



Statutory Planning Committee

Notice is hereby given that a meeting of the
Statutory Planning Committee will be held on:

Tuesday 12 February 2013
9.00 am

Level 2, Room 2.40
One40 William Street
Perth



Neil Thomson
Secretary, Western Australian Planning Commission

Please convey apologies to Leah Carr on 6551-9690 or email
leah.carr@planning.wa.gov.au

Statutory Planning Committee

Membership:

Member	Representation in accordance with <i>Planning and Development Act 2005</i>	Term of office ends
Mr Eric LUMSDEN	Chairman, WAPC Schedule 2 clause 4(2)(a)	30/04/2013
Mr Eric LUMSDEN	Director General, Department of Planning Schedule 2 clause 4(2)(b)	Ex officio
Mr Henty FARRAR	Nominee of the Regional Minister Schedule 2 clause 4(2)(c)	26/9/2013
Ms Elizabeth TAYLOR	Community representative Schedule 2 clause 4(2)(d)	5/11/2014
Mr Ian HOLLOWAY	Professions representative Schedule 2 clause 4(2)(e)	5/11/2014
Mayor Carol ADAMS	Local Government representative Schedule 2 clause 4(2)(f)	1/02/2012
Ms Megan BARTLE	WAPC appointee Schedule 2 clause 4(2)(g)	5/11/2014
Ms Sue BURROWS	WAPC appointee Schedule 2 clause 4(2)(g)	5/11/2014

Quorum: 4

In accordance with the Western Australian Planning Commission (WAPC) Standing Orders 2009, 3.7 - Quorum for meetings:

- (2) A quorum for a meeting of a committee is at least 50% of the number of offices (whether vacant or not) of members of the committee.

Role:

Schedule 2(4)(4) of the *Planning and Development Act 2005*

The Statutory Planning Committee is the WAPC's regulatory decision-making body and performs such of the functions of the WAPC under the *Planning and Development Act 2005* and Part II of the *Strata Titles Act 1985* as are delegated to the Statutory Planning Committee under section 16 and such other functions as are delegated to it under that section. These functions include approval of the subdivision of land, approval of leases and licenses, approval of strata schemes, advice to the Minister for Planning on local planning schemes and scheme amendments, and the determination of certain development applications under the Metropolitan Region Scheme.

Delegated Authority

Planning and Development Act 2005 Section 16(1)

- 2.1 Power to determine applications for approval to commence and carry out development lodged with or referred to the WAPC pursuant to the provisions of a region scheme.

- 2.2 Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the provisions of a region scheme and power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of a region scheme have been complied with.
- 2.3 Power to determine whether or not proposals and the ongoing implementation of a region scheme comply with conditions (if any) applied pursuant to sections 48F and 48J of the *Environmental Protection Act 1986*.
- 2.4 Power to determine whether or not applications to commence and carry out development are of State or regional importance, or in the public interest, pursuant to any resolution of the WAPC made under a region scheme requiring such determination.
- 2.5 Power to request the Minister for Planning to approve the WAPC disregarding the advice of the Swan River Trust in whole or in part in relation to the approval of development of land within the Riverbank or Development Control Area as defined under the *Swan and Canning Rivers Management Act 2006* where the determining authority is the WAPC.
- 2.6 All functions of the WAPC as set out in -
- (i) Sections 14(a), 14(c), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 185, 214, 215, 216 of the Act;
 - (ii) Town Planning Regulations 1967;
 - (iii) Regulations 21, 22, 24 and 27 of the Planning and Development Regulations 2009;
 - (iv) *Strata Titles Act 1985* or the provisions of a strata or survey-strata scheme;
 - (v) Strata Titles General Regulations 1996;
 - (vi) Section 52 and section 85 of the *Land Administration Act 1997*;
 - (vii) Section 40 of the *Liquor Control Act 1988*;
 - (viii) *Perry Lakes Redevelopment Act 2005*.
- 2.7 Power to determine requests for variations to plans of subdivision where WAPC approval is required pursuant to the provisions of an approved local planning scheme.
- 2.8 Power to provide comment on and grant approval to plans known generally as outline development plans, structure plans and similar plans, and to planning policies and similar documents or amendments thereto, requiring the approval or endorsement of the WAPC pursuant to the provisions of a local planning scheme.
- 2.9 Power to provide comments or advice on behalf of the WAPC to a local government or a redevelopment authority where a provision of a local planning scheme or a redevelopment scheme requires comments from the WAPC.
- 2.10 Power to execute and accept the benefit of easements in gross, covenants in gross, records on title and other instruments for dealings in land for subdivisions, strata subdivisions and developments in accordance with any applicable policy and legislation.
- 2.11 Power to make recommendations to the Minister for Planning in relation to requests from local governments to expend monies paid by subdividing land owners in lieu of

setting aside free of cost to the Crown, areas of land for public open space, where such recommendations are in accordance with WAPC policy.

- 2.12 Power to determine whether or not a proposal is likely to have a significant effect on the environment pursuant to section 38(1) of the *Environmental Protection Act 1986* and to refer such proposal to the Environmental Protection Authority.
- 2.13 Power to waive or clear conditions affixed as conditions of approval.
- 2.14 Power to endorse diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the Act and the *Land Administration Act 1997*.
- 2.15 Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the Act.
- 2.16 Power to defend and otherwise deal with applications for review lodged with the State Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.
- 2.17 Power to defend, respond, appeal and otherwise deal with legal proceedings.
- 2.18 Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.
- 2.19 Power to determine matters under Regional Interim Development Orders.
- 2.20 Such powers and functions of the WAPC as set out in-
 - (i) Part 5 of the Act;
 - (ii) *Town Planning Regulations 1967*

as are necessary for the preparation, promulgation and the making of recommendations in relation to the Improvement Scheme authorised by Improvement Plan No. 37 for the Browse Liquefied Natural Gas Precinct.

This meeting is not open to members of the public.

RELEVANT INFORMATION FOR MEMBERS

Disclosure of interests

In accordance with the *Planning and Development Act 2005* and Part 6 of the Standing Orders 2009, members of Committees (and certain employees) are required to disclose the following types of interests that they have or persons closely associated to them, have:

- direct and indirect pecuniary interests (financial);
- proximity interests (location); and
- impartiality interests (relationship).

A “**direct pecuniary interest**” means a relevant person’s interest in a matter where it is reasonable to expect that the matter if dealt with by the board or a Committee, or an employee in a particular way, will result in a financial gain, loss, benefit or detriment for the person.

An “**indirect pecuniary interest**” means a relevant person’s interest in a matter where a financial relationship exists between that person and another person who requires a board or Committee decision in relation to the matter.

A “**proximity interest**” means a relevant person’s interest in a matter if the matter concerns -

- (i) a proposed change to a planning scheme affecting land that adjoins the person’s land;
- (ii) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (iii) a proposed development, maintenance or management of the land or of services or facilities on the land that adjoins the person’s land.

An “**Impartiality interest**” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the member having the interest and includes an interest arising from kinship, friendship, partnership or membership of an association or an association with any decision making process relating to a matter for discussion before the board or a Committee.

Members disclosing any pecuniary or proximity interests for an item can not participate in discussion or the decision making procedure relating to the item and must leave the meeting room during the discussion of the item. Members disclosing an impartiality interest in an item must also leave the room during the discussion or the decision making procedure relating to the item unless the Committee, by formal resolution, allows the member to remain. The reason to allow a member to remain must be stated in the formal resolution and will be minuted.

Disclosure of representations

Where a member has had verbal communication with or on behalf of a person with an interest in a matter which is before a meeting, the member is to disclose the interest.

Where a member is in receipt of relevant written material (including email) from or on behalf of a person with an interest in a matter which is before a meeting, the member is to table the material at the meeting for the information of members and relevant employees.

ORDER OF BUSINESS

- 1. Declaration of opening**
- 2. Apologies : Ms Megan Bartle**
- 3. Members on leave of absence and applications for leave of absence**
- 4. Disclosure of interests**
- 5. Declaration of due consideration**
- 6. Deputations and presentations**
- 7. Announcements by the Chairperson of the board and communication from the WAPC**
- 8. Confirmation of minutes of the meeting of 22 January 2013**
- 9. Reports (see attached index of reports)**
- 10. Confidential items (see attached index of reports)**
- 11. General business**
- 12. Items for consideration at a future meeting**
- 13. Closure - next meeting to be held on 26 February 2013**

Statutory Planning Committee

Minutes
of ordinary meeting 7474
held on Tuesday 22 January 2013

Attendance

Members

Mr Eric Lumsden	WAPC Chairman (Presiding Member) Director General Department of Planning
Ms Megan Bartle	WAPC appointee
Ms Sue Burrows	WAPC appointee
Mr Ian Holloway	Professional representative
Ms Elizabeth Taylor	Community representative

Officers

Mr Mario Carbone	Department of Planning Senior Planning Officer, Perth and Peel (Item 10.6)
Mr David Carter	Senior Planning Officer, Independent Planning Reviewer (Item 10.3)
Ms Anika Chhabra	Senior Planning Officer, Metro South West (Item 10.5)
Mr Andrew Cook	Senior Planning Officer, Metro North West (Items 9.3 and 10.1)
Ms Sarah Cosstick	Planning Manager, Perth and Peel (Item 10.6)
Ms Natalie Cox	Senior Planning Officer, Independent Planning Reviewer (Items 10.1, 10.2, 10.5,)
Mr Jas Lapinski	Senior Planning Officer, Perth and Peel (Items 9.1 and 9.2)
Ms Lee O'Donahue	Acting Manager, Metro Planning Central (Item 10.4)
Ms Kym Petani	Director Metropolitan Planning North West (Item 9.1)
Ms Emille Van Heyningen	Planning Manager, Perth and Peel (Item 9.3)

Observers

Mr Ted Hodgkinson	Perron Group Item 6.1 – (refers Report 9.1)
Mr Lyle Kenny	Perron Group Item 6.1 – (refers Report 9.1)
Mr Kris Nolan	Item 6.2 – (refers Report 10.1)

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Mr Peter Mickleson	City of Nedlands – Director Development Services Item 6.3 – (refers Report 10.2)
Mr Michael Swanepoel	City of Nedlands – Senior Planning Officer Item 6.3 – (refers Report 10.2)
Ms Pauline Zorzi	Representing land owners Item 6.4 – (refers Report 10.2)
Mr Roger Small	Property Owner Item 6.6 – (refers Report 10.6)
Mr Kevin Hug	Toodyay Holiday Park and Chalets Item 6.7 – (refers Report 10.7)
Mr Bert Hofmans	City of Stirling Item 6.8 – (refers Report 10.4)
Presenters	
Mr Peter Goff	MGA Town Planners Item 6.1 – (refers Report 9.1)
Mr Ray Haeren	Urbis Pty Ltd Item 6.2 – (refers Report 10.1)
Ms Gabriela Poezyn	City of Nedlands - Manager Strategic Planning Item 6.3 – (refers Report 10.2)
Mr Marc Halsall	Halsall & Associates Item 6.4 – (refers Report 10.2)
Mr Sean Fairfoul	Greg Rowe & Associates Item 6.5 – (refers Report 10.3)
Mr Malcolm Purcell	Pride Projects Item 6.5 – (refers Report 10.3)
Mr Greg Rowe	Greg Rowe & Associates Item 6.5 – (refers Report 10.3)
Mr Andrew Pawluk	West Coast Plan Item 6.6 – (refers Report 10.6)
Ms Lesley Hug	Toodyay Holiday Park & Chalets Item 6.7 – (refers Report 10.7)
Mr Remo Formato	City of Stirling – Item 6.8 – (refers Report 10.4)
Committee Support	
Ms Leah Carr	Committee Support Officer - Department of Planning

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7474.1 Declaration of Opening

The Presiding Member declared the meeting open at 9.05 am, acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed Members.

7474.2 Apologies

Mayor Carol Adams Local Government representative
Mr Henty Farrar Regional Minister's nominee

7474.3 Members on Leave of Absence and Applications for Leave of Absence

Nil.

7474.4 Disclosure of Interests

Member/Officer	Minute No.	Page No.	Nature of Interest
Ms Elizabeth Taylor	10.6	19	Impartiality
Mr Ian Holloway	10.11	26	Impartiality

Ms Taylor declared an Impartiality Interest in relation to Item 10.6 as she, as the nominee of the Chair on the Swan Valley Planning Committee, has discussed and voted upon this item at a meeting of the Swan Valley Planning Committee.

Ms Taylor wished it noted that she would like to take part in the discussion but would not vote on this item.

Resolved

Moved by Mr Holloway, seconded by Ms Bartle

In accordance with clause 6.10(7) of the Standing Orders 2009, members of the Statutory Planning Committee agreed that Ms Taylor, who has disclosed an impartiality interest, is permitted to participate in discussion but not vote on the item.

