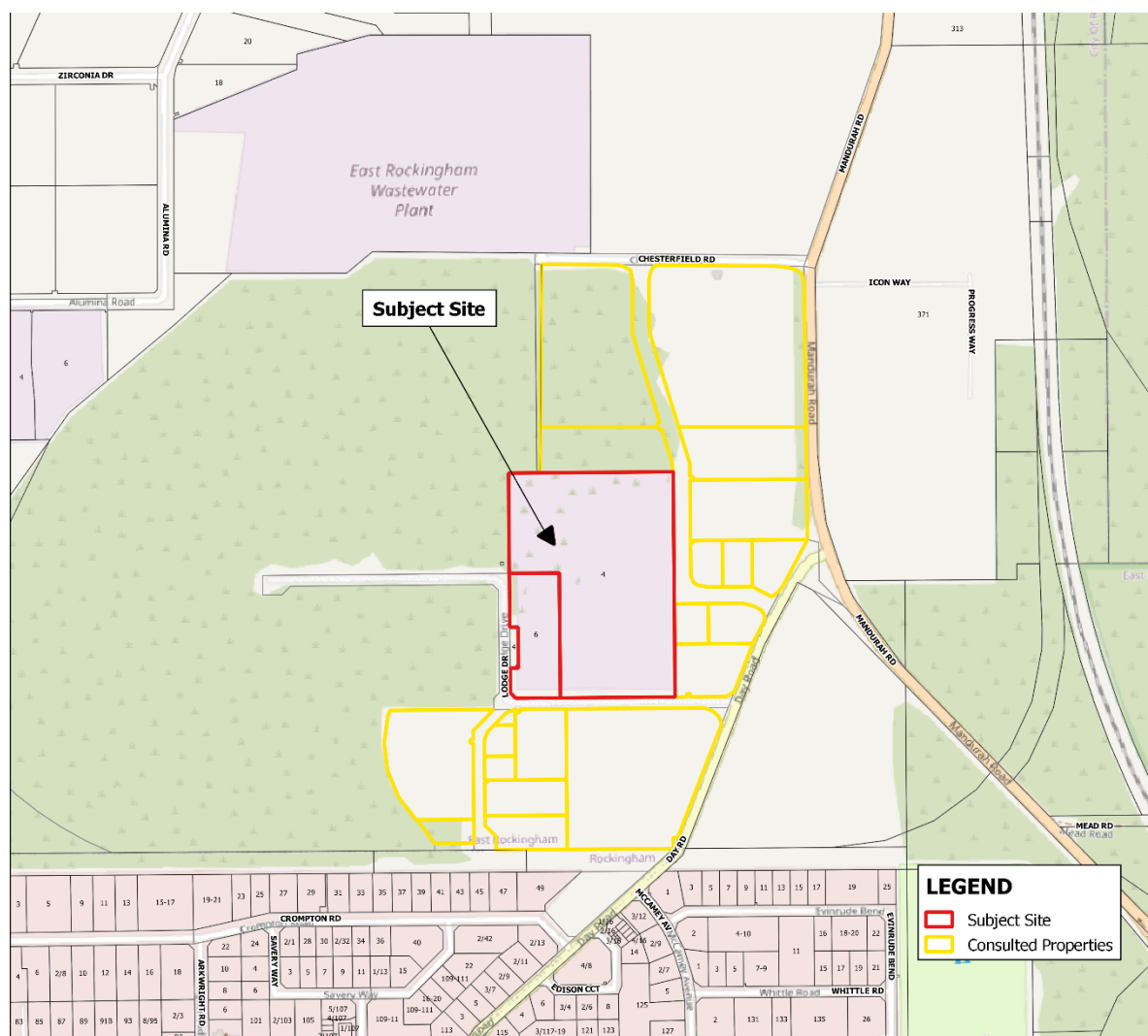
a. Consultation with the Community

The application was advertised for public comment in the following manner:

- Notice was published in the Sound Telegraph on 8 March 2023;
- Owners and occupiers identified on the Consultation Map below were notified in writing of the proposed application;
- A sign was placed on-site;
- The application was made available for public inspection at the City's Administration Offices and published electronically on the City's Website.
- Submissions were requested over a 14 day period between 8 and 22 March 2023, as per the *Planning and Development (Local Planning Scheme) Regulations 2015*.

Three (3) submissions were received at the conclusion of the advertising period:

- One letter of support was received by a landowner living outside of the consultation area
- Two neutral submissions was received by an owner/occupier outside of the consultation area. The submissions queried the operational methodologies of the facility, the technical documents and other items in the Table below.



8. Consultation Map

Comments raised during the submission period are summarised below, including the Applicant and City responses:

Submission:

Concern about potential odours and noise emissions from the proposed facility (summarised).

Applicant's Response:

The EPA's *Guidance Statement No.3 - Separation Distances between Industrial and Sensitive Land Uses* (EPA Guidance Statement No.3) provides generic buffer distances intended to mitigate impacts of industrial developments on sensitive land uses.

The EPA Guidance Statement No.3 identifies potential impacts as gaseous, noise, dust, odour and risk from a used tyre storage and recycling facility. A generic buffer distance of 500m - 1,000m is recommended.

The proposed development provides a separation distance of approximately 700m from the Caravan Park on Dixon Road. The nearest dwellings are over 1km away.

Please refer to the Environmental Noise Assessment (ENR).

Additional management measures can be implemented to mitigate any potential adverse amenity impacts. A separate works approval / licensing application is being progressed with DWER by Encycle Consulting Pty Ltd.

This is a high regulated facility. A separate application for the facility's works approval/environmental licence is being assessed by DWER. In addition to any conditions applied to a development approval, the facility will also need to operate in compliance with any environmental license conditions we will be subject to regular compliance auditing by DWER.

City Response:

The proposal is subject to the Environmental Protection Agency (EPA) *Guidance Statement No.3 – Separation Distances between Industrial and Sensitive Land Uses*.

The site has a separation distance of 700m to the nearest sensitive receptor, (taken from the site boundary), being the Rockingham Holiday Village (Caravan Park) located on Dixon Road. There are no other Sensitive Premises within 1000m of the development site.

The applicant has provided information that the processing of tyres will not involve any burning or any process which will cause hazardous odour emission from the facility. The City referred the application to the Department of Water and Environmental Regulations (DWER) for comment, which did not raise odours as a concern. The application will also be further required to be licensed by DWER.

The applicant has also submitted an ENR which demonstrates how the proposal will comply with the Noise Regulations.

An advice note is recommended reminding the applicant of the need to obtain a DWER Licence.

Submission:

Concern about fire risk of the facility in the event of a bushfire. Management Plans don't adequately address fire risk (summarised).

Applicant's Response:

Fire risk has been considered as part of this proposed development. Refer to the Bushfire Management Plan and Bushfire Risk Management Plan.

Preliminary fire safety measures are proposed following pre-lodgement engagement with DFES. Such measures include:

- Monitoring of the subject site and facility by trained staff;

- Radiometric thermal cameras to monitor the pile temperature in each bund. Alarms may be connected to alert DFES, should the temperature of the pile reach the critical temperature;
- The bund walls are to achieve a height of 7m (as shown on the development plans); and
- A fire hydrant monitoring system is to be installed to provide immediate firefighting capabilities if a fire is detected in the early stages.

The scope of a BMP and Bushfire Risk Management plan (In the context of State Planning Policy 3.7 - Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas.) is to prepare plans which address bushfire risk to the site and flammable on-site hazards.

DFES has provided their comments and will be addressed accordingly by the Bushfire Reporting and concept fire safety strategy prepared by Warrington Fire.

The risks associated with tyre storage have been discussed in detail with DFES prior to lodgement of this development application. Risk management measures are identified within the concept fire safety strategy prepared by Warrington Fire and will continue to be developed and refined as part of detailed design.

City Response:

The applicant has provided a BMP which details the bushfire threat from the vegetation to the west and the asset protection zone for the site. The applicant has also provided a Bushfire Risk Management Plan (BRMP) which provides a comprehensive strategy to mitigate any bushfire threats the development site might potentially encounter. Both documents were referred to Department of Fire and Emergency Services (DFES) for comment.

DFES's submission recommended changes to the BMP (see Agency Consultation below) to achieve compliance with SPP3.7. The applicant provided a revised BMP which the City is satisfied addresses DFES's comments. DFES did not raise any concerns over the BRMP.

Consultation with other Agencies or Consultants

The following Government departments were consulted:

- Department of Mining and Industry Regulation and Safety (DMIRS);
- Department of Water and Environmental Regulation (DWER);
- Department of Fire and Emergency Services (DFES);
- DevelopmentWA; and
- Water Corporation.

The comments received include:

Department of Mining and Industry Regulation and Safety (DMIRS) (summarised)

- No dangerous goods concern.
- Contact DWER for comment in regards for any licensing requirements.

Applicant Comment:

Noted.

City's Comment:

Noted. DWER has been consulted.

Department of Water and Environmental Regulation (DWER) (summarised)

DWER provided the following comments:

- The development will need to comply with the Controlled Waste, Noise and Unauthorised Discharges Regulations.

Department of Water and Environmental Regulation (DWER) (summarised) (cont...)