The motion was put and carried.

Mr Holloway declared an Impartiality Interest due the building application referred to in Item 10.11 being made by Rural Building Company, a division of JWH, Mr Holloway's employer.

Mr Holloway wished it noted that he would like to take part in the discussion but would not vote on this item.

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Resolved

Moved by Ms Taylor, seconded by Ms Bartle

In accordance with clause 6.10(7) of the Standing Orders 2009, members of the Statutory Planning Committee agreed that Mr Holloway, who has disclosed an impartiality interest, is permitted to participate in discussion but not vote on the item.

The motion was put and carried.

Ms Bartle wished it noted that she was advised by telephone by MGA Town Planners that Item 9.1 would be on the Agenda.

7474.5 Declaration of Due Consideration

No declarations were made.

7474.6 Deputations and Presentations

7474.6.1 Adoption of Amendment No.2 of the East Wanneroo Cell 9 – East Landsdale Local Structure Plan No.57 (refers Item 9.1)

Presenter Mr Peter Goff

Mr Goff addressed the Committee and spoke in support of the adoption of Amendment No.2 and requested that the recommendation be expanded to include adoption and certification of Local Planning Structure no.57.

Mr Goff advised that, until the Local Structure Plan is certified, the City of Wanneroo will not proceed with finalising the sewer connections and road connections such as those that are required for Kevo Place.

7474.6.2 City of Joondalup District Planning Scheme No.2 Amendment No.66 – For Final Approval (refers Item 10.1)

Presenter Mr Ray Haeren

Mr Haeren advised the Committee of the concerns of his client, Westfield Management, regarding inconsistency in SPP4.2 relating to the exclusion of the General Discretion clause.

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7474.6.3 **City of Nedlands Local Planning Scheme No.2
Amendment No.195 – For Final Approval
(refers Item 10.2)**

Presenter Ms Gabriela Poezyn

Ms Poezyn tabled a map by the City of Nedlands which highlighted the impacts of amendment no.195, and addressed the Committee as to the concerns regarding inconsistency in building heights and possible impacts on the City of Nedlands.

A copy of the map has been placed on file.

7474.6.4 **City of Nedlands Local Planning Scheme No.2
Amendment No.195 – For Final Approval
(refers Item 10.2)**

Presenter Mr Marc Halsall

Mr Halsall tabled 3 maps of the Swanbourne site, reiterated the merits of the proposal and addressed City of Nedlands rationale for height increase. Mr Halsall noted that Clause 5.3.11 of the Scheme Amendment makes mention of three (3) specific instances where extra height is given.

A copy of the maps has been placed on file.

7474.6.5 **City of Wanneroo District Planning Scheme
Amendment No.117 - For Final Approval
(refers Item 10.3)**

Presenters Mr Sean Fairfoul
Mr Malcolm Purcell
Mr Greg Rowe

Mr Rowe gave an overview of their client, Masters Home Improvement Store, and handed over to Mr Fairfoul to address amendment no.117.

Mr Fairfoul noted an inconsistency among local councils in relation to this type of retail outlet which, in this instance, acts as a buffer between the residential and the purely industrial zone. Greg Rowe and Associates assured members that this Hardware store will not only provide a suitable buffer, but would also provide employment self-sufficiency and access to equipment and supplies which are currently not available in this location.

A copy of Mr Rowe's overview has been placed on file.

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7474.6.6 **Subdivision of Lot 42 Smallbrook Retreat – Caversham,
City of Swan
(refers Item 10.6)**

Presenter Mr Andrew Pawluk

Mr Pawluk tabled 2 subdivision maps and gave a powerpoint presentation in relation to the proposed four lot (compromise) subdivision design which:

- i) meets orderly and proper planning principles;
- ii) ensures that approval to the subdivision can meet the objectives of Area B; and
- iii) does not erode the character of the Swan Valley nor create a precedent.

A copy of the maps and the presentation has been placed on file.

7474.6.7 **Shire of Toodyay Local Planning Scheme No.4
Amendment No.3 – For Final Approval
(refers Item 10.7)**

Presenter Ms Lesley Hug

Ms Hug requested that the officer's recommendation be amended from nine permanent residences to the twenty permanent residences previously approved. Ms Hug tabled a letter from the Caravan Industry Association in support of the deputation.

A copy of the letter has been placed on file.

7474.6.8 **City of Stirling Local Planning Scheme No.3
Amendment No.4 – For Final Approval
(refers Item 10.4)**

Presenter Mr Remo Formato

Mr Formato's address to the Committee concerned the wording in the modification which weakened the objectives in City of Stirling's regard, and he tabled a document giving alternative options that he considered made the objectives clearer.

A copy of the tabled document has been placed on file.

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7474.7 Announcements by the Chairperson of the Board and communication from the WAPC

The Chairman advised the Committee of a quote from Chief Justice David Malcolm QC contained in the Western Australian Law Review 1985 regarding policy which states that every application be assessed on its merit regardless of policy. He will forward a copy to all the members.

7474.8 Confirmation of Minutes

7474.8.1 Minutes of the Statutory Planning Committee meeting held on Tuesday 11 December 2012

Resolved

Moved by Ms Taylor, seconded by Mr Farrar

That the minutes of the Statutory Planning Committee meeting held on Tuesday 11 December 2012, be confirmed as a true and correct record of the proceedings.

The motion was put and carried.

7474.9 Reports

7474.9.1 Adoption of Amendment 2 of the East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57

File	SPN/0124, SPN/0124M-1
Report Number	SPC/323
Agenda Part	C
Reporting Officer	Senior Planning Officer, Metro Planning North West

Members requested clarification between 'adoption' and 'certification' as they had been advised that certification of the Structure Plan could not take place until all the amendments were adopted.

A further amendment is yet to be adopted (amendment 3) which deals with road connectivity and Telstra density issues.

Members were advised that a traffic study had recently been carried out and a copy was with the Department of Planning.

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The Committee requested the planning officer to provide a report on the road/traffic issues to the next SPC meeting.

Resolved

Moved by Ms Burrows, seconded by Ms Bartle

That the Western Australian Planning Commission resolves to:

- 1. adopt proposed Amendment 2 to the East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57;*
- 2. advise the City of Wanneroo of its decision accordingly.*

The motion was put and carried.

7474.9.2

Approval for Concrete Batching Plant - Hester Avenue, Neerabup, City of Wanneroo

File 30-50072-3
Report Number SPC/324
Agenda Part G
Reporting Officer Senior Planning Officer, Metro Planning North West

Resolved

Moved by Ms Burrows, seconded by Mr Holloway

That the Western Australian Planning Commission resolves to approve the proposed concrete batching plant at Lot 12476 Hester Avenue, Neerabup, subject to the following conditions:

CONDITIONS:

- 1. The approval being granted for five (5) years expiring on 23 June 2018.*
- 2. The preparation and approval of a decommissioning and rehabilitation plan 6 months prior to the expiry of this approval to the specifications of the Department of Regional Development and Lands in consultation with the Department of Environment and Conservation.
(Regional Development and Lands)*

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3. *Following the expiry of planning approval the concrete batching plant shall be removed from the site at the owner's expense and the site rehabilitated in accordance with the approved decommissioning and rehabilitation plan prepared for the site.
(Regional Development and Lands)*
4. *Dust mitigation measures being used to minimise dust nuisance to neighbours and surrounding land uses.
(Local Government)*
5. *The existing crossovers for the concrete batching plant being maintained to the specification of the City of Wanneroo and Main Roads Western Australia.
(Local Government, Main Roads)*
6. *All drainage to be contained on site.*

The motion was put and carried.

7474.9.3

Development of Limestone Extractive Industry - Lot 52 Nowergup Road, Nowergup, City of Wanneroo

File 30-50281-1
Report Number SPC/345
Agenda Part G
Reporting Officer Senior Planning Officer, Metro North
West

Resolved

Moved by Ms Taylor, seconded by Mr Holloway

That the Western Australian Planning Commission resolves to approve the application for approval to commence development for a limestone extractive industry at Lot 52 Nowergup Road, Nowergup, subject to the following conditions and advice:

CONDITIONS:

1. *This approval relates to the attached site plan, date stamped 4 January 2013, by the Department of Planning on behalf of the Western Australian Planning Commission.*

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2. *The Western Australian Planning Commission's approval is granted for a period of ten years from the date of this approval.*
3. *The final excavation boundary is to be determined to the specification of the Department of Environment and Conservation and to the satisfaction of the Western Australian Planning Commission.*
4. *All development to be carried out in accordance with a noise management plan which is to be agreed and implemented to the specifications of the Department of Environment and Conservation and to the satisfaction of the Western Australian Planning Commission.*
5. *A Rehabilitation Management Plan is to be prepared to the specification of the City of Wanneroo and to the satisfaction of the Western Australian Planning Commission.*

ADVICE:

1. *All development must comply with the provisions of the City of Wanneroo District Planning Scheme No.2, Health Regulations, Building Code of Australia, Public Building Regulations and all other relevant Acts, Regulations and Local Laws.*
2. *The Department of Environment and Conservation (DEC) advises the following:*
 - i) *with regard to Condition 3, as it is possible that the subject land contains occurrences of the Threatened Ecological Community (TEC) type26a - Melaleuca huegelii - Melaleuca acerosa shrublands on limestone ridges, the area in question is to be resurveyed to verify the presence of the potential TEC. In the event that the vegetation unit is confirmed as a TEC, DEC requires that the extraction area be modified to avoid the area in question;*

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- ii) *clearing of vegetation associated with the proposed development will require a clearing permit application to be submitted to the DEC;*
- iii) *clearing of the vegetation identified as Tuart (*Eucalyptus gomphocephala*) will result in a loss of habitat for the Carnaby's Black Cockatoos, a threatened species listed under the federal Environmental Protection and Biodiversity Conservation (EPBC) Act (1999). DEC recommends that a survey of all proposed areas to be cleared for the presence of any trees that are nesting or roosting sites for Black Cockatoos. All potential habitat trees should be protected wherever possible and measures put in place to avoid impacts on the threatened species. It is also recommended that the proposed development be referred to the Commonwealth Department of Sustainability, Environment, Water, Populations and Communities for assessment under the EPBC Act.*

The motion was put and carried.

7474.9.4

Subdivision to Create 4 Lots for Residential Purpose - Lots 29 and 30 Walker Street, Mundaring, Shire of Mundaring.

File	146037
Report Number	SPC/346
Agenda Part	G
Reporting Officer	A/Planning Manager, Metropolitan Planning North East, Perth and Peel Planning

Resolved

Moved by Ms Burrows, seconded by Ms Bartle

That the Western Australian Planning Commission resolves to approve the amended plan date stamped 18 September 2012 for subdivision of Lots 29 and 30 Walker Street, Mundaring subject to the following conditions and advice:

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CONDITIONS:

1. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)
2. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot(s) 3 and 4 at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)
3. A revegetation plan being prepared, approved and implemented for the revegetation of the watercourse banks with appropriate native species to the specifications of the local government. (Local Government)
4. Prior to subdivisional works in the foreshore/waterway area, a plan is to be submitted and approved, detailing the waterway crossing and indicating how design and construction will minimise detrimental impacts on the waterway form and function. The waterway crossing plan is to be implemented as part of the subdivisional works. (Local Government)
5. The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government)
6. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)
7. The landowner/applicant entering into an agreement with the local government to ensure reciprocal rights of access over adjoining battle-axe access ways. (Local Government)

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8. The land being filled, stabilised, drained and/or graded as required to ensure that:
- a) lots can accommodate their intended development; and
 - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
 - c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system.
- (Local Government)

9. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government. (Local Government)

10. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s) 3 and 5. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'A reticulated sewerage service is not available to the lot/s. Effluent disposal arrangements will require an Aerobic Treatment Unit at the northern end of the lot to the specification of the local government.'

'There is a water course on this lot. Development will require measures to reduce flood risk to the specifications of the local government.'

(Local Government)

11. Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)

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12. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power)

ADVICE:

1. In regard to Condition 1, the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission.
2. In regard to Condition 8, the landowner/applicant is advised that there is anecdotal evidence of flooding of the creek. A flood risk assessment is to be conducted to determine recommendations for finished floor levels for future dwellings on lots 3 and 4 based on water tables, peak watercourse flows and 1:100 year flood levels.
3. In regard to Condition 9, the landowner/applicant shall make good any damage to the existing verge vegetation within the road reserve.
4. In regard to Condition 11, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 67 of the *Water Agencies (Powers) Act 1984* will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.
5. In regard to Condition 12, Western Power provides only one underground point of electricity supply per freehold lot.

The motion was put and carried.

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7474.10 Confidential Items

**7474.10.1 City of Joondalup District Planning Scheme No.2
Amendment No.66 - For Final Approval**

File TPS/0970
Report Number SPC/347
Agenda Part B
Reporting Officer Planning Manager - Schemes,
Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

**7474.10.2 City of Nedlands Local Planning Scheme No.2
Amendment No.195 - For Final Approval**

File TPS/0897/1
Report Number SPC/348
Agenda Part B
Reporting Officer Planning Manager - Schemes,
Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

**7474.10.3 City of Wanneroo District Planning Scheme Amendment
No.117 - For Final Approval**

File TPS/0689
Report Number SPC/349
Agenda Part B
Reporting Officer Planning Manager - Schemes,
Strategies & Amendments

THIS ITEM IS CONFIDENTIAL

**7474.10.4 City of Stirling Local Planning Scheme No.3
Amendment No.4 - For Final Approval**

File TPS/0791/1
Report Number SPC/350
Agenda Part B
Reporting Officer Planning Manager - Schemes
Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

Statutory Planning Committee

Minutes
of ordinary meeting 7474
held on Tuesday 22 January 2013

**7474.10.5 City of Rockingham Town Planning Scheme No.2
Amendment No.122 - For Final Approval**

File TPS/0920
Report Number SPC/351
Agenda Part B
Reporting Officer Planning Manager - Schemes,
Strategies and Amendments

THIS ITEM IS CONFIDENTIAL

**7474.10.6 Subdivision of Lot 42 Smallbrook Retreat – Caversham,
City of Swan**

File 144097
Report Number SPC/352
Agenda Part C
Reporting Officer A/Planning Manager, Metropolitan
Planning North East

THIS ITEM IS CONFIDENTIAL

**7474.10.7 Shire of Toodyay Local Planning Scheme No.4
Amendment No.3 - For Final Approval**

File TPS/0757/1
Report Number SPC/353
Agenda Part E
Reporting Officer Director, Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

**7474.10.8 Town of Port Hedland Local Planning Scheme
Amendment No.53 - For Final Approval**

File TPS/0965/1
Report Number SPC/354
Agenda Part E
Reporting Officer Senior Planning Officer - Northern
Regions

THIS ITEM IS CONFIDENTIAL

Statutory Planning Committee

Minutes
of ordinary meeting 7474
held on Tuesday 22 January 2013

7474.10.9 Shire of Wiluna Local Planning Strategy and Local Planning Scheme No.2 - For Final Approval

File TPS/0459
Report Number SPC/355
Agenda Part E
Reporting Officer Planning Manager, Regional Planning and Strategy

THIS ITEM IS CONFIDENTIAL

7474.10.10 Shire of Wyalkatchem Local Planning Strategy and Local Planning Scheme No.4 – For Final Approval

File TPS/0251/1
Report Number SPC/356
Agenda Part E
Reporting Officer Planning Manager, Wheatbelt Region

THIS ITEM IS CONFIDENTIAL

7474.10.11 Development Approval to Construct Ancillary Dwelling – Lot 7 Mottram Road, Carmel

File 24-50075-1
Report Number SPC/357
Agenda Part G
Reporting Officer A/Planning Manager, Metro North East

THIS ITEM IS CONFIDENTIAL

7474.11 General Business

7474.11.1 Deputations

Members recommended that all deputees not be given specific deputation arrival times, but be advised of the 9 am meeting start time and that deputations will be given in accordance with item order.

7474.12 Items for Consideration at a Future Meeting

Item No	Report	Request	Report Required by
7474.9.1	Adoption of Amendment 2 of the East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57	To request DOP to provide a report on the road/traffic issues	12/02/13

Statutory Planning Committee

Minutes
of ordinary meeting 7474
held on Tuesday 22 January 2013

7474.10.3	City of Wanneroo District Planning Scheme Amendment No. 117	To request DOP to discuss the Amendment and SPP 4.2 with the Chair, ED Perth and Peel and relevant planning officers	TBA
7474.10.7	Shire of Toodyay Local Planning Scheme No.4 Amendment No.3 - For Final Approval	To request DOP to provide clarification of recommendation and associated uses.	12/02/13
7474.10.11	DA to Construct Ancillary Dwelling – Lot 7 Mottram Road, Carmel	To request DOP to provide more information on bush fire control, access and management plan and maximum sizes of ancillary accommodation	TBA

7474.13 Closure

The next ordinary meeting is scheduled for 9 am on 12 February 2013.

There being no further business before the Committee, the Presiding Member thanked members for their attendance and declared the meeting closed at 11.24 am.

PRESIDING MEMBER _____

DATE _____

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C	SUBDIVISIONS / AMALGAMATIONS
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9.3	LAYOUT PLAN AMENDMENTS – MAPPING DATA CONVERSION
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G	DEVELOPMENTS / SUBDIVISIONAL / SURVEY STRATA
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10.1	CITY OF WANNEROO LPS AMENDMENT NO. 117 – FOR FINAL APPROVAL
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D GENERAL ITEMS / OTHER MATTERS

- 10.3 SECTION 31 (STATE ADMINISTRATIVE TRIBUNAL ACT 2004) RECONSIDERATION OF DEVELOPMENT APPLICATION FOR CONTINUATION AND EXPANSION OF HARD ROCK QUARRY, CITY OF SWAN



ITEM NO: 9.1

ADOPTION OF EAST WANNEROO CELL 9 - EAST LANDSDALE LOCAL STRUCTURE PLAN NO. 57

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Senior Planning Officer, Metro Planning North West
AUTHORISING OFFICER: Director, Metro Planning North West
AGENDA PART: C
FILE NO: SPN/0124, SPN/0124M-1
DATE: 31 January 2013
ATTACHMENTS: 1. East Landsdale Local Structure Plan No. 57
2. Annotation Plan
3. Schedule of Modifications
REGION SCHEME ZONING: Urban
LOCAL GOVERNMENT: City of Wanneroo
LOCAL SCHEME ZONING: Urban Development
LGA RECOMMENDATION(S): Certification and Adoption
REGION DESCRIPTOR: North West
RECEIPT DATE: 12 September 2012
PROCESS DAYS: 146
APPLICATION TYPE: Structure Plan
CADASTRAL REFERENCE: Landsdale

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. adopt the proposed East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57 subject to the Schedule of Modifications appended as Attachment 3;***
- 2. advise the City of Wanneroo of its decision accordingly.***

SUMMARY:

The City of Wanneroo (City) has forwarded the proposed East Wanneroo Cell 9 - East Landsdale Local Structure Plan No. 57 (LSP 57) (**Attachment 1**) to the Western

Australian Planning Commission (WAPC) and has requested that the WAPC adopts and certifies the LSP. The structure plan was previously adopted by the WAPC in August 2010 subject to modifications. All those modifications have been agreed to by the City, except for two modifications relating to residential road connections to an existing residential area and a left-in-left-out intersection onto Alexander Drive.

The City has forwarded a new structure plan containing alternative modifications to the two modifications required by the WAPC. The revised modification proposed by the City relating to road connections is not supported as it does not provide sufficient vehicular permeability. The revised modification proposed by the City relating to a left-in-left-out access point is supported as it provides improved residential access opportunities. It is recommended that the structure plan be adopted subject to modifications and re-submitted to the City for modification and certification.

BACKGROUND:

The initial draft of LSP 57 was prepared in 2008 by the main development proponent in the area, Stockland WA Developments Pty Ltd. The City determined that the LSP was satisfactory and submitted it to the WAPC for adoption in August 2009.

The WAPC adopted LSP 57 in August 2010, subject to modifications and re-submitted it to the City for the modifications to be made. The City agreed to all modifications except for two and resolved that the structure plan should not be agreed. The City subsequently requested that Stockland prepares a modified structure plan that proposes alternatives to the two modifications in contention. The City forwarded the proposed LSP to the WAPC for its adoption and certification in September 2012.

The Statutory Planning Committee (SPC) considered the modifications and proposed Amendments 2 and 3 to the LSP in December 2012, and resolved on behalf of the WAPC as follows:

That the Western Australian Planning Commission resolves to defer this item to enable further information to be provided to the Statutory Planning Committee in respect of Amendment 3 to the East Wanneroo Cell 9; and that discussions be held between the City of Wanneroo, Telstra and the Department of Planning.

Following consultation with landowners in the area the SPC, in January 2013, reconsidered this determination and resolved to adopt Amendment 2. Resolution of issues and finalisation of the parent structure plan (LSP 57) will facilitate Council's finalisation of Amendment 2 and provide greater certainty to industry.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Part 5 Local Planning Schemes

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Develop integrated infrastructure and land use plans for the State

Policy

Number and/or Name:

Liveable Neighbourhoods

DETAILS:

The City has forwarded a new structure plan containing alternative modifications to the two modifications required by the WAPC.

The WAPC's Modification 14 required vehicular connections (**Attachment 1**) to the adjacent Cell 5 residential area in order to promote the permeability of the area. The City did not adopt this modification due to community opposition and instead drafted the following structure plan provision:

'Appropriate connections be provided to Kevo Place, Grayswood Court, Mossfiel Retreat and Strathpine Chase at the time of subdivision of the adjoining land within the Structure Plan area'.

The WAPC's Modification 15 requiring the deletion of an access point onto Alexander Drive adjacent to the southern Commercial zone, sought to minimise radiofrequency interference to the nearby Perth International Telecommunications Centre (PITC) from vehicle locking devices by encouraging parking on the westernmost part of the site behind commercial buildings that may be built on the site. The City, following discussions with Telstra, proposes the retention of this access point.

GOVERNMENT AND CORPORATE IMPLICATIONS:

N/A

CONSULTATION:

Modification 14 (Vehicle Connections to Cell 5)

The City advertised a draft version of LSP 57 for 42 days over July-August 2008. Eight submissions were received which objected to the vehicular connections between the adjacent residential area to the west and LSP 57 on the grounds of traffic safety and residential amenity. Further correspondence has been received objecting to a vehicular connection at Kevo Place.

Modification 15 (Alexander Drive Intersection)

Allerding and Associates, on behalf of Telstra, support the left-in-left-out intersection with Alexander Drive, provided that LSP 57 incorporates design provisions addressing built form, car parking layout and internal access roads that would minimise radiofrequency interference (RFI) from remote vehicle locking devices.

OFFICER'S COMMENTS:

Modification 14 (Vehicle Connections to Cell 5)

The City has prepared a revised traffic report to assess the potential impacts resulting from the exclusion of road connections to the Cell 5 LSP area. The report found that without the connections:

- Travel times to the local shops and primary school would be increased by a maximum of 50 seconds;
- Existing neighbourhood connectors Queensway and Kingsway could accommodate the additional vehicle traffic; and
- The closure of the subject road connections would not impact on the regional road network in terms of diverted local traffic.

In terms of *Liveable Neighbourhoods* Element 1: Community Design, however, the street network should provide a high level of internal connectivity for local vehicle, pedestrian and bike movements.

In this regard, smaller connections at Hamel Close, Grayswood Court and Rosebud Court (**Attachment 2**) would provide suitable pedestrian and bicycle access, but would not provide an appreciable benefit for vehicular movements.

Connections to Mossfiel Retreat and Strathpine Chase (**Attachment 2**) would provide for vehicular permeability to a local shopping centre within the central Cell 5 residential area and provide an alternative connection to the primary school and community facilities in the northern section. It is noted that Strathpine Close and Mossfiel Retreat have not been constructed as through roads, contrary to the WAPC resolution of August 2010. Notwithstanding, in light of the findings of the recently commissioned traffic impact assessment which indicates that Queensway has capacity to accommodate traffic to the northern section of Cell 5, it is recommended that the City's proposal to provide appropriate connections at Mossfiel Retreat and Strathpine Close be accepted. In this respect, it is noted that modification suggested by the City does not preclude the possibility of providing vehicular connections in the future if the progressive establishment of the residential community generates a demand.

Kevo Place has been constructed as a vehicular access street, although the City intends to review and possibly close Kevo Place once the surrounding local road network has been constructed. Notwithstanding the conclusions of the traffic study, a road connection at Kevo Place would provide convenient accessibility to the local

shops, primary school, community centre and a large parkland/recreation area. Given the position of Kevo Place at the mid-point between Gnangara Road and Queensway and its proximity to local services, Kevo Place is a crucial part of an integrated and legible road network in the northern part of LSP 57. In order to provide a satisfactory road network for the future community in the northern part of LSP 57, consistent with *Liveable Neighbourhoods*, it is recommended that Kevo Place remains a vehicular connection.

Modification 15 (Alexander Drive Intersection)

The deletion of left-in-left-out access point onto Alexander Drive was required by the WAPC at the request of Telstra, to ensure that any buildings on the Commercial zoned site were located and designed in a manner which would effectively 'block' RFI to the adjoining PITC generated by remote control vehicle locking devices.