- A Native Vegetation clearing permit is required for the existing mature vegetation on site, including the Tuart Trees on site.
- A Ground water licence is required.
- A Works Licence is required for the premise. Given the Tyre Recycling Facility falls under a Prescribed Premise (57 – Used Tyre Storage), a Works License is required under the *Environmental Protection Act 1986* (EP act).

Applicant's Comment:

Noted. Any inconsistencies and the extent of clearing will be clarified and confirmed as part of the clearing permit application with DWER.

A separate process for works approval is being progressed with DWER in accordance with the EP act licence.

City's Comment:

Applicant's comments are noted.

DWER regulates industrial emissions and discharges to the environment through a works approval and licensing process, under Part V of the EP Act.

Industrial premises with potential to cause emissions and discharges to air, land or water are known as 'Prescribed Premises' and trigger regulation under the EP Act. Prescribed Premises categories are outlined in Schedule 1 of the *Environmental Protection Regulations 1987*.

The EP Act requires a Works Approval to be obtained before constructing a Prescribed Industrial premises and makes it an offence to cause an emission or discharge unless a licence or registration is held for the premises.

The City notes that the applicant has submitted an application for Works Approval which is currently being considered by DWER.

Department of Fire and Emergency Services (summarised)

Modifications to the applicant's BMP are required for the following:

- Vegetation exclusion areas & classification; and
- BAL contour mapping; and
- Administrative queries.

Further changes are required to address the 'Bushfire Protection Criteria from SPP3.7', as acceptable solutions have not been illustrated for the following matters:

- Location;
- Siting of design; and
- Water.

Applicant's Comment:

The comments from DFES has been appropriately responded to, with the Bushfire Management Plan amended as required (refer to BMP) and the technical note response prepared by Eco Logical to respond to the specific comments.

Eco Logical Response:

There were multiple vegetation management scenarios discussed during the preparation of the BMP which has resulted in confusion in the BMP maps. The BMP will be amended to classify vegetation along the western boundary of the subject site. Following development, vegetation immediately south of the subject site boundary is excludable and justification of this exclusion has been provided in the amended BMP. The BMP will be amended to include recommendations from the Concept Fire Safety Strategy (Warrington Fire 2023) specifically:

Department of Fire and Emergency Services (summarised) (cont...)
<p><i>'The proposed tyre recycling facility must be provided with a fire hydrant system in accordance with clause E1.3 of the NCC, DFES guidance note GN02, and AS 2419.1:2005, with the exception that six fire hydrants outlets and a fire hydrant monitoring system are to be provided instead of five fire hydrant outlets'.</i></p> <p>Other changes also include:</p> <ul style="list-style-type: none"> • Typographical errors; and • Vegetation classification.
<p><u>City's Comment:</u></p> <p>Noted. The City has reviewed the revised BMP and is satisfied that the matters raised by DFES has been addressed. Conditions can be applied requiring the development to adhere to the BMP and (BRMP) measures to achieve compliance at all times.</p>
Development WA
No objection to the proposed development.
<p><u>Applicant's Comment:</u></p> <p>Noted.</p>
<p><u>City's Comment:</u></p> <p>Noted.</p>
Water Corporation (summarised)
The Water Corporation advised that reticulated water is available to the area. There are sewerage services available to the site and the applicant may be required to upgrade in order to connect. The Water Corporation does not object to the application.
<p><u>Applicant Comment:</u></p> <p>Noted.</p>
<p><u>City's Comment:</u></p> <p>The Water Corporation's submission is noted and an Advice Note is recommended.</p>

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**

State Government Policies

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.

As the land is designated as a Bushfire Prone Area, the applicant submitted a BMP and BRMP in support of the application, as per the requirements of SPP3.7 which are explained further in this Report.

The bushfire threat for the development arises primarily due to existing vegetation to the west of the site on Reserve 52979. The vegetation will remain in the long term and thus the application will be required to respond appropriately to the bushfire threat.

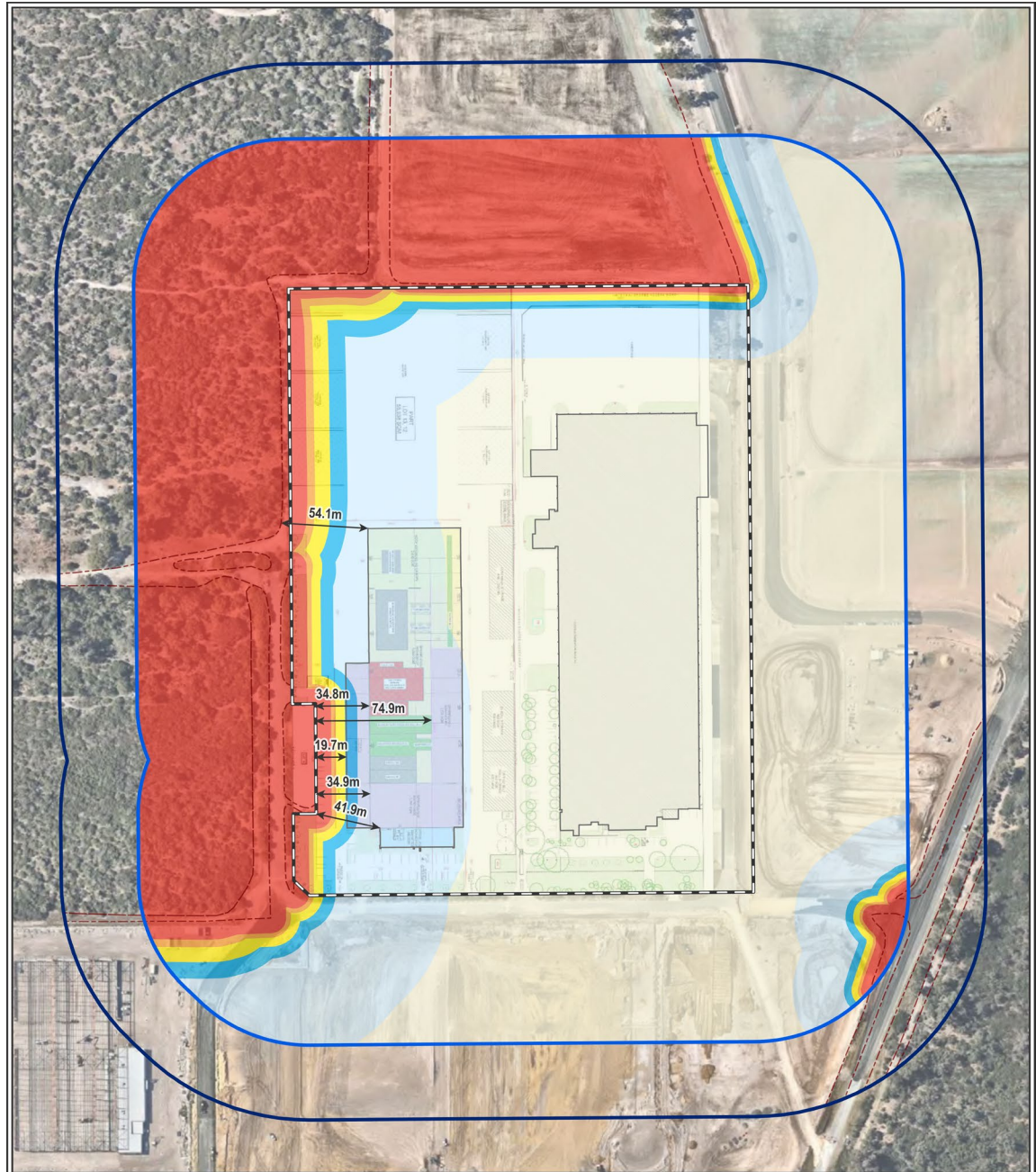


Figure 6: Bushfire Attack Level (BAL) Contours - Post-Development

- Subject site
- 100m site assessment
- 150m site assessment
- Building
- Bushfire hazard interface

- Bushfire Attack Level (BAL)**
- BAL - FZ
 - BAL - 40
 - BAL - 29
 - BAL - 19
 - BAL - 12.5
 - BAL - LOW

0 25 50 100
Metres

Datum/Projection:
GDA 1994 MGA Zone 50
22PER2823-SM Date: 24/03/2023



eco
logical
AUSTRALIA
A TETRA TECH COMPANY

9. BAL Contour Map

A revised BMP responds to DFES' request to modify the plans to ensure compliance with the Guidelines and *Australian Standard 3959-2018 - Construction of buildings in bushfire prone areas* (AS3959). The BAL contour map demonstrates that the development is able to achieve the BAL-29 separation with an Asset Protection Zone (APZ) fully contained within the lot.

Edwards

Given the high risk associated with the proposed land use, a BRMP was required to be submitted as per the requirements of SPP3.7. The BRMP assesses the bushfire risk of the development site and outlines strategies to manage that risk, including building construction standards, landscaping requirements, and ongoing maintenance and management practices. Of particular concern is the open yard storage areas (tyre bunds), which are located within the BAL Flame Zone (FZ) area (as indicated on the BAL Contour Map). The primary risk identified in the BRMP is that a bushfire could potentially ignite the tyre storage areas, thus necessitating appropriate risk management measures.

The BRMP's role in this instance is to provide considerations to the inherent and residual bushfire risk. These can be determined on the basis of the following risk criteria:

- Likelihood of ignition;
- Bushfire occurrence (bushfire history of the area);
- Risk of ignition;
- Vegetation type, fuel age and load, slope under vegetation; and
- Predominant fire weather conditions.