Further discussions with Allerding and Associates, representing Telstra, indicated that design provisions addressing the siting of development and access areas on the commercial site would sufficiently address the concern. Accordingly Allerding and Associates have no objections to the retention of the left-in-left-out as a residential access street, provided that appropriate design provisions are incorporated into the structure plan.

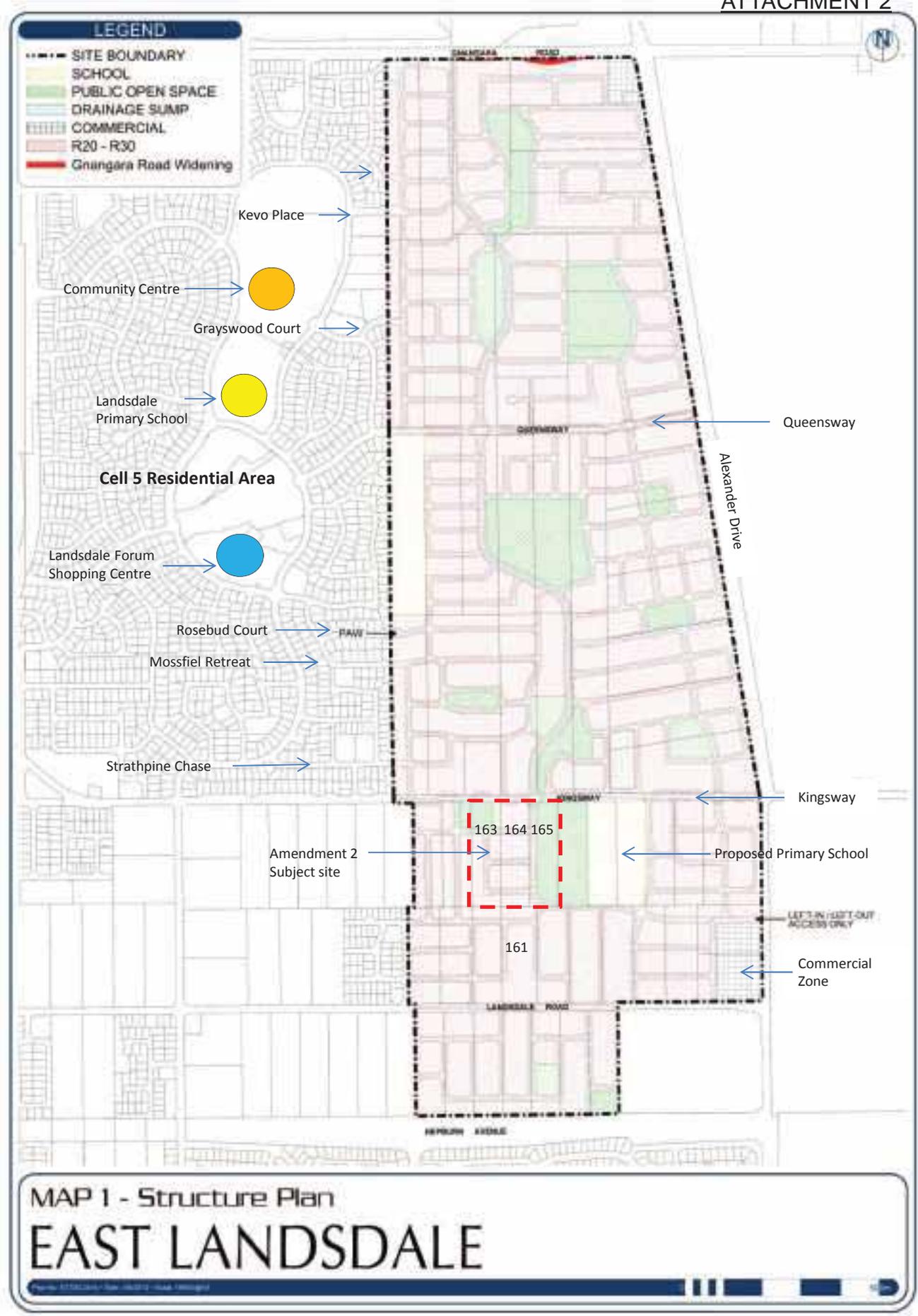
Access, car parking and built form measures for the Commercial zone may be most appropriately addressed at development stage in consultation with Telstra and the City has agreed to this approach. It is therefore recommended that a provision be added to LSP 57 requiring that development within the Commercial zones address built form, access and car parking to minimise impact on the PITC in consultation with Telstra.

Conclusion

It is recommended that Kevo Place remains as a road connection in order to provide vehicular permeability for existing and future residents to access schools, shops and other community facilities in the area in accordance with *Liveable Neighbourhoods*.

It is also recommended that the left-in-left-out intersection on Alexander Drive is adopted subject to an additional provision requiring development within the Commercial zone to be designed to minimise impact on the PITC in consultation with Telstra. This will provide improved access to residential areas and provide an appropriate framework for the consideration of development impacts on the PITC.





Local Structure Plan No. 57 - East Wanneroo Cell 9 (East Landsdale)

Schedule of Modifications

These modifications relate to the Statutory Planning document provided by the City of Wanneroo on 12 September 2012.

- 1) Clause 12.3.3 *Orientation of Roads* second sentence being modified to delete Kevo Place.

- 2) The following sentence being added to 12.3.3:

A road connection is to be provided to Kevo Place at the time of subdivision.

- 3) The following provision being added after 12.3.5

12.3.6 Commercial Design Provisions

Detailed Area Plans are to be prepared in consultation with Telstra for each of the Commercial Zones prior to development addressing, inter alia, built form, access and car parking.

ITEM NO: 9.2

ENDORSEMENT OF THE WEST KARNUP LOCAL STRUCTURE PLAN - LOTS 3, 805 & 806 MANDURAH ROAD, KARNUP

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Planning Manager, Metropolitan South West
AUTHORISING OFFICER:	A/Planning Director, Metropolitan South West
AGENDA PART:	C
FILE NO:	SPN/0426
DATE:	30 January 2013
ATTACHMENTS:	1. Proposed LSP 2. MRS Plan 3. Locality Plan 4. Aerial Photograph 5. Schedule of Submissions 6. Revised Neighbourhood Centre Concept Plan 7. Schedule of Modifications - West Karnup LSP
REGION SCHEME ZONING:	Urban
LOCAL GOVERNMENT:	City of Rockingham
LOCAL SCHEME ZONING:	Development
LGA RECOMMENDATION(S):	Approval subject to modifications
REGION DESCRIPTOR:	South West
RECEIPT DATE:	15 October 2012
PROCESS DAYS:	106
APPLICATION TYPE:	Structure Plan
CADASTRAL REFERENCE:	Lots 3, 805 & 806 Mandurah Road, Karnup

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

1. ***endorse the West Karnup Local Structure Plan, inclusive of a left-in, left-out access point from Mandurah Road south of the commercial zone, subject to the following modifications:***
 - 1.1 ***Lot 805 is to be excluded from the structure plan (area). Route and design planning for Paganoni Road as a regional connector serving Keralup and the Karnup Transit Oriented Development (TOD) site are still underway, with the structure plan area proposed to be linked to the TOD site via an access road between***

the realigned Paganoni Road and the main north-south spine road running through the structure plan. Planning for the TOD site also requires resolution on an agreed intersection treatment for the Mandurah Road and Crystaluna Drive intersection, which will provide the key access to the northern portion of the structure plan (comprising Lot 805). Residential densities for Lot 805 are to respond to the proximity of the site within the 1 kilometre walkable catchment of the TOD site;

1.2 the modifications referenced in Attachment 7: Schedule of Modifications (West Karnup LSP).

2. advise the City of Rockingham of 1. above and that it is the Commission's expectation that residential densities proposed by the local structure plan will be achieved at the subsequent subdivision and development stages.

SUMMARY:

- The West Karnup Local Structure Plan (LSP) proposes the construction of 1100 residential lots, a primary school site, 10% public open space (POS) including a district park co-located with the primary school, a commercial precinct of approximately 5,300 square metres NLA which will accommodate a neighbourhood centre (incorporating a full line supermarket and speciality shops, office and fast food outlets), and 18.5 hectares of remnant bushland at the southern end of the LSP to be ceded free of cost to the Crown (**Attachment 1: Proposed LSP**).
- Vehicular access to the LSP is proposed from Mandurah Road, via two fully signalised intersections at Crystaluna Drive and Singleton Beach Drive, and via a left-in, left-out access point below the commercial precinct. In the longer term, subject to progression of planning for the proposed Karnup transit oriented development (TOD) site located 350 metres north (particularly in respect of an agreed Paganoni Road alignment), an access link will connect the realigned Paganoni Road to the main north-south spine road through the LSP.
- Main Roads WA (MRWA) objects to the proposed left-in, left-out access to the LSP from Mandurah Road on the basis that it will increase the number of potential conflict points along Mandurah Road, and increases safety concerns.
- The applicant, Development Planning Strategies (DPS), contends that removal of the left-in, left-out access will increase traffic volumes on the main street (continuation of Singleton Beach Drive into the LSP area), which will impact on its desired 'main street' objectives. The applicant also justifies the functionality of the left-in, left-out access in the context of safety and economic viability of the proposed neighbourhood centre.
- The Department of Planning and the City of Rockingham's (the City's) traffic engineers confirm the safe functionality of the left-in, left-out access.
- Notwithstanding the above, given that Mandurah Road is under the control of MRWA, at its Council meeting on 25 September 2012 the City resolved to support the LSP subject to reconfiguration of the neighbourhood centre and deletion of the proposed left-in, left-out access point (and according update of the LSP and accompanying traffic reports).

-
- The applicant has requested that the Western Australian Planning Commission (WAPC) reinstate the proposed left-in, left-out access point. The applicant's views are supported based on advice from the Department of Planning, the City's traffic engineers and the applicant's traffic engineers.
 - Given that an agreed Karnup TOD design and Paganoni Road design are still underway, it is recommended that Lot 805 Mandurah Road, Karnup comprising the northern portion of the LSP be excluded from the recommended approval of the remainder of the LSP (which the applicant has acknowledged).

BACKGROUND:

- In October 2012 Lots 3, 805 and 806 Mandurah Road, Karnup (the subject of this LSP) were transferred from the Urban Deferred zone to the Urban zone under the MRS (**Attachment 2: MRS Plan**). Concurrently Lot 805 was rezoned to the Development zone under the City's Town Planning Scheme No.2 (TPS 2).
- Lot 805 was zoned Urban Deferred in October 2010 by MRS Amendment No.1082/33. This reflected a 'negotiated planning solution' whereby Lot 805 (previously reserved as Parks and Recreation under the MRS) was zoned Urban Deferred in exchange for Lot 807 Mandurah Road, Karnup, directly abutting to the south (previously zoned Urban Deferred) being reserved for Parks and Recreation.
- The MRS Amendment ensured protection of the environmental values of Lot 807, and to maintain connectivity between the lot and Paganoni Swamp (located east of the Perth to Mandurah train line). At the same time, it was acknowledged that Lot 805 supported limited conservation value and should be made available for land uses other than conservation.
- The subject land is capable of being provided with essential services such as electricity, gas and telecommunication infrastructure. Water Corporation has advised that the proposed temporary wastewater conveyance, to discharge a limited volume of wastewater from the site to the Gordon Road Wastewater Treatment Plant should subdivision and development of the land proceed ahead of a permanent wastewater treatment and conveyance connection to the Point Peron Wastewater Treatment Plant, is satisfactory.
- The subject land was formerly used as a limestone quarry, with quarry operations ceasing at the end of 2011.
- In 2007, the previous landowner (Cemex) applied for a clearing permit under the EP Act in order to clear vegetation for the purposes of expanding the Extractive Industry operation being undertaken on Lot 806 Mandurah Road, Karnup. A condition was imposed on the Clearing Permit under the provisions of the *Soil and Land Conservation Act 1945* which prohibited any clearing on 18.5 hectares of the southern portion of Lot 806, except where required pursuant to the *Bush Fires Act 1954*. The condition was registered as a memorial on the Certificate of Title to protect the native vegetation in perpetuity.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005 (as amended)

Part 10

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Planned local communities and developing a sense of place

Develop connected and accessible communities.

Encourage innovation in the design of our communities.

Strategies:

Identify key infrastructure and development frameworks.

Policy

Number and / or Name:

Considerations in Land Use Planning

Directions 2031

Outer Metropolitan Perth and Peel Sub-Regional Strategy

Liveable Neighbourhoods

Planning for Bushfire Protection Guidelines Edition 2

DC 1.6 Planning to Support Transit Use and Transit-Oriented Development

DC 5.1 Regional Roads (Vehicular Access)

DETAILS:

The subject site is located approximately 54 kilometres south-west of the Perth Central Business District and 8 kilometres north of the Mandurah City Centre. The site is bounded by Mandurah Road on its western boundary, the Perth to Mandurah railway line on its eastern boundary, Paganoni Road and the proposed Karnup TOD site to the north, and Lot 807 Mandurah Road (Bush Forever area 395) to its south (**Attachment 3:** Locality Plan)

The site was used for sand and limestone quarrying for several years. This was confined to the central portion of Lot 805, and the very south eastern portion of Lot 806. The portions of the lots not used for quarrying activity are remnant bushland or vacant (**Attachment 4:** Aerial Photograph).

The subject site is located immediately adjacent to large areas historically set aside for conservation purposes associated with Bush Forever area 395 and Paganoni Swamp within the Rockingham Lakes Regional Park. Within the LSP, the 18.5 hectare 'Agreement to Reserve' area located within the southern portion of Lot 806 resulting from the Clearing Permit conditions issued in 2007 is proposed to be set aside as 'Retained remnant bushland'.

It is recommended that the LSP be modified to state that the 18.5 hectare 'Agreement to Reserve' area be ceded free of cost to the Crown, to be maintained by the Department of Environment and Conservation (DEC) as part of the Rockingham Lakes Regional Park.

GOVERNMENT AND CORPORATE IMPLICATIONS:

Planning for the Karnup TOD site by a collaborative State agency portfolio (Department of Planning (DoP), Department of Transport, Public Transport Authority, Department of Housing, and the City of Rockingham) is a priority project which will deliver a train station and supporting land uses to the benefit of the local community and provide essential critical public transport infrastructure for current and proposed populations. The integration of the West Karnup LSP with the TOD site is important in the context of integration of land uses and accessibility to the TOD site, as well as increased residential density in proximity to the TOD site.

As part of this process, the future alignment of Paganoni Road as a regional connector is currently under review and its realignment will determine lot layout and critical access links within Lot 805.

CONSULTATION:

The City advertised the proposed LSP for public comment from 24 April 2012 to 25 May 2012. At the close of the advertising period, 8 submissions were received from State agencies and 7 submissions were received from nearby landowners (**Attachment 5: Schedule of Submissions**).

Of the submissions received, the following were of objection/raised concerns in respect of particular aspects of the proposed LSP:

State Agencies

- Department of Health (DoH) notes that the site is in a location that regularly experiences issues with nuisance and disease carrying mosquitoes, and recommends that approval of the LSP be contingent upon a comprehensive mosquito risk assessment as well as methods and feasibility of mosquito control.

The LSP does not address this matter, nor has the City raised this as an issue requiring resolution. It is recommended that the LSP be modified to introduce a Mosquito and Midge section, which requires a Mosquito and Midge Management Plan to be prepared at the subdivision stage. This has been the approach taken in respect of other LSPs in the metropolitan south west corridor.

- MRWA advised of its support of the LSP subject to:
 - i) access to Mandurah Road being limited to 2 proposed signalised intersections (Crystaluna Drive and Singleton Beach Drive);
 - ii) realignment of the commercial land along the main street for better access to those facilities by the local community (and to support deletion of the proposed left-in, left-out access point into the LSP); and
 - iii) no additional access being obtained from Mandurah Road.

The proposed left-in, left-out access route south of the commercial precinct is the key issue for consideration by the WAPC. Consideration of and recommendation on this matter is discussed in the 'Officer's Comments' section.

Landowners

3 of the 7 submissions received from nearby landowners were of objection/raised concerns. These are summarised below:

Issue 1) The loss of flora and fauna as a result of development of the area, and the need to protect habitat for the cockatoo species (with a recommendation that offset areas be provided to retain habitat for cockatoos).

Response: The LSP proposes the retention of the best quality vegetation in the 18.5 hectares of retained remnant bushland to be ceded free of cost to the Crown at the subdivision stage. Further, there is a commitment to retaining as much vegetation as possible through the LSP (in street verges and medians, and within POS where appropriate - particularly where mature Tuart trees exist).

Issue 2) The proposed R40 density is inconsistent with the amenity of the locality and with existing densities.

Response: This matter is discussed in the 'Officer's Comments' section.

Issue 3) Over-utilisation of existing local facilities and the existing primary school as a result of development of the LSP.

Response: The LSP generates almost an entire school catchment and given the demand on the existing school facilities, a primary school is proposed within the LSP.

Issue 4) The need to delay/defer the 'proposed Karnup development' until such time as details of the TOD to the north have been finalised.

Response: This matter is discussed in the 'Officer's Comments' section.

The proposal was considered at the City's Ordinary Council Meeting on 25 September 2012, where it adopted the LSP subject to reconfiguration of the Neighbourhood Centre site to the satisfaction of the City (to delete the left-in, left-out access point onto Mandurah Road), provision of a revised Neighbourhood Centre Concept Plan accounting for the reconfigured site (at **Attachment 6**), removal of the proposed left-in, left-out connection point onto Mandurah Road from the LSP, and updating of the traffic and LSP report accordingly.

The above changes have been actioned by the applicant, and the duly modified LSP forwarded to the WAPC by the City. The applicant has since requested that the WAPC reinstate the proposed left-in, left-out access point into the LSP, and has provided support for their argument. This is discussed in the 'Officer's Comment' section.

OFFICER'S COMMENTS:

Density and Dwelling Targets

The LSP proposes a mix of R25, R30 and R40 residential areas, with the dominant density across the site being R25. The WAPC's Draft *Outer Metropolitan Perth and Peel Sub-regional Strategy* (August 2010) designates the LSP site and the land directly to its north (identified as area KA4) as providing in excess of 1200 dwellings. The applicant advises that dwelling yield projections for the LSP area, based on generic lot sizes, suggests a yield in excess of 1,190 dwellings.

Give the location of this site in context to the future Karnup train station and the TOD site, the overall density for the LSP could be increased. This will facilitate compliance with the density objectives for the site set out in *Directions 2031* and comply with WAPC policy objectives for residential density adjacent to TOD sites outlined in its Development Control Policy 1.6 *Planning to Support Transit Use and Transit Oriented Development*.

It is recommended that Lot 805 Mandurah Road, Karnup be excluded from the remainder of the LSP recommended for approval. The spatial land use plan for Lot 805 will need to respond to the planning underway for Keralup and Karnup, and for suitable density delivery given it is within the 1 kilometre walkable catchment of the TOD site.

The applicant has been advised of the above, and raises no objections in respect of the recommendation to exclude Lot 805 from consideration of the LSP.

Planning for Bush Fire Protection

A Bushfire Hazard Assessment (BHA) has been undertaken by Bushfire Safety Consulting for the subject land. The BHA provides broad advice consistent with the LSP operating as a guide (including a defined 100 metre bushfire hazard management zone, bushfire attack level (BAL) ratings across the site required to minimise fire risk within the above hazard management zone, and increased road reserves to provide an additional setback between dwellings to reduce bushfire risk).

The BHA has addressed the key issue i.e. that bushfire risk over the site is not unacceptable, and provides the basic management tools which enable the proposed layout depicted in the LSP.

The BHA's proposal that at the subdivision stage more detailed information be required to address bushfire hazards as well as specific mitigation strategies is however not supported, and the applicant has been advised that in accordance with the Draft *Structure Plan Preparation Guidelines* released by the WAPC in August 2012, the BHA will need to be updated to represent a fire management plan that accords with the *Planning for Bushfire Protection Guidelines (May 2010)*, including outlining compliance and mitigation measures. The applicant advises that this work is underway.

Local Water Management Strategy

A local water management strategy (LWMS) has been prepared for the LSP which the City has signed off on, and which Department of Water (DoW) has requested minor editing corrections for, and additional information on design details for the rainwater harvesting system proposed for the LSP. The applicant is working with DoW to provide this information, and it is recommended that the LSP be approved subject to final DoW approval of the LWMS.

Proposed Left-in, Left-out Access to the Site

The key matter for consideration by the SPC is that of the functionality of the third proposed left-in, left-out access point into the site from Mandurah Road.

History

- During advertising, MRWA provided a submission to the City that its support of the LSP was subject to access to the site from Mandurah Road being limited to 2 access points (and therefore deletion of the proposed left-in, left-out access point into the site).
- Mandurah Road is a primary regional road under the care and control of MRWA.
- The City advised the DoP of MRWA's concerns prior to it taking the matter to its Council for adoption of the LSP. DoP officers subsequently facilitated a meeting between the City, MRWA and the applicant to progress the objection raised by MRWA to the left-in, left-out access into the site.
- At that meeting MRWA iterated its concerns that Mandurah Road functions as a high speed, regional road and that in accordance with the key policy objectives of the WAPC's Development Control Policy 5.1 *Regional Roads (Vehicular Access)* the number of new junctions on to regional roads should be minimised/rationalised to maintain traffic flow and safety.
- The applicant and their traffic consultant contended that the removal of the access point may result in an additional 2000 to 3000 vehicles per day being redirected to the main street which would impact on the desired 'main street' objectives and functioning of the Centre, would cause greater congestion/queuing on the main street, and would compromise the alternative emergency access/egress routes into the site.
- To support its argument, the applicant provided correspondence to MRWA advising that the required slip lanes into the southern left-in, left-out access would be 'over-designed' (lengthened) to reduce the risk of vehicle incidents, that vehicles turning left (southbound) onto Mandurah Road can safely do so using gaps created by the signalised intersection at Singleton Beach Drive, that the access promotes permeability and connectivity design principles for the LSP area as outlined by *Liveable Neighbourhoods*, and that the access would provide significant benefit to the movement network of service vehicles in out and out of the Centre. The access would also be a major attractor for prospective anchor supermarket tenants given the regional significance of Mandurah Road, its high volume of traffic and associated strong passing trade.
- MRWA however has maintained its position on the basis that the proposed signalised intersection at Singleton Beach Drive can accommodate the additional traffic without the left-in, left-out access point, and that due to the locations of the

access points there would be conflicted vehicle movements which would have the potential to increase rear end crashes.

Officer Recommendation

MRWA has advised of safety concerns in respect of the two conflicting vehicle movements, and quotes the WAPC's DC Policy 5.1, for rationalisation of access from regional roads, as reasoning for its objection to the proposed left-in, left-out access point into the LSP. However notwithstanding the opportunity to do so, MRWA has not evidenced any fatal (technical) flaws with the proposed left-in, left-out access design.

The functionality of the proposed access point is of paramount importance, particularly in respect of the safe and efficient movement of south bound vehicles along Mandurah Road. At the request of the DoP officers, the applicant has provided specifications for the proposed access (that the proposed turn pocket for the left-in, left-out access to the commercial area will be designed to the appropriate standards for 80 kilometres per hour, that the distance from the stop line of the intersection heading south to the start of the turn pocket is approximately 250 metres plus which gives sufficient time and distance for a car in the right hand lane of the intersection to move across one lane prior to the beginning of the left slip, and that the length of the left slip also provides sufficient distance to decelerate prior to making the left turn movement).

The proposed access point provides a pragmatic access response to the elongated lot shape and intended car oriented take-away food land uses, it will not compromise the safe and efficient movement of through traffic having regard to road engineering practices, and it meets WAPC policy requirements in terms of *Liveable Neighbourhoods*.

MRWA has essentially applied a fixed policy position (as outlined in the WAPC's DC Policy 5.1). While the policy application is noted, in this instance the access point is supported for the following reasons:

- it is technically able to be designed to not adversely impact the functionality of Mandurah Road at a posted speed of 110 kilometres per hour, factoring in its ultimate widening to 6 lanes;
- the proposed access allows for an additional unrestricted access point for residents and for emergency vehicles to access the estate and abutting nature reserve (in the event of fire); and
- with the planned urban infill that will occur along the length of Mandurah Road, the function of the road will over time be downgraded to an urban arterial with posted speed limits expected to be reduced accordingly.

Conclusion

The West Karnup LSP responds to the regional and local planning framework, to enable its approval.

The proposed left-in, left-out access point is supported.