The consequence or impact from bushfire risks noted above present in the area and the level of management and suppression response available. The BRMP has provided the following to address the above:

- A BMP;
- A risk assessment matrix based on bush fire attack scenarios from different directions;
- Bushfire mitigation measures;
 - Fire protection and detection equipment;
 - Evacuation plan and assembly points;
 - Bushfire suppression ability; and
 - Landscaping mitigation methods (APZ).

The main mitigation methods which target the open storage yards (tyre bunds) include the following strategies suggested within the BRMP:

- The proposed building will be fitted with a sprinkler system, automatic fire detection system and automatic smoke exhaust system;
- Bund areas (where truck and passenger tyres will be collected and stored prior to processing) will be:
 - Fitted with radiometric thermal cameras (operating 24 hours a day, 7 days a week), which when activated will trigger an automatic response to the nominated emergency services;
 - Limiting storage areas to Passenger Tyre and Truck Tyre Storage areas.
 - Each bund to be no more than 1,280m² in size;
 - Bunds are located more than 18m from the main building to achieve separation distances to minimise fire risk;
 - 18m separation from the northern boundary;
 - Bund walls to be 7m in height; and
 - Separated 1.5m from each other.
- The facility will be provided with manual call points (break glass alarms) adjacent to all exits that will operate the Direct Brigade Alarm (DBA) and the building occupant warning system; and
- Fire hydrants will be located within the subject site at various locations and fire hydrant monitor system will also be installed in the open yard tyre storage area. Only personnel trained in the use of fire-fighting equipment or other necessary equipment (i.e. forklifts) required to respond to a fire on the site should be utilising this equipment and only if safe to do so. The final design of the hydrant system will be subject to assessment by the project hydraulic engineer and fire authority approval.

The BRMP has also been prepared in conjunction with a Fire Safety Strategy (FSS) document. The objective of the FSS is a comprehensive analysis at a building with a view to putting a plan in place to minimise the risks when there is a fire and to prevent the spread of fire. The recommendations from the FSS provided the strategies to inform the development of the BRMP.

In consideration of the above, the applicant has provided three (3) major documents which the City and DFES considered provides strategies to demonstrate compliance with 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 explained below.

The objectives of SPP4.1 are as follows:

- *"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".*

Environmental Protection Authority (EPA) - Separation Distance between Industrial and Sensitive Land Uses No.3 ('Guidance Statement') The Guidance Statement serves as a valuable tool in the assessment of SPP4.1, providing essential direction and facilitates the decision making process by providing guidance.

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. A table of land uses is provided in the Guidance Statement.

The City considered the proposal constitutes an 'industry' as defined within the Guidance Statement. The nearest sensitive land use is the Rockingham Holiday Village Caravan Park (approximately 700m to the east) is situated inside the minimum 500-1000m generic separation requirement for such an industrial use.



10. Separation to Sensitive Land Use

Given the methodology of the Tyre Recycling Facility's operation, noise is the only consideration of the proposal which could potentially affect the amenity of the locality. As the tyre recycling facility is understood to be operational at all hours, seven days a week, noise received at the neighbouring premises from these noise sources needs to comply with the appropriate assigned noise levels for this period.

The applicant has prepared an ENR in order to demonstrate compliance. Given there are other examples of similar facilities in Hope Valley and Naval Base, the ENR utilised existing machinery noise levels to assess the application. The ENR has been reviewed and the City is satisfied that the ENR demonstrates compliance with the Noise Regulations at the nearest sensitive receptor being the Rockingham Holiday Village Caravan Park.

The proposal is considered to be compatible with existing and future industrial development, within the East Rockingham Industrial Area (ERIA).

City of Rockingham Policies

Local Planning Policy 3.3.8 - East Rockingham Development Guidelines (LPP3.3.8)

In June 2020, the City resolved to adopt revised Planning Policy 3.3.8 – East Rockingham Industrial Zones subject to the gazettal of Scheme Amendment 178. During the time of lodgement of this application Amendment 178 was gazetted and the former policy was revoked.

LPP3.3.8 has been prepared to guide the orderly development of serviced industrial land within the ERIA. LPP3.3.8 provides a set of planning criteria to ensure that the ERIP has a consistently high standard of development and visual amenity.

The proposal satisfies the requirements of LPP3.3.8's development standards. It also complies with specific provisions such as building height, fencing, and plant and equipment. Furthermore, the proposal meets the standards for other structures, storage, and service areas. LPP3.3.8 further assesses the TPS2's general setback and landscaping requirements which is further discussed in this Policy.

Local Planning Policy 3.3.14 - Bicycle Parking and End-of-Trip Facilities (LPP3.3.14)

The aim of the LPP3.3.14 is to appropriately provide for secure, well defined and effective on site bicycle parking and end-of-trip (EOT) facilities, to encourage the use of bicycles as a means of transport and access within the City.

Bicycle Parking Requirement

Land Use	Required				Provided
	Minimum Short Term		Minimum Long Term		
	Rate	Number	Rate	Number	
Tyre Recycling Facility (13,710m²) -	0.30 spaces per 100m² NLA	41.13	0.12 spaces per 100m² NLA	16.4	8
Total Required	42		17		59 spaces

The proposal provides 8 long term bicycle bays which are readily available to staff of the site. The applicant proposes a variation to the requirements of the policy by 51 bicycle spaces. The proposed variation can be considered acceptable for this development given:

- The proposal is located in an Industrial Zone and there is a low expectation that employees/occupiers will utilise a bicycle to work.
- The requirement of 59 bays stems from the size of the warehouse, where it would not otherwise demand a large amount of staff or visitors to the site.
- The requirement for short-term parking is not considered to serve any benefit, and for that reason only the requirement for long-term was applied (i.e. employees).
- No short term bays have been provided that are publicly available. Given the bicycle bays are only in benefit of the employees. It is not expected that any short-term visitors will be visiting the site.

End of Trip Facilities (EoT)

The requirements of the Policy stipulate the proposal to include EoT facilities when long term bicycle parking is required:

Requirement	No of Long Term Bike Parking	No of Showers	Change Rooms
<i>One shower following the first five (5) long-term parking spaces, plus an additional shower for each four (4) bicycle parking spaces thereafter</i>	8	2	2

A condition is recommended requiring the provision of EOT facilities if Development Approval is granted. The proposal otherwise complies with LPP3.3.14.

Local Planning Policy 3.4.3 - Urban Water Management (UWMP) (LPP3.4.3)

A Stormwater Management Plan (SMP) was not submitted as part of the Development Application, nor is there any mention regarding management principles in the Application. LPP3.4.3 provides guidance that the City may impose conditions on Development Application to include a SMP.

A Section 70A is listed on both Titles, requiring written approval from Water Corporation with regard to the quality and quantity of any discharge of industrial waste water into the reticulated sewerage system.

The applicant has provided two (2) drainage basins on-site via the development plans. It is anticipated that these will form part of the future SMP. Other hardstand areas are expected to utilise soak wells for any stormwater discharge.

A SMP will be required as a condition of Development Approval. Given the site is a Prescribed Premises, the development will require further consideration by DWER. Should the strategy in the Stormwater Management Plan fail to satisfy DWER advice and PP3.4.3, the Applicant will be required to investigate alternatives.

e. Financial

Nil

f. Legal and Statutory

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

Clause 67 of the Planning 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 in TPS2. The proposed development is General Industry - (Licenced), the proposed development is consistent with the land use of Industry, meaning:

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

An 'Industry- General (Licenced)' land use is not permitted ('A') unless the local government has exercised its discretion by special notice in accordance with Clause 64 of the deemed provisions.

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 land use, 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 to be consistent with the objectives of the General Industry 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 LPP3.3.8, which details specific design and landscape requirements for the site. The development complies with the relevant requirements of the LPP3.3.8, as outlined previously in the Policy section of this Report.

The provision of a SMP will assist with any consideration towards drainage and ground water conservation.

The applicant has provided Transport Impact Statement (TIS) accompanying the application. Upon review of the TIS, the City is satisfied the traffic volumes produced from the proposed development will not impact on the locality.

Clause 4.10.3 - Parking

TPS2 requires the provision for the on-site parking of vehicles in accordance with the provisions of Clause 4.15. The application proposed a total of 80 car parking bays for a total of 89 employees.

Under the calculations of Clause 4.15 based on the total floor area, the proposal does not comply with the car parking requirements of TPS2.

Use Class	Minimum Requirement	Floor Area	Required Bays	Provided Bays
Industry	1 bay per 50m ² NLA for factory units and bulky goods showrooms, plus 1 bay per 100m ² NLA for warehouses or 1 bay per employee, whichever is the greater	8450m ²	169 bays	
Office	1 bay per 20m ² NLA	680m ²	34 bays	
Warehouse	1 bay per 100m ² NLA	5226m ²	53 bays	
Total			256 bays	80 bays

Clause 4.20 of TPS2 allows the Council to exercise discretion in modifying development standards. Consideration can be given to the nature of the proposed development, the number of employees likely to be employed on the site and the anticipated demand. In light of the above, for the following reasons, the proposed 80 car parking bays is acceptable:

- The proposed development has fewer staff than what is conventionally required for such an operation, meaning that the parking requirements may be less than typical.
- The operation does not require all staff to be on-site at the same time, and has varying work schedules, meaning that the parking demand may be lower than what is generally expected. According to the applicant, the operation is 24 hours and the number of staff during the day will be different to the demands at night time.
- The shortfall in parking bays will not impact the surrounding area or the operation of the development as the Development Site has adequate area on site to provide parking.

Clause 4.10.4 - General Development Provisions

The façade of the building is considered to comply, the construction is considered modern, comprised of various materials and is visible from Lodge Drive.

Clause 4.10.6 - Setbacks and Landscaping for Industrial Zones

The development meets all the setback and landscaping requirements of TPS2.

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 type land use and is compatible with the context of the locality. The planning framework in the ERIA is designed to facilitate the establishment of general industrial land uses, subject to a set of development requirements.

The application has been assessed against the requirements of TPS2 and SPP3.7. Given the proposal falls under a 'High Risk Land Use', it required a BRMP in addition to a BMP. The revised BMP and the BRMP are considered acceptable along with a FSS to supplement the requirements of SPP3.7.

The proposal is compliant with LPP3.3.8 and the design is deemed to be in accordance with the requirements within the local planning framework and well-integrated with the surrounding development.

The applicant has also provided an ENR to demonstrate compliance with the EPA Guidance Statement and the Noise Regulations.

After a thorough examination of the site's traffic, the City has determined it to be satisfactory. Additionally, an assessment of the parking arrangements on the site has been conducted and found to be adequate for the operation's level and scale. The proposed Tyre Recycling Facility is recommended for Development Approval, subject to various conditions including compliance with SPP3.7 and the Noise Regulations.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Industry: General (Licenced) Tyre Recycling Facility at Lot 12 and 13 Lodge Drive East Rockingham, contained as Attachment 1 as the report required to be submitted to the presiding member of the Metro Outer Joint Development Assessment Panel (MOJDAP) pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011.

Committee Recommendation

Moved Cr Wormall, seconded Cr Jones:

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Industry: General (Licenced) Tyre Recycling Facility at Lot 12 and 13 Lodge Drive East Rockingham, contained as Attachment 1 as the report required to be submitted to the presiding member of the Metro Outer Joint Development Assessment Panel (MOJDAP) pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

That the Metro Outer Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/22/02419 and the accompanying plans received on 5 December 2023 and Amended Plans received on 20 February 2023:

- Aerial Underlay Site Plan - Drawing no. A.01(F), Dated 20/03/2023;
- Site Plan - Drawing no. A.03(AL), Dated 20/03/2023;
- Zoomed Office Plan - Drawing no. A.04(C), Dated 18/11/2022;



- Estate Plan - Drawing no. A.06(B), Dated 01/03/2023;
- Site Elevations - Drawing no. E.01(F), Dated 22/02/2023;
- Main Building Elevations - Drawing no. E.02(D), Dated 22/02/2023;

In accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 subject to the following conditions as follows:

Conditions:

1. This decision constitutes planning 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. Prior to applying for a Building Permit, arrangements must be made to the satisfaction of the City of Rockingham for the amalgamation of lot 12 Lodge Drive and lot 13 Lodge Drive into one Certificate of Title. The amalgamation must be completed prior to occupation of the development.
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 Local 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 applying for a Building Permit, a Construction Management Plan is to be submitted to and approved by the City of Rockingham addressing but not limited to:
 - (i) Hours of construction;
 - (ii) Temporary Fencing;
 - (iii) Traffic Management including, a Traffic Management Plan addressing site access, egress and parking arrangement for staff and contractors;
 - (iv) Management of vibration and dust;
 - (v) Management of construction noise and other site generated noise.
5. 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.
6. Prior to applying for a Building Permit, a Sign Strategy must be prepared (which must include the information required by Planning Policy 3.3.1, Control of Advertisements) to the satisfaction of the City of Rockingham and it must thereafter be implemented for the duration of the development.
7. Prior to occupation of the development, pavement marking and signage must be provided at the vehicular crossover locations, to the satisfaction of the City of Rockingham, to clearly delineate the intended traffic flow within the site as follows:
 - (i) Restricted entry/exit only for heavy vehicles at 10m and 12m wide crossovers;
 - (ii) Full movement entry and exit for staff and visitor vehicles only at the 6m crossover for the administration building.
8. The buildings must be designed, constructed and maintained to BAL- 29 as specified in Australian Standard AS3959-2018: Construction of Buildings in Bushfire-Prone Areas (AS3959). The building must be maintained in accordance with the specified requirements of the BAL for the duration of the development.
9. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
 - (i) the location of bin storage areas and bin collection areas;
 - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;

- (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
- (iv) frequency of bin collections.

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

10. Prior to applying for a Building Permit, bin storage area/s must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham. The bin storage area/s must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the Development.
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 alignment, demonstrating that the street frontage fencing is located behind the extent of the Landscaped setback area;
 - (viii) internal footpath and kerb ramps providing linkages between car parking areas to the main office, including any proposed lighting; and
 - (ix) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.

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

12. Prior to the occupation of the development, the recommendations in the Bushfire Management Plan prepared by Eco Logical dated 24 March 2023 shall be implemented in the design, construction and ongoing operation of the development at all times to the satisfaction of the City of Rockingham including but not limited to the following requirements:
 - (i) Ensure proposed buildings are located outside of areas subject to BAL-FZ and BAL-40.
 - (ii) Ensure all APZs are established and maintained to the standard in the Guidelines.
 - (iii) Six (6) fire hydrants and monitoring systems are installed and extend reticulated water supply to appropriate areas.
 - (iv) Construct the internal road network as per the approved development plans.
13. Prior to the occupation of the development, the recommendations in the Bushfire Risk Management Plan prepared by Eco Logical dated 23 January 2023 shall be implemented in the design, construction and ongoing operation of the development at all times to the satisfaction of the City of Rockingham including but not limited to the following requirements:
 - (i) The proposed building will be fitted with a sprinkler system, automatic fire detection system and automatic smoke exhaust system;
 - (ii) Bund areas (where truck and passenger tyres will be collected and stored prior to processing) will be:
 - (a) Fitted with radiometric thermal cameras (operating 24 hours a day, 7 days a week), which when activated will trigger an automatic response to the nominated emergency services;

- (b) Limiting storage areas to Passenger Tyre Storage - 3,840m² and Truck Tyre Storage - 3,840m²;
 - (c) Bund walls to be 7m in height and constructed from fireproof material.
14. Prior to the occupation of the development, the car parking areas must:
- (i) provide a minimum of 80 car parking spaces;
 - (ii) be designed, constructed, sealed, kerbed, drained and line marked in accordance with User Class 1A for staff parking, User Class 2 for visitor bays, User Class 4 for universal bays of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to commencement of development;
 - (iii) provide One (1) car parking space(s) dedicated to people with disability, 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) be constructed, sealed, kerbed, drained and clearly marked prior to the development being occupied and maintained thereafter;
 - (v) have lighting installed, prior to the occupation of development;
 - (vi) any semi-trailer parking bays shall be clearly line marked and designed in accordance with AS2890.2 for the purposes of parking trailers only at all times; and
 - (vii) 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.
15. Prior to the occupation of the development and in accordance with City of Rockingham Local Planning Policy 3.3.14 - Bicycle parking and End of Trip Facilities, at least two (2) showers and change rooms must be provided for the development which must be designed in accordance with that Policy and approved by the City of Rockingham. The showers, change rooms and lockers must be retained and maintained in good and safe condition for the duration of the development.
16. Prior to the occupation of the development, eight permanent (8) bicycle parking spaces must be designed in accordance with AS2890.3-1993, *Parking facilities, Part 3: Bicycle parking facilities*, and located within the development to the satisfaction of the City of Rockingham.
17. The Environmental Noise Report prepared by Herring Storer Acoustics dated March 2023 shall be reviewed within 30 days of the occupation of the development to determine compliance with the Environmental (Noise) Regulations 1997.
18. No vegetation within the Conservation Area (Reserve ID R/52979 – Alumina Reserve) shall be removed or disturbed during development works, including any secondary impacts from works to provide infrastructure and drainage.
19. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
20. Crossovers shall be designed and constructed in accordance with the City's *Commercial Crossover Specifications*.
21. Materials, sea containers, goods or bins must not be stored within the carpark areas at any time. Car parks shall remain freely accessible at all times.

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, 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.
3. It is advised that the applicant is required to obtain a Works Approval license from the Department of Water and Environmental Regulation before commencing operations at the site. The applicant is encouraged to liaise directly with Department of Water and Environmental to ensure compliance with all relevant regulations and requirements.
4. The proponent is advised that this approval is not a building permit, which constitutes a separate legislative requirement. 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 and Stormwater Management 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 Engineering Services in this regard.
8. No battering, fill or waste shall be deposited within the Conservation Area (Reserve ID R/52979 - Alumina Reserve). The landowner/applicant must immediately report any fill or construction waste that is deposited within the Conservation Area (Reserve ID R/52979 - Alumina Reserve) to the Department of Biodiversity, Conservation and Attractions.
9. The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant and owner should liaise with the Water Corporation in this regard.
10. The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City of Rockingham's Health Services in this regard.
11. All vehicle access to the site via Scandium Way must be provided by the internal access road to be constructed prior to occupation of the development pursuant to the Subdivision Approval issued by WAPC (ref 160809).