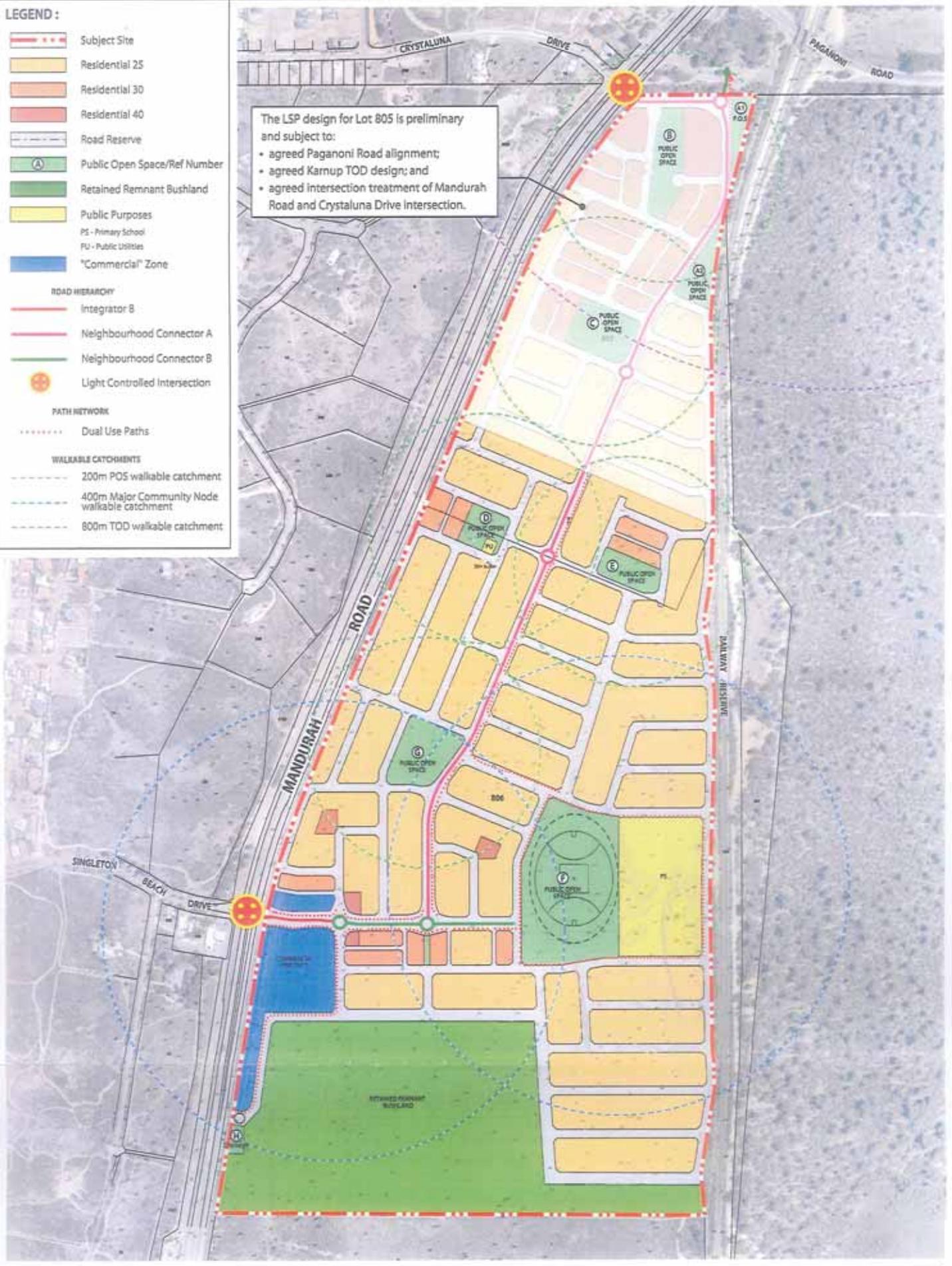
It is recommended that the WAPC approve the LSP subject to modifications

LEGEND :

-  Subject Site
 -  Residential 25
 -  Residential 30
 -  Residential 40
 -  Road Reserve
 -  Public Open Space/Ref Number
 -  Retained Remnant Bushland
 -  Public Purposes
 -  PS - Primary School
 -  PU - Public Utilities
 -  "Commercial" Zone
- ROAD HIERARCHY**
-  Integrator B
 -  Neighbourhood Connector A
 -  Neighbourhood Connector B
 -  Light Controlled Intersection
- PATH NETWORK**
-  Dual Use Paths
- WALKABLE CATCHMENTS**
-  200m POS walkable catchment
 -  400m Major Community Node walkable catchment
 -  800m TOD walkable catchment

The LSP design for Lot 805 is preliminary and subject to:

- agreed Paganoni Road alignment;
- agreed Karnup TOD design; and
- agreed intersection treatment of Mandurah Road and Crystaluna Drive Intersection.



PLAN 1 - Local Structure Plan

Lots 3, 805 and 806 Mandurah Road, KARNUP

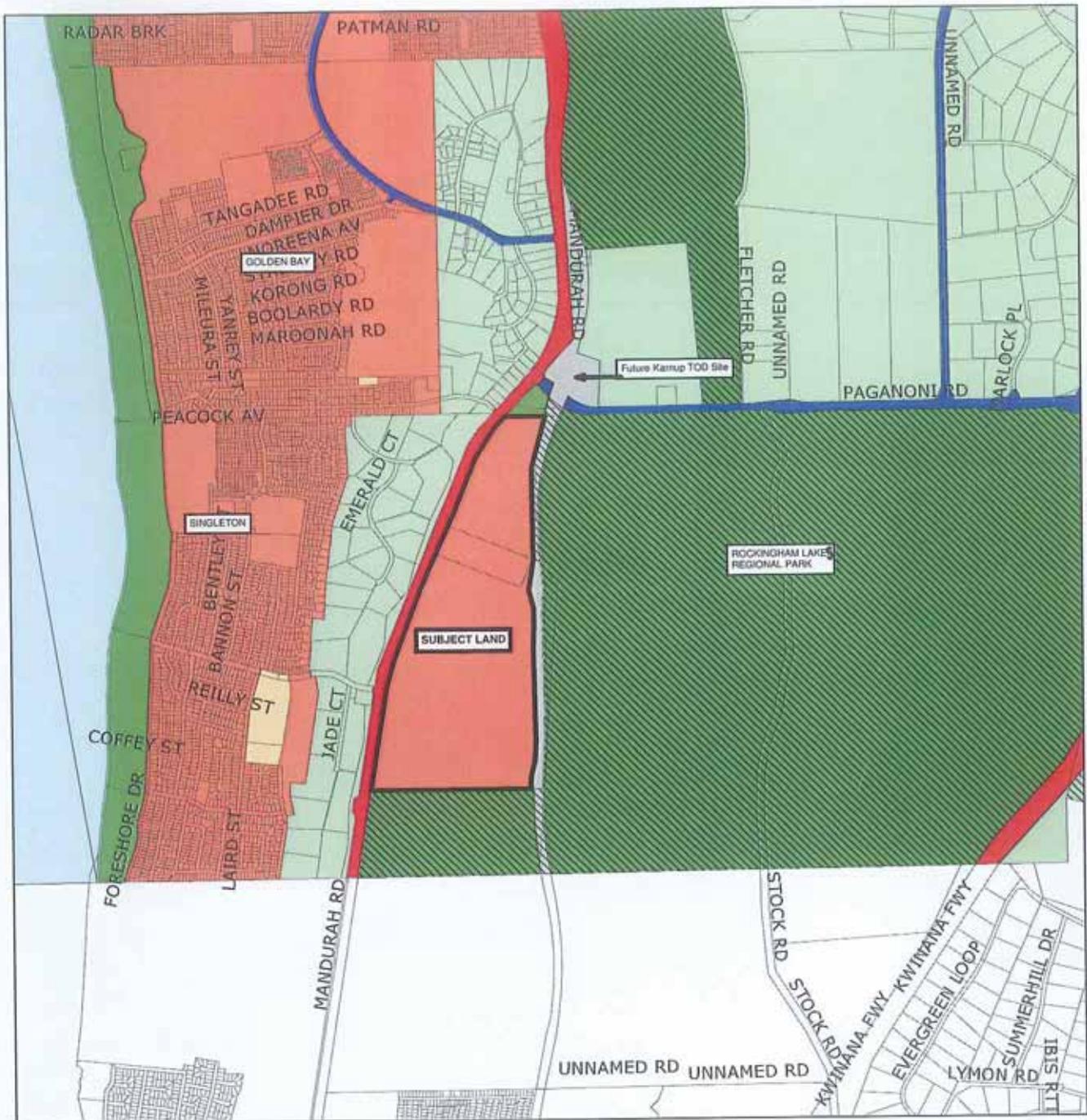
for: Gold Right Pty Ltd.



 Scale 1:6000 @ Overseas A3 25 0 50 100 150 200 250 metres	
COMPILED: DPS, JDS, EMERGE	DRAWN BY: JHP
DATE: 26/6/2012	REVISED: 25/9/2012
CRD: PCG BH	DATUNG: AHD
DRAWING NUMBER: GOSKA-3-001a	JOB CODE: GOSKALSP
FILE ID: MNDGKA/BASP/Structure Plan/GOSKA-3-001a.dwg	



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|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
|  Cadastre with Lot Numbers |  OTHER REGIONAL ROADS |
|  Bushforever Area |  WATERWAYS |
|  URBAN |  PARKS & RECREATION |
|  URBAN DEFERRED |  RAILWAYS |
|  RURAL | |
|  PRIMARY REGIONAL ROADS | |

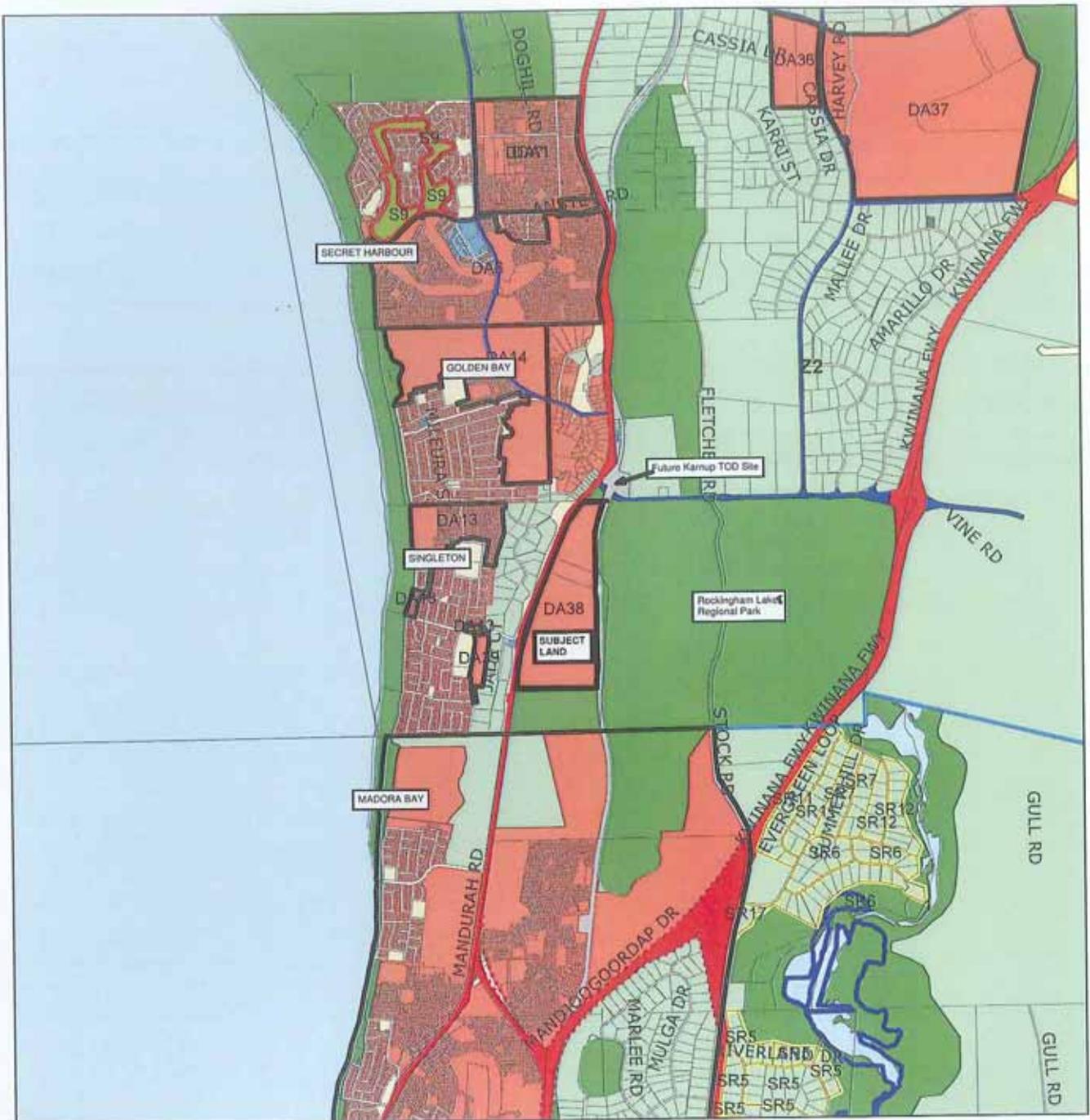
Scale 1:30,994 0 0.5 km

Prepared by: achhabra
 Prepared for: Achhabra
 Date: Thursday, January 31, 2013 08:35
 Plot identifier: P20130131_0635