Committee Voting (Carried) - 6/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable



Planning and Development Services Statutory Planning Services



Reference No & Subject:	PD-019/23	Proposed Scheme Amendment No.190 - Rezoning from 'Rural' to 'Special Rural' and 'Special Residential'
File No:	LUP/2212	
Applicant:	Niche Planning Studio	
Owner:	Mr J and Mrs R Crookes Mr M and Mrs S Scrimshaw Mr R and Mrs K Anderson	
Author:	Mr Eric Anderson, Planning Officer	
Other Contributors:	Mr Marius Le Grange, Senior Planning Officer Mr David Waller, Coordinator Statutory Planning Mr Mike Ross, Manager Statutory Planning	
Date of Committee Meeting:	17 April 2023	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Legislative	
Site:	Lots 4, 5, 6, 7 and 8 Sixty Eight Road, Baldvis	
Lot Area:	20.47ha	
LA Zoning:	Rural	
MRS Zoning:	Rural	
Attachments:	1. Scheme Amendment Report 2. Applicant's Revised Vegetation and Building Envelope Information	
Maps/Diagrams:	1. Location Plan 2. Aerial Photograph 3. Lots 6-8 Viewed from Sixty Eight Road (Market Garden) 4. Lot 5 Viewed from Sixty Eight Road 5. Lot 4 Viewed from Sixty Eight Road 6. Current Rural Zoning - TPS2 7. Proposed Zoning - TPS2 8. Subdivision Guide Plan (Amended) 9. Proposed APZ Extent and Clearing (Amended) 10. RLS Precincts 11. Extent of the Multiple Use Wetland	

Purpose of Report

To consider initiating Amendment No.190 to Town Planning Scheme No.2 (TPS2), to rezone Lots 4-8 Sixty Eight Road, Baldvis ('subject site') from 'Rural' to 'Special Rural' and 'Special Residential'.



1. Location Plan



2. Aerial Photograph

Background

The subject site comprises five (5) lots, totalling 20.47ha, with a frontage of 680m to Sixty Eight Road. Lot 4 (eastern lot) adjoins 'The Vibe' National Lifestyle Village (NLV). To the south of Sixty Eight Road there is an active market garden and to the north of the site is a 'Special Residential' and 'Special Rural' estate ('Muzzlewood Estate'). The site slopes downwards from the north-west to south-east and ranges in elevation from 25m AHD in the north-west of the site to 3m AHD in the south-east.

Lots 6-8 are currently used for market gardening with Lots 4 and 5 used for general rural living.

There are three (3) existing dwellings located on the subject site and a number of outbuildings/sheds.

There is a 'Multiple Use Wetland' on the south-east portion of the site, which is addressed in the Policy section of this Report, where filling of land is proposed as part of future subdivision works and to service the land with reticulated sewerage.

The Scheme Amendment was on the Planning and Engineering Services Agenda for 20 February 2023 with a Recommendation that its consideration be deferred pending resolution of a number of matters including vegetation clearing and bushfire management. At the request of the applicant, however, the Agenda Item was withdrawn to allow the reasons for deferral to be addressed.

On 30 March 2023, the City of Rockingham (City) received a revised proposal which included an amended Subdivision Guide Plan (SGP), reducing the lot yield from 32 to 30, and reconfiguring the location of Building Envelopes.



3. Lots 6-8 Viewed from Sixty Eight Road (Market Garden)



4. Lot 5 Viewed from Sixty Eight Road



5. Lot 4 Viewed from Sixty Eight Road

Details

The applicant seeks Council approval to amend TPS2, to rezone Lots 4, 5, 6 and a portion of Lot 7 Sixty Eight Road, Baldivis from 'Rural' to 'Special Residential' and to rezone Lot 8 and a portion of Lot 7 Sixty Eight Road, Baldivis from 'Rural' to 'Special Rural'.

The proposed Scheme Amendment is submitted as a 'Standard' amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), as the applicant contends that the proposal is:

- "(e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment; and*
- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area".*

The current and proposed zonings within TPS2 are shown in Figures 6 and 7.

The SGP (Figure 8) has been prepared, which proposes:

- Three (3) 'Special Rural' Lots of 1ha - 2ha on existing Lot 8 and the northern portion of Lot 7;
- Twenty Seven (27) 'Special Residential' Lots ranging from 0.5ha to 1.07ha;
- Building Envelopes for all proposed lots; and
- A road network including two new access points to Sixty Eight Road to the southern frontage of the site and one new access point connecting to Muzzlewood Street to the north of the site.

The applicant initially submitted the following documentation:

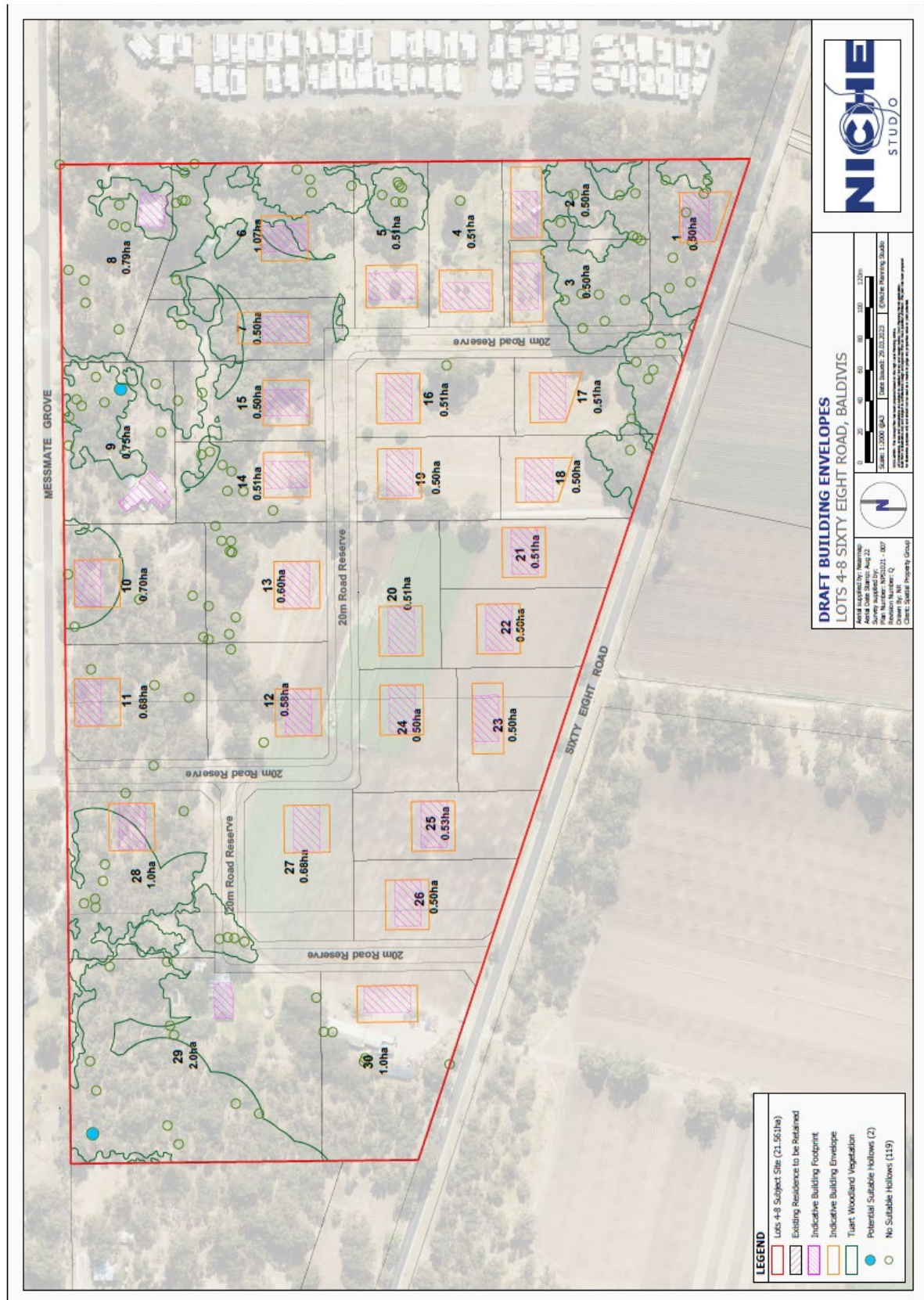
- Scheme Amendment Report inclusive of the SGP;
- Environmental Assessment Report (EAR);
- Bushfire Management Plan (BMP);
- Servicing Report; and
- Geotechnical Report.



6. Current Rural Zoning - TPS2



7. Proposed Zoning - TPS2



8. Subdivision Guide Plan (Amended)

Confirmed at a Planning and Engineering Services
Committee meeting held on Monday 15 May 2023

Edwards

Presiding Member

Implications to Consider

a. Consultation with the Community

The proposed Scheme Amendment is considered to be a 'Complex'¹ Amendment' for the reasons outlined in the Legal and Statutory section of this Report. If the Scheme Amendment is initiated by Council, it is required to be advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) for a period of 42 days, 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.

In addition to the above, the City will also ensure a sign advertising the proposal is erected on-site.

b. Consultation with Government Agencies

Consultation with the Environmental Protection Authority (EPA) will only occur if the Scheme Amendment is initiated by Council in accordance with Clause 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

Government Sewerage Policy (2019)

The Government Sewerage Policy guides future strategic planning, subdivision and development for the provision of sewage disposal in Western Australia.

The Policy promotes reticulated sewerage as the best disposal method for sewage. It requires all new subdivision and development to be connected to reticulated sewerage where available or considered necessary on health, environment or planning grounds.

The applicant is proposing to connect the site to reticulated sewerage. Should the Scheme Amendment be initiated, comment will be sought from the Water Corporation.

South Metropolitan Peel Sub-Regional Planning Framework (the Framework)

In March 2018, the Western Australian Planning Commission (WAPC) adopted the Framework which forms part of the *Perth and Peel @ 3.5million* suite of documents.

The Framework identifies the site as 'Rural Residential' with land parcels from one (1) to four (4) hectares in size. This matter is further discussed below in the section titled 'WAPC Position Statement - Special Residential Zones'.

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

The purpose of SPP2.5 is to protect and preserve 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. The City does not consider the subject site to be priority agricultural land, and as such, the City considers that the proposed amendment is consistent with SPP2.5.

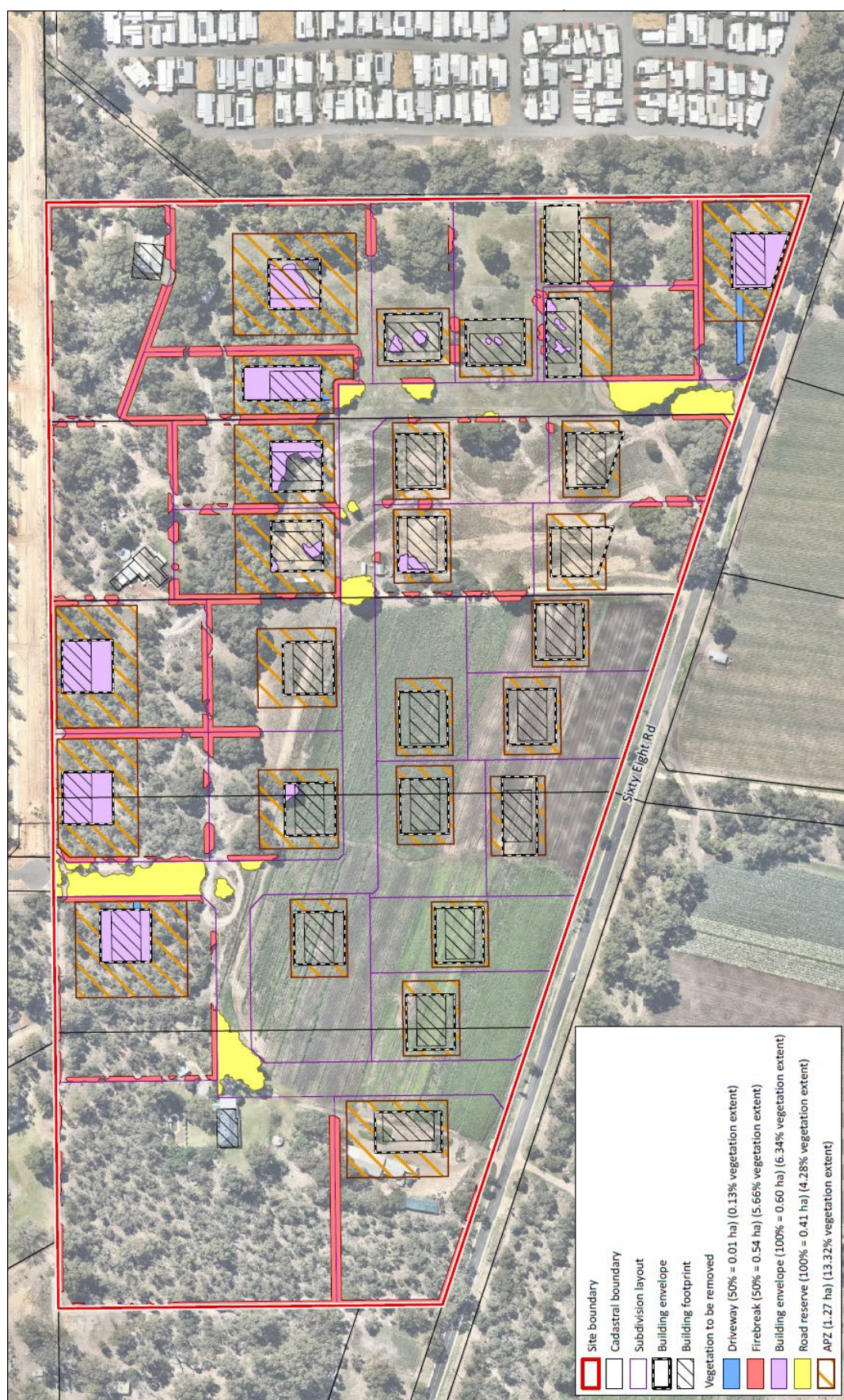
¹ Correction of typographical error

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

SPP3.7 notes that a Bushfire Hazard Level assessment and a BMP addressing the bushfire protection criteria is to be submitted in the consideration of amendments to local planning schemes. The Guidelines for Planning in Bushfire Prone Areas (the Guidelines) require the applicant to demonstrate, by way of a Bushfire Hazard Level Assessment, that the rezoned site has, or can be made to have, a low to moderate bushfire hazard level (i.e. BAL-Low to BAL-29).

Policy Objective 5.4 of SPP3.7 aims to achieve a balance between bushfire risk and biodiversity and conservation values. Whilst the applicant has submitted a BMP, it is based on an earlier SGP and will need to be updated to reconcile the proposed environmental outcomes proposed.

A revised BMP will be received from the applicant, following the Council's consideration of the Scheme Amendment which is informed by the outcomes of the City's assessment of the revised SGP and extent of vegetation clearing. A revised BMP will be required prior to advertising of the Scheme Amendment and will be subject of referral to Department of Fire and Emergency Services (DFES).



9. Proposed APZ Extent and Clearing (Amended)

Confirmed at a Planning and Engineering Services
Committee meeting held on Monday 15 May 2023

[Signature]
Presiding Member

WAPC Position Statement - Special Residential Zones (the Position Statement)

In May 2021, the WAPC released the Position Statement which states that 'Special Residential' zoning will only be considered within the 'Urban' zone under the Metropolitan Region Scheme (MRS). The subject site is zoned 'Rural' under the MRS.

In addition the subject land is identified as Rural Residential under the South Metropolitan Peel Sub-Regional Planning Framework, which contemplates lot sizes for Rural Residential between 1 and 4 hectares. In comparison the applicant is seeking Special Residential rezoning, which includes 0.5 hectare minimum lot sizes which are below the 1 hectare minimum lot sizes contemplated in the Framework.

The WAPC Position Statement was released after the Council had adopted the Rural Land Strategy (RLS). The City's RLS was adopted with due regard to Development Control Policy 2.5 (DCP 2.5) which has since been rescinded. DCP 2.5 allowed for 'Special Residential' lots to be a minimum of 2,000m². The WAPC Position Statement – Special Residential Zone does not support scheme amendments to rezone land to Special Residential.

Prior to the Council's adoption of the RLS in 2020, several meetings were held between the City and DPLH Officers. The outcome of these meetings suggested that there was a level of support for lots sizes below that specified in the Framework given to the City's performance based approach in the RLS (further discussed below).

In November 2021, the City received further clarification from DPLH advising that any variations to the Framework would need to be fully justified and substantiated. A full assessment of any proposed Scheme Amendment will be undertaken by DPLH, having regard to the recommendation from Council and outcomes of consultation with the community.

Local Planning Policies

Planning Policy 3.1.1 - Rural Land Strategy (RLS)

The RLS provides the basis for land use planning in the rural areas of the City. It provides a framework for the assessment of proposals to rezone, subdivide, manage and develop rural land. The subject site is located within 'Precinct 1A Rural Wedge' (Central) of the RLS (Figure 11).