DP INTERNAL USE ONLY




MRS Plan
 (W. Karnup LSP)



Cadastre with Lot Numbers	SPECIAL USE AREA	RAILWAYS
Townsites	TPS - Scheme Boundaries	PP - SPECIAL USES
TPS Special Lines	PRIMARY REGIONAL ROADS	RESIDENTIAL
SPECIAL POLYGONS	REGIONAL OPEN SPACE	RETAIL/BUSINESS
SPECIAL 10	WATERWAYS	SPECIAL ZONES
DEVELOPMENT AREA	RAILWAYS	INSTITUTIONAL/PUBLIC USES
PEEL-HARVEY COASTAL PLAIN CATCHMENT AREA	PRIMARY REGIONAL ROADS	RURAL
DEVELOPMENT CONTRIBUTION AREA	OTHER REGIONAL ROADS	LOCAL AUTHORITY RESERVES
SPECIAL RURAL AREA	WATERWAYS	NO ZONE
FLOODPRONE AREAS (100 YEAR FLOOD)	PARKS & RECREATION	

Scale 1:61,987 1.25 km

Prepared by: acthabra
 Prepared for: AChhabra
 Date: Thursday, January 31, 2013 08:53
 Plot Identifier: P20130131_0853

DP INTERNAL USE ONLY

Government of Western Australia
 Department of Planning

Locality Plan
 (W.Karnup LSP)



ATTACHMENT 4: Aerial Photograph (W.Karnup LSP)

**CITY OF ROCKINGHAM
PROPOSED KARNUP WEST STRUCTURE PLAN
SCHEDULE OF SUBMISSIONS**

COMMENTS FROM SERVICING AUTHORITIES

NO.	NAME	ADDRESS	COMMENT
1.	Mr Norm Walkerden Telstra Operations	Locked Bag 2525 PERTH WA 6001	<p>Thank you for your correspondence re above. At present Telstra has no objection to make regarding the proposed structure plan.</p> <p>I have added it to our database and look forward to further documentation as the development progresses.</p> <p>A network extension will be required for any development within the area concerned, the owner/developer will have to submit an application before construction is due to start on the Telstra Smart Community website: http://www.telstra.com.au/smart-community/developers/</p>
2.	Ms Leanne Slater Western Power	Locked Bag 2520 PERTH WA 6001	<p>There are no objections, however, there are overhead powerlines and/or underground cables, adjacent to or traversing the properties. Therefore, the following should be considered, prior to any works commencing at the above site/development/property.</p> <p>Working in proximity to Western Power Distribution Lines All work must comply with Worksafe Regulation 3.64 – Guidelines for Work in the Vicinity of Overhead Power Lines. If any work is to breach the minimum safe working distances a Request to Work in Vicinity of Powerlines form must be submitted. For more information on this please visit the Western Power Website links below: http://www.westernpower.com.au/safety/Electrical_Safety_at_Work.html http://www.westernpower.com.au/safety/DialBeforeYouDig.html or www.1100.com.au http://www.commerce.wa.gov.au/WorkSafe/</p> <p>Working in proximity to Western Power Transmission Lines All work must comply with Worksafe Regulation 3.64 – Guidelines for Work in the Vicinity of Overhead Power Lines. Our standard conditions for working in close proximity to overhead transmission lines are attached for your information. For more information on this please visit the Western Power Website link below: http://www.westernpower.com.au/safety/Safety_Transmission_Lines.html</p>

2. continued	Ms Leanne Slater Western Power	Locked Bag 2520 PERTH WA 6001	<p>Please note Western Power must be contacted on 13 10 87, if your proposed works involve:</p> <p>A) Any changes to existing ground levels around poles and structures.</p> <p>B) Working under overhead powerlines and/or over underground cables.</p> <p>Western Power is obliged to point out that any change to the existing(power) system, if required, is the responsibility of the individual developer.</p>
3.	Mr Michael Cooper Department of Education	151 Royal Street EAST PERTH WA 6004	<p>Thank you for your letter dated 24 April 2012 regarding the Proposed Local Structure Plan for Lots 3 and 806 Mandurah Road, Karnup.</p> <p>The Department of Education has reviewed the plan and is satisfied with the location of the primary school and its size of 3.5ha. The Department notes that the abutting public open space fully contains the oval and would be willing to enter into a shared use agreement with the City of Rockingham for the use of the oval during school operating hours.</p> <p>The Department has no objection to this Proposal.</p>
4.	Ms Christine Lewis Department of Indigenous Affairs	PO Box 7770 Cloisters Square PERTH WA 6850	<p>Thank you for your email correspondence dated 24 April 2012 seeking our comment on the proposed local structure plan of Lot 3 and Lot 806 Mandurah Road, Karnup.</p> <p>I have reviewed the information you provided and advise, based on that information, that there are no registered Aboriginal heritage sites within the proposed area. However, there are registered Aboriginal sites within the surrounding area. It is possible that there is Aboriginal heritage within the land subject to the structure plan.</p> <p>All Aboriginal heritage sites whether known to the Department of Indigenous Affairs (DIA) or not, are protected under the Aboriginal Heritage Act, 1972 (AHA). Where rezoning of land is occurring for the purposes of development, we would like to reinforce that under the AHA it is the responsibility of the developer to inform themselves of the heritage values in the areas in question and assess the risks of potential impacts to Aboriginal heritage sites. Please find below a link to our Due Diligence Guidelines for assistance that help in identifying the risk that proposed activities may have on adversely impacting Aboriginal heritage values.</p> <p>http://www.dia.wa.gov.au/Documents/HeritageCulture/Heritage%20management/AHA_Due_Diligence_Guidelines.pdf</p> <p>Should cultural material or a new site be discovered there is an obligation under section 15 of the Aboriginal Heritage Act 1972 to report the information to the Registrar of Aboriginal sites.</p> <p>If you have any questions regarding this matter, please contact Senior Heritage Officer Aidan Ash on 9235 8142.</p>