The strategic intent for Precinct 1A includes the following relevant provisions:

- *"To minimise the loss of landform associated with development;*
- *To minimise the loss of remnant vegetation associated with development;*
- *To minimise the loss of remnant vegetation associated with bushfire risk mitigation; and*
- *To protect and enhance visual character and amenity."*

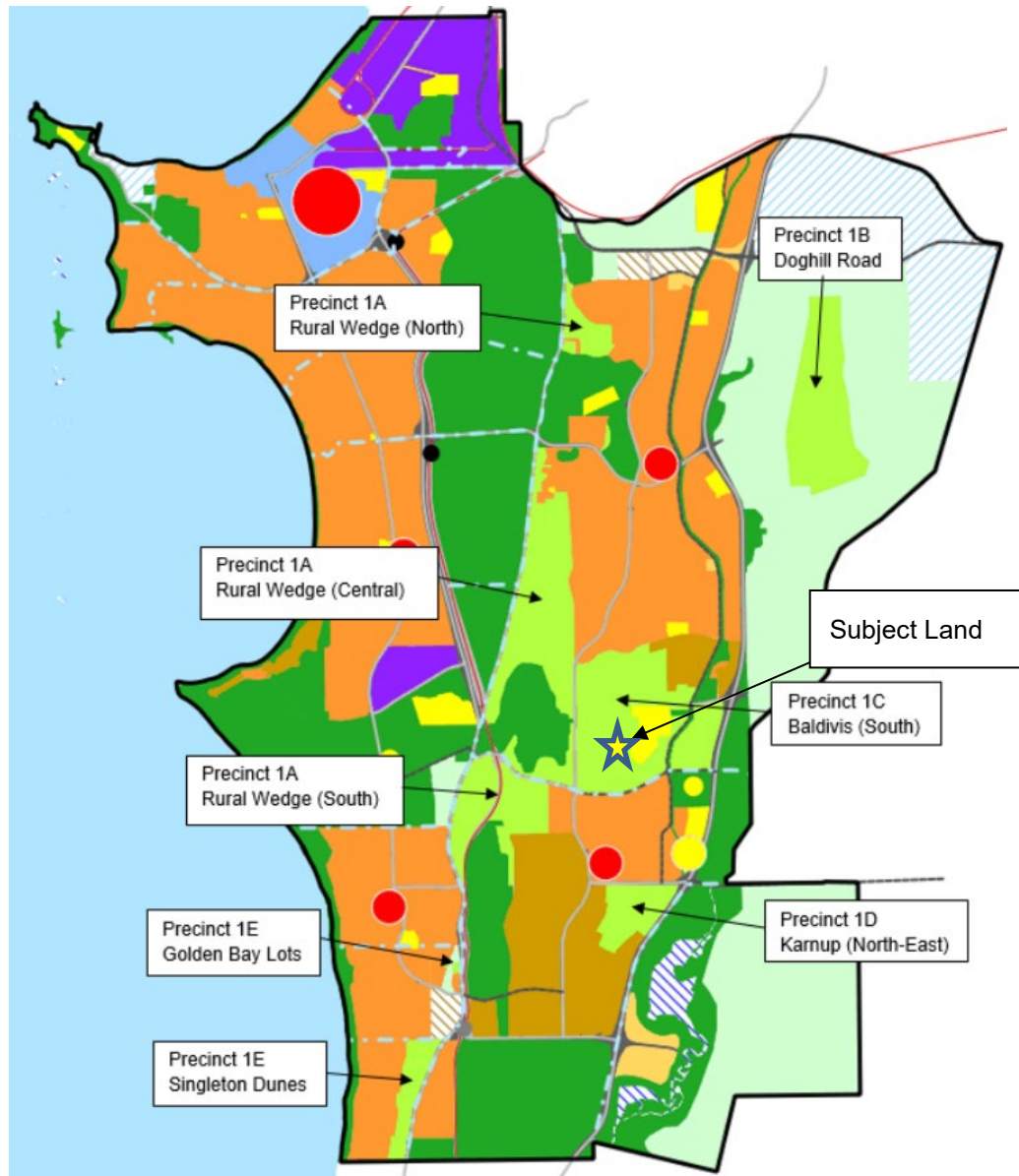
Precinct 1A provides an important rural transition between the inland and coastal urban corridors and maintains the valuable rural vista to Mandurah Road. It contains multiple overlapping ecological values and linkages, including an extensive chain of wetlands, elevated ridgelines, prominent high points and remnant vegetation that provide an essential landscape and rural context. These areas of environmental and landscape significance are fundamental to the visual character and amenity of the area and their ongoing preservation is a key strategic objective of the RLS.

Within the RLS there are 'performance standards' to assist in achieving the RLS objectives. The compliance with the performance standards for Policy Area 1 are summarised as follows:

RLS Performance Standards		City Comments
1.	That minimum lot sizes be increased to facilitate retention of remnant vegetation and significant landscapes.	The amended SGP responds to the site conditions, as larger lot sizes are along the northern ridgeline of the site to retain the areas heavily vegetated.

RLS Performance Standards	City Comments
2. That the size of building envelopes be restricted to facilitate retention of remnant vegetation and to minimise clearing for earthworks.	Most of the filling is proposed on lower portions of the site, previously used as a market garden, however, some filling and earthworks are also required in limited locations on vegetated lots. The majority of the servicing requirements will be placed inside the road reserve as stated by the applicant.
3. That road reserves, vehicular access ways and building envelopes be located to limit the impact of clearing and earthworks on remnant vegetation, ridgelines, high points and dunes.	The road connection to Muzzelwood Estate will require some clearing and earthworks, given the slope closest to the northern position of the site, however, the other internal roads located in the former market garden will not require clearing or any significant earthworks.
4. That building construction to BAL-29 be required to limit clearing associated with bushfire risk mitigation.	An updated BMP is required to verify the proposed maximum BAL-29 levels, required for some of the more heavily vegetated lots, will not compromise the proposed vegetation clearing of 29.73%. The Applicant has provided information to demonstrate that clearing within fire breaks, roads, Asset Protection Zones, within Building Envelopes, based on a dwelling size of 500m ² . The City considers the assumptions for clearing are conservative and will ensure clearing proposed will comply with the RLS.
5. That 'performance principle-based solutions', as provided for in the Guidelines for Planning in Bushfire Prone Areas, be utilised to minimise impacts of bushfire risk mitigation upon remnant vegetation.	The City is satisfied that the level of clearing achieves the right balance between vegetation retention and bushfire protection.
6. That development be strategically sited to minimise impacts of bushfire risk mitigation upon remnant vegetation and significant landscapes.	The applicant has demonstrated that the amount of vegetation that will require clearing will be 29.73% which is slightly less than the maximum 30% (further discussed below).
7. That the siting and height of built form be restricted so that roof lines fall sufficiently below ridgelines, high points and/or tree lines.	The siting of Building Envelopes are below the ridgeline and predominantly located on the flat section of the site. Where Building Envelopes are located on elevation parts of the site, they are considered to be appropriately located to limit visual impacts. There are also a number of existing dwellings located on elevated portions of the site which limit further infill development.
8. That minimum setbacks to be increased to facilitate retention of remnant vegetation and significant landscapes.	It is considered that the Building Envelopes have been designed to achieve retention of remnant vegetation where appropriate and the elevated portions of the site.

RLS Performance Standards		City Comments
9.	That minimum setbacks be established to wetlands and their buffers.	No setbacks exist for Multiple Use Wetlands.
10.	That strategic revegetation be required to road setbacks and visually prominent areas.	<p>Strategic revegetation is proposed along Sixty Eight Road to address spray drift from the market garden on the southern side of Sixty Eight Road.</p> <p>It is unlikely that such vegetation could be considered as a buffer in the short term as it would take considerable time for the vegetation to grow to a sufficient height and mass to be an effective screen.</p> <p>The inclusion of Schedule 4 in TPS2 as part of this Scheme Amendment, is also proposed to include a requirement for Strategic Revegetation to be undertaken by the developer.</p> <p>At the subdivision stage, a condition of subdivision will be recommended to require Strategic Vegetation to be planted, subject to subdivision staging, to ensure an appropriate vegetation buffer has established to the adjacent market garden.</p>
11.	That strategic revegetation of the 50m Wetland buffer be required.	Not applicable to a Multiple Use Wetland.
12.	That strategic revegetation be required to offset the clearing of remnant vegetation.	The City's priority is to ensure the protection of remnant vegetation. Offset Vegetation is not the City's preferred option and is not proposed in this instance.



10. RLS Precincts

Lot Size, Landform and Visual Impact

For 'Special Rural' zones, a lot size range between 1ha to 4ha, is required with minimum lot size based on a site-specific assessment. The three (3) 'Special Rural' lots proposed comply with the minimum lot size of 1ha. For 'Special Residential' zones, the proposal includes a minimum lot size of 5,000m², which is compliant with the minimum lot size requirements in the RLS.

The Building Envelopes are generally located towards the bottom of the elevated sections, with the exception of a few lots including the existing houses. The City considers the proposal to achieve an appropriate retention and preservation of the natural character of the ridgeline.

Vegetation

The subject site has been identified as being within the Tuart (*Eucalyptus gomphocephala*) Woodlands and Forests of the Swan Coastal Plain Threatened Ecological Community, which is listed as 'critically endangered' under the federal *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The applicant's EAR concluded that the vegetation did not meet the key characteristics of a Threatened Ecological Community (TEC) due to its degraded nature.

The applicant's EAR identified 121 potential black cockatoo habitat trees (defined as trees with a diameter at breast height over 500mm). Two of these trees were found to have suitable hollows for breeding, with the remainder identified due to their potential to become suitable habitat trees in the future. The Building Envelopes, as indicatively shown in the SGP have been located in an effort to avoid these trees as far as possible, however, a number of potential habitat trees within road reserves and the Asset Protection Zones will likely be removed as a result of implementation of the proposal. The exact number of potential breeding trees that will be impacted will be determined following completion of the bushfire management plan and detailed road design, however, is anticipated to be between 10-25% based on the current layout.

In addition the amendment area comprises Black Cockatoo foraging habitat as summarised below:

- 7.85ha of Carnaby's Black Cockatoo foraging habitat (of which 2.2ha was mapped as high value);
- 8.15ha of Forest Red Tailed Black Cockatoo foraging habitat (of which 1ha was mapped as high value); and
- 6.94ha of Baudin's Black Cockatoo foraging habitat (of which 0.9ha was mapped as high value).

The mapped extent of these habitats has not been shown in relation to the SGP, and in the absence of detailed bushfire planning requirements and detailed road designs, it is not possible at this time to determine the extent of impacts on foraging habitat.

It is noted that impacts to known and potential Black Cockatoo breeding trees and foraging habitat typically require referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The applicant's EAR also identifies that the future development is likely to have impacts on other matters of environmental significance, including the Threatened Ecological Community Tuart Woodlands of the Swan Coastal Plain and as such will likely require referral under the EPBC Act. In the event that Council initiates the Scheme Amendment, it will also be referred to the Environmental Protection Authority (EPA) who will determine a level of assessment based on (among other matters) impacts to Black Cockatoos and associated habitat.

The City's RLS requires vegetation clearing to not exceed 30%. Vegetation retention can be considered by total number of trees or percentage canopy cover. The Environmental Assessment Report (EAR) provided by the applicant uses percentage canopy cover.

The City has conducted a spatial assessment of the EAR and determined that up to 5.81ha (29.73%) of vegetation would need to be cleared in order to facilitate the development. This is based on the assumption that a total of 1.63ha clearing is proposed in the APZ's for compliance with the Bushfire Guidelines and that 50% of vegetation occupying driveways and firebreaks can be retained.

Spray Drift

The subject site is located opposite an active market garden on the south side of Sixty Eight Road. The spray drift buffer recommended from market gardens to residential land uses by the Department of Health is 300m-500m. A reduced setback can be considered of 40m if a vegetation buffer is established to the standards outlined by the Department of Health. The City considers that there is not a sufficient vegetation buffer for proposed Lots 21 and 22, however, no detailed site analysis of the vegetation has been undertaken to determine compliance with the Department of Health Guidelines.

Planting of the strategic vegetation to achieve an appropriate buffer density and height will be addressed in Schedule 4 of TPS2 as part of this Scheme Amendment, as a basis to it also being addressed at the subdivision stage.

Wetland

The 'Wetlands of the Swan Coastal Plan' (Volume 2B) identifies a portion of the site as a 'Multiple Use Wetland' (shown in Figure 14). A 'Multiple Use Wetland' is described as '*wetlands with few attributes which still provide important wetland functions*'. This is considered to be the lowest management category. The management objectives for a 'Multiple Use Wetland' are as follows:

'use, development and management should be considered in the context of water (catchment/strategic drainage planning), town (land use) and environmental planning through land care'.

Whilst the filling of a 'Multiple Use Wetland' may not be consistent with the environmental objectives of the RLS, there is no statutory mechanisms for their protection.



11. Extent of the Multiple Use Wetland

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."*

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

- (a) *an amendment relating to a zone or reserve that is consistent with the objectives identified in the Scheme for that zone or reserve;*
- (b) *an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- (c) *an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;*
- (d) *an amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;*
- (e) *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- (f) *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;*
- (g) *any other amendment that is not a complex or basic amendment."*

The City considers that whilst there are some aspects to which the amended proposal could be classified as a 'Standard Amendment', it could be argued that the proposal for 'Special Residential' zoning is inconsistent with the MRS (Rural) zoning of the site and the Amendment is not addressed by any Local Planning Strategy.

The main procedural implications for the City in considering the Amendment as a Complex rather than 'Standard Amendment' is that public advertising will be required to be 60 days in lieu of 42 days. The consent of the WAPC to advertise the Scheme Amendment will also be required. Based on the above, the City considers the proposal to be a 'Complex Amendment'.

g. Risk

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

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

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

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

Nil

Comments

The City has conducted a thorough assessment of the proposed Scheme Amendment against the Regional and Local Planning Framework. The proposal is considered to be consistent with the City's local policy framework, inclusive of the RLS.

The City notes that there are inconsistencies with the WAPC's Position Statement for Special Residential land, which was released by the WAPC after the City's RLS was adopted by Council. DPLH has previously advised the City that any variation to the State Planning Framework would need to be fully justified and substantiated.

The applicant's amended SGP demonstrates that the development is capable of being integrated in terms of land use, lot configuration and road layout with the surrounding area. The City is satisfied that the extent of remnant vegetation clearing associated with road construction, Building Envelopes and APZ's will not exceed the 30% maximum clearing as per the RLS.

The applicant has stated that sewerage connections will be within the road reserves to minimise the clearing of the lots, which constitutes an environmentally acceptable outcome. It is therefore recommended that Council resolves to initiate Scheme Amendment No.190 for initiation and advertising. There will be some updates required to previous versions of BMP and EAR to be reflect the amended SGP which is recommended following initiation.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ADOPTS** Amendment No.190 to Town Planning Scheme No.2 to rezone Lots 4-8 Sixty Eight Road, Baldivis from 'Rural' to 'Special Rural' and 'Special Residential' as follows:

- (i) Rezoning Lots 4, 5, 6 and a portion of Lot 7 and Lot 8 Sixty Eight Road, Baldivis from 'Rural' to 'Special Residential'.
- (ii) Rezoning a portion of Lot 7 and Lot 8 Sixty Eight Road, Baldivis from 'Rural' to 'Special Rural'.
- (iii) Amending Schedule No.4 Special Rural Zones, "portions of Planning Unit 4 of the Rural Land Strategy" to amend plan reference 4(v) to include "*Portions of Lot 7 and Lot 8 Sixty Eight Road, Baldivis*"

Plan Reference	Description of Location*
4(v)	Portion of Lot 7 and Lot 8 Sixty Eight Road, Baldivis

- (iv) Adding a new clause 29, as follows:

With respect to Location 4(v), the developer shall, within the Strategic Revegetation Area or Landscape buffer/Planning areas depicted on the Structure Plan, plant trees and shrubs of a species, density and distribution to be determined by the Local Government. Tree planting shall be undertaken to the satisfaction of the Local Government prior to clearance of the Deposited Plans.

The developer shall maintain the trees and shrubs planted, and vegetation to be retained on each lot, to the satisfaction of the Local Government until the land as a whole or in lots is sold. Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Local Government.

The developer shall notify in writing any perspective purchasers of the requirement for the continued maintenance of Strategic Revegetation Areas or Landscape buffer/Planting areas.

- (v) Amending Schedule No.5 Special Residential Zones, "Portions of Planning Unit 4 of the Rural Land Strategy" to amend plan reference 4(vi) to include "*Lots 4, 5, 6 and a portion of Lot 7 and Lot 8 Sixty Eight Road, Baldivis*"

Plan Reference	Description of Location*
4(vi)	Lots 4, 5, 6 and a portion of Lot 7 and Lot 8 Sixty Eight Road, Baldivis

- (vi) Amending Clause 23 by adding the words "and (vi)" after "Location 4(iv)".
- (vii) Adding a new clause 25, as follows:
"With respect to Location 4(vi), all lots are to be connected to reticulated sewer".

2. **PROCEEDS** with amending the Scheme Maps as follows:



3. **REQUIRES** a revised Bushfire Management Plan and Environmental Assessment Report, to the satisfaction of the City, prior to advertising the Scheme Amendment.
4. **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 Amendment is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
 - (ii) The Amendment is not addressed by any local planning strategy.

Committee Recommendation

Moved Cr Jones, seconded Cr Buchan:

That Council:

1. **ADOPTS** Amendment No.190 to Town Planning Scheme No.2 to rezone Lots 4-8 Sixty Eight Road, Baldvis from 'Rural' to 'Special Rural' and 'Special Residential' as follows:
- (i) Rezoning Lots 4, 5, 6 and a portion of Lot 7 and Lot 8 Sixty Eight Road, Baldvis from 'Rural' to 'Special Residential'.
 - (ii) Rezoning a portion of Lot 7 and Lot 8 Sixty Eight Road, Baldvis from 'Rural' to 'Special Rural'.
 - (iii) Amending Schedule No.4 Special Rural Zones, "portions of Planning Unit 4 of the Rural Land Strategy" to amend plan reference 4(v) to include "*Portions of Lot 7 and Lot 8 Sixty Eight Road, Baldvis*"

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The developer shall maintain the trees and shrubs planted, and vegetation to be retained on each lot, to the satisfaction of the Local Government until the land as a whole or in lots is sold. Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Local Government.

The developer shall notify in writing any perspective purchasers of the requirement for the continued maintenance of Strategic Revegetation Areas or Landscape buffer/Planting areas.

- (v) Amending Schedule No.5 Special Residential Zones, "Portions of Planning Unit 4 of the Rural Land Strategy" to amend plan reference 4(vi) to include *"Lots 4, 5, 6 and a portion of Lot 7 and Lot 8 Sixty Eight Road, Baldvis"*

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 - (i) The Amendment is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
 - (ii) The Amendment is not addressed by any local planning strategy.

Committee Voting (Carried) - 6/0

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
	Nil
14.	Addendum Agenda
	Nil
15.	Motions of which Previous Notice has been given
	Nil
16.	Notices of Motion for Consideration at the Following Meeting
	Nil
17.	Urgent Business Approved by the Person Presiding or by Decision of the Committee
	Nil
18.	Matters Behind Closed Doors
	Nil
19.	Date and Time of Next Meeting
	The next Planning and Engineering Services Committee meeting will be held on Monday 15 May 2023 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 4:48pm .