5.	Mr Jayson Puls Department of Environment and Conservation	PO Box 7770 Cloisters Square PERTH WA 6850	<p>I refer to your letter dated 24 April 2012, referring the above proposed local structure plan to the Department of Environment and Conservation (DEC) for comment. The following advice is provided to assist the City of Rockingham in making its determination on the proposed local structure plan. DEC considers the proposed local structure plan to be premature given the process for lifting the Urban Deferment for Lots 805 and 806 Mandurah Road has not been finalised.</p> <p>The subject site (Lots 3, 805 and 806), approximately 113 ha in size, is located adjacent to Lot 809, which is owned by the Western Australian Planning Commission (WAPC) and managed by DEC as part of Rockingham Lakes Regional Park. Lot 809 contains the Conservation category wetland - Paganoni Swamp, with the Perth to Mandurah rail reserve (Lot 808) separating the subject site from the regional park. The regional park contains regionally significant vegetation including multiple occurrences of priority ecological communities and lakes protected under the Environmental Protection (Swan Coastal Plain Lakes) Policy (EPP) 1992, with that portion on the south side of Paganoni Road included within Bush Forever Site 395 namely Paganoni Swamp and Adjacent Bushland, Karnup. In addition, Lot 807 (Immediately south of Lot 806) is also included within Bush Forever Site 395 and is reserved for Parks and Recreation. Lot 807 is proposed as an addition to Rockingham Lakes Regional Park.</p> <p>DEC provided advice in September 2011 to the Office of the Environment Protection Authority in relation to the proposed lifting of Urban Deferment for Lots 805 and 806 Mandurah Road, Karnup. The local structure plan area is the same area as for the earlier proposal to lift the Urban Deferment and as such the relevant aspects of DEC's advice and additional comments are provided in the following advice.</p> <p>Lot 806 and 'Agreement to Reserve' area</p> <p>DEC notes that in February 2008 a permit was granted, then subsequently amended in January 2009 (Permit 1959/2), to clear up to 20.75 hectares of native vegetation within Lot 806 for the purpose of extractive industry. A condition of the permit was that the southern portion of Lot 806 (18.5 hectares) be given an 'Agreement to Reserve' under section 30B of the Soil and Conservation Act 1945, registered on the title of the property. DEC has provisionally agreed to manage the 18.5 hectare area, in conjunction with Lot 807, and as such this area should be reserved for Parks and Recreation and excluded from this local structure plan. In addition, this area is to be vested in the Conservation Commission of WA under section 7 of the Conservation and Land Management Act 1984, such land to be ceded free of cost and without any payment of compensation by the Crown.</p> <p>Native vegetation and flora</p> <p>The Environmental Assessment Report (Emerge Associates - February 2012) indicates that there are six floristic community types (FCT) assigned to the plant communities identified within the subject site, four of which are inferred priority ecological community (Priority 3) SCP 24 - Northern Spearwood shrublands and woodlands, and one is inferred as priority ecological community (Priority 3) SCP 29a - Coastal shrublands on shallow sands. Priority flora species Jacksonia sericea and Conostylis pauciflora subsp. pauciflora (Priority 4), and Beyeria cinerea subsp. cinerea (Priority 3) were also recorded on the subject site. The report indicates that the native vegetation on-site is of variable condition, ranging from very good to completely degraded.</p>
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<p>5. continued</p>	<p>Mr Jayson Puls Department of Environment and Conservation</p>	<p>PO Box 7770 Cloisters Square PERTH WA 6850</p>	<p>A site visit of the subject site was undertaken by staff from [redacted] and Emerge Associates on 21 May 2012. A specimen of the mallee tree species was collected from the vegetation community Edlm (Mallee woodland of <i>Eucalyptus declipens</i> subsp. <i>declipens</i> over forbland of <i>Lomandra maritima</i>...). Preliminary identification of the specimen identified the species as <i>Eucalyptus foecunda</i> and not <i>Eucalyptus declipens</i> subsp. <i>declipens</i>. <i>E. foecunda</i> is identified as significant flora of the Perth Metropolitan Region in the Bush Forever report (Volume 2) (Government of Western Australia 2000). <i>E. foecunda</i> is listed under two categories of significance considered relevant in assessing bushland area for regional conservation value (p51), 'p= considered to be poorly reserved' under Geographical Variation and as 'e = taxa endemic to the Swan Coastal Plain' under Regional Ecological Preferences (p53).</p> <p>The native vegetation within the subject site, in particular the vegetation identified as plant communities EgSg and EgHh (Emerge Associates - February 2012), is likely to be suitable foraging habitat for Camaby's black cockatoo (<i>Calyptorhynchus latirostris</i>). Camaby's black cockatoo is listed as 'fauna that is rare or likely to become extinct' (generally referred to as threatened fauna) under the Wildlife Conservation Act 1950 and is also listed as 'endangered' under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Clearing of this vegetation will result in a loss of foraging habitat for this species. This issue is addressed further under 'Fauna management'.</p> <p>The native vegetation identified as plant community MsLm (Emerge Associates - February 2011) may be suitable habitat for the Graceful sun-moth (<i>Synemon gratiosa</i>). The Graceful sun-moth is listed as 'fauna that is rare or likely to become extinct' under the Wildlife Conservation Act 1950 and is also listed as 'endangered' under the EPBC Act. This issue is also addressed further under 'Fauna management'.</p> <p>DEC recommends that the local structure plan and/or any future subdivision be designed so that areas of high conservation value, such as native vegetation that is in very good or good condition and comprises identified PECs, or contains priority flora species, or comprises Camaby's black cockatoo habitat, be retained and incorporated into future development as public open space (POS) reserved for conservation and passive recreation.</p> <p>DEC notes that the proposed POS consists of eight discreet areas ranging from 0.51ha to 4.6ha (includes a sporting oval) for the main purposes of drainage and active/passive recreation. Of these eight areas, none include identified priority flora; two areas (Band A2) contain habitat trees (14 of a total of the 55 habitat trees identified); and one area (E) comprises vegetation in very good condition. DEC considers the current structure plan does not adequately protect areas of high conservation value.</p> <p>Fauna management</p> <p>While the Graceful sun-moth is listed as threatened fauna, recent survey effort has significantly extended the range of the species and located more populations, including within conservation reserves. Therefore it is considered to be less threatened than the records at the time of listing suggested. DEC is currently reviewing the conservation status of Graceful sun-moth and it is possible that DEC may subsequently recommend that Graceful sun-moth does not meet criteria for listing as 'endangered' but that it meets criteria for 'vulnerable', or may be found to be not threatened and therefore considered as priority fauna. Despite any possible change in status, it is important for proposals that may impact on Graceful sun-moth habitat to still consider actions for the conservation of Graceful sun-moth.</p>
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<p>5. continued</p>	<p>Mr Jayson Puls Department of Environment and Conservation</p>	<p>PO Box 7770 Cloisters Square PERTH WA 6850</p>	<p>The Graceful Sun Moth Survey report (Emerge Associates June 2011) commissioned by the proponent, indicates that <i>Lomandra maritima</i>, which can support populations of the threatened Graceful sun-moth, occurred widespread across the subject site. The plant community MsLm (Emerge Associates - February 2012) supported the highest densities of <i>Lomandra maritima</i>. The survey also located two individuals of Graceful sun-moth in Lot 807 to the south of the subject site. The MsLm vegetation community on Lot 807 continues across the 18.5 hectare 'Agreement to Reserve' area of Lot 806 and into the area proposed to be developed.</p> <p>DEC considers that the protection and conservation management of the 18.5 hectare 'Agreement to Reserve' area together with Lot 807 within the Rockingham Lakes Regional Park will result in a large part of the habitat suitable for Graceful sun-moth being retained and managed in a way that will allow this species to persist on this site. In which case there should be a clear indication that the 'Agreement to Reserve' area will be reserved as Parks and Recreation, and combined with Lot 807 to be added to the Rockingham Lakes Regional Park.</p> <p>The subject site is known to serve as roosting and foraging habitat for the threatened Carnaby's black cockatoo (<i>Calyptorhynchus latirostris</i>). It is acknowledged that there are large remnants of native vegetation in the local area; however the cumulative impacts from the reduction of Carnaby's foraging habitat on the Swan Coastal Plain has resulted in vegetation that provides a food source for Carnaby's cockatoos being considered as significant habitat. The continual net loss of critical habitat will result in additional pressure on the current population of Carnaby's black cockatoos. Clearing of the vegetation identified as EgHh (Woodland of <i>Eucalyptus gomphocephala</i>...) and EgSg (Open forest of <i>Eucalyptus gomphocephala</i>...) (Emerge Associates - February 2012) will result in a loss of foraging habitat for this species.</p> <p>The fauna survey report (Harewood, 2011) outlines that a total of 55 habitat trees (50 on Lot 805 and 5 on Lot 806) were recorded within the subject site. Of the 55 habitat trees 13 trees comprised hollows. It must be considered that the development of nesting hollows is a dynamic process and so existing nesting hollows are important as well as the maintenance of healthy trees to allow for the development of future hollows. Also mature hollow-bearing Eucalypts can be suitable for nesting by a range of bird species from small insectivores to the larger parrots.</p> <p>In addition, the fauna Survey report (Harewood, 2011) states that from fauna observations in May 2011, there was evidence of 22 native fauna species, comprising 19 bird, two mammal and one reptile species with three species being of conservation significance. In addition, the report indicated that a further eight fauna species of conservation significance may utilise the area.</p> <p>DEC considers that the presence of suitable habitat for 22 fauna species, including three species of conservation significance represents further justification for considering the protection of high conservation value native vegetation, including habitat trees, within areas of public open space, which will serve as effective fauna habitat.</p> <p>The subject site contains foraging and breeding habitat for Carnaby's black cockatoo, and habitat for Graceful sun-moth, both are listed under the EPBC Act. Regardless of any decision under Western Australian planning or environmental approvals processes, the proponent should contact the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) to determine what responsibilities they have under the EPBC Act.</p>
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<p>5. continued</p>	<p>Mr Jayson Puls Department of Environment and Conservation</p>	<p>PO Box 7770 Cloisters Square PERTH WA 6850</p>	<p>The Graceful Sun Moth Survey report (Emerge Associates June 2011) commissioned by the proponent, indicates that <i>Lomandra maritima</i>, which can support populations of the threatened Graceful sun-moth, occurred widespread across the subject site. The plant community MsLm (Emerge Associates - February 2012) supported the highest densities of <i>Lomandra maritima</i>. The survey also located two individuals of Graceful sun-moth in Lot 807 to the south of the subject site. The MsLm vegetation community on Lot 807 continues across the 18.5 hectare 'Agreement to Reserve' area of Lot 806 and into the area proposed to be developed.</p> <p>DEC considers that the protection and conservation management of the 18.5 hectare 'Agreement to Reserve' area together with Lot 807 within the Rockingham Lakes Regional Park will result in a large part of the habitat suitable for Graceful sun-moth being retained and managed in a way that will allow this species to persist on this site. In which case there should be a clear indication that the 'Agreement to Reserve' area will be reserved as Parks and Recreation, and combined with Lot 807 to be added to the Rockingham Lakes Regional Park.</p> <p>The subject site is known to serve as roosting and foraging habitat for the threatened Carnaby's black cockatoo (<i>Calyptorhynchus latirostris</i>). It is acknowledged that there are large remnants of native vegetation in the local area; however the cumulative impacts from the reduction of Carnaby's foraging habitat on the Swan Coastal Plain has resulted in vegetation that provides a food source for Carnaby's cockatoos being considered as significant habitat. The continual net loss of critical habitat will result in additional pressure on the current population of Carnaby's black cockatoos. Clearing of the vegetation identified as EgHh (Woodland of <i>Eucalyptus gomphocephala</i>...) and EgSg (Open forest of <i>Eucalyptus gomphocephala</i>...) (Emerge Associates - February 2012) will result in a loss of foraging habitat for this species.</p> <p>The fauna survey report (Harewood, 2011) outlines that a total of 55 habitat trees (50 on Lot 805 and 5 on Lot 806) were recorded within the subject site. Of the 55 habitat trees 13 trees comprised hollows. It must be considered that the development of nesting hollows is a dynamic process and so existing nesting hollows are important as well as the maintenance of healthy trees to allow for the development of future hollows. Also mature hollow-bearing Eucalypts can be suitable for nesting by a range of bird species from small insectivores to the larger parrots.</p> <p>In addition, the fauna Survey report (Harewood, 2011) states that from fauna observations in May 2011, there was evidence of 22 native fauna species, comprising 19 bird, two mammal and one reptile species with three species being of conservation significance. In addition, the report indicated that a further eight fauna species of conservation significance may utilise the area.</p> <p>DEC considers that the presence of suitable habitat for 22 fauna species, including three species of conservation significance represents further justification for considering the protection of high conservation value native vegetation, including habitat trees, within areas of public open space, which will serve as effective fauna habitat.</p> <p>The subject site contains foraging and breeding habitat for Carnaby's black cockatoo, and habitat for Graceful sun-moth, both are listed under the EPBC Act. Regardless of any decision under Western Australian planning or environmental approvals processes, the proponent should contact the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) to determine what responsibilities they have under the EPBC Act.</p>
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<p>5. continued</p>	<p>Mr Jayson Puls Department of Environment and Conservation</p>	<p>PO Box 7770 Cloisters Square PERTH WA 6850</p>	<p>Possible environmental offsets</p> <p>Provided the development of the land within the subject site is considered to be environmentally acceptable by approval authorities, DEC would be prepared to assist in negotiations with the proponent regarding the possible development of environmental offsets for any residual impacts.</p> <p>Wetland and drainage management</p> <p>Paganoni Swamp is identified as a Conservation category wetland in DEC's Geomorphic Wetlands Swan Coastal Plain dataset and is protected under the Environmental Protection (Swan Coastal Plain Lakes) Policy (EPP) 1992. Conservation category wetlands support a high level of values, attributes and functions and are the highest priority wetlands for protection.</p> <p>Buffers are required around Conservation category wetlands to protect their ecological functions. EPA Guidance Statement No.33 - Environmental Guidance for Planning and Development (EPA 2008) states that wetlands that are to be protected require a minimum 50 metre buffer distance. DEC notes that the subject site is located approximately 200 metres from Paganoni Swamp, at the closest point. OEC is satisfied that this provides an adequate buffer to Paganoni Swamp.</p> <p>DEC notes that the proponent has prepared a Local Water Management Strategy (LWMS) for the subject site, which should be referred to the Department of Water. DEC supports the preparation and implementation of an Urban Water Management Plan in accordance with the LWMS and to the satisfaction of the Department of Water, as a condition of any future subdivision.</p> <p>In planning for any future subdivision, it should be noted that no drainage or stormwater infrastructure is to be placed within the adjacent 'Agreement to Reserve' area or Lot 807, nor is there to be any direct discharge of drainage or stormwater (including road drainage) into the 'Agreement to Reserve' area or Lot 807. Within the development site, drainage design should aim to maintain natural drainage processes (where possible). This could include the use of flush kerbs with drainage infiltration swales adjacent to the road to maximise infiltration at source.</p> <p>Boundary Interface treatment (with Rockingham Lakes Regional Park)</p> <p>The proponent should ensure there is a perimeter road and adequate fencing (being to the specifications and satisfaction of DEC) between the development site and areas retained for conservation (i.e. the 'Agreement to Reserve' area and Lot 807, which will be added to the Rockingham Lakes Regional Park). DEC recommends that the width of the perimeter road adjacent to the 'Agreement to Reserve' area and the 'retained remnant bushland' shown on Plan 1 – Local Structure Plan dated 8/2/2012, is adequate to accommodate all road and drainage infrastructure, and still allow for a gently sloping fill batter that meets the natural ground level well inside the road boundary. Road batters will not be accommodated in the regional park or 'Agreement to Reserve' area.</p> <p>In planning for any future subdivision, it should be noted that no vegetation, earth spoil or any other debris is to be stored or disposed of within the boundary of the 'Agreement to Reserve' area or Lot 807.</p>
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continued

Mr Jayson Puls
**Department of
Environment
and
Conservation**

PO Box 7770
Cloisters
Square
PERTH WA
6850

Pedestr. and cyclist network

DEC notes the proposed district dual use paths as depicted in the proposed local structure plan. DEC supports the construction of a dual use path within the subject site. However, DEC recommends the construction of a dual use path along the eastern side of the subject site, in a north south orientation (along the western side of the Perth to Mandurah rail reserve) to allow future expansion of the cycling network to any development within the nearby urban zoned areas in Lakelands. The provision of this dual use path on the eastern side will allow for a greater setback distance to the area of extreme bushfire hazard at the adjacent Lot 809 and therefore help mitigate fire risk.

Noise management

It is noted future development is proposed against Mandurah Road and the Southwest Metropolitan Railway, which could result in noise impacts from road and rail traffic. DEC generally concurs with the advice provided in the technical report Noise Impact Assessment - Karnup Structure Plan, prepared in accordance with WAPC State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning (2009). The conclusions and recommendations are in line with the guidelines and address the SPP noise criterion. However, DEC recommends the preparation of a noise management plan in relation to the road and rail noise prior to future subdivision planning and that the consultant/developer give consideration to the following comments:

- There is no clear indication whether the future rail noise levels were derived as per the SPP 5.4, which states that a +2dB adjustment is to be made to the existing levels to assume future noise levels from passenger trains. This has a potential impact on the Conclusions of the report.
- The noise levels output indicates that the majority of the houses by the side of Mandurah Road will exceed the Limit criterion of 60 dB(A) despite the 2.5 metres high barrier. In addition to the recommendations made in section 6.1, consideration should be given to:-
 - increasing the setback to the first row of houses,
 - relocating those worst affected lots to other areas within the proposed development.
- The Structure Plan (as received ref: LUP/1593-05) shows a residential lot located just north of the commercial lot north of Singleton Beach drive. Currently, the noise barrier by Mandurah Road appears to "stop short" at its southern end therefore leaving the southern-most row of houses fully exposed to the road noise.

Acid sulfate soil management

DEC records show the subject site as having no known risk of acid sulphate soils occurring within three metres of the natural soil surface or deeper.

Weed control

In order to protect the conservation values of Rockingham Lakes Regional Park (including Lot 807 and the 'Agreement to Reserve' area) the proponent should ensure that flora species known to be invasive or environmentally damaging are not used in any landscaping, where they may spread into the adjacent regional park.

5. continued	Mr Jayson Puls Department of Environment and Conservation	PO Box 7770 Cloisters Square PERTH WA 6850	<p>Fire management</p> <p>All necessary fire management requirements should be provided for within the subject site, in accordance with the Planning for Bushfire Protection (Interim) Guidelines (Edition 2 - WAPC and Fire and Emergency Services Authority, May 2010) and any other relevant policies. DEC notes that a bushfire hazard assessment has been undertaken. DEC requests the provision of a perimeter road to provide adequate separation between conservation areas and urban development. Such a hard edge helps mitigate fire risk and provides improved access for fire suppression.</p> <p>Should you require further information or clarification regarding the above advice, please don't hesitate to contact Grace Patorniti of this office on telephone number 9219 9290.</p>
6.	Mr Lindsay Broadhurst Main Roads Western Australia	PO Box 6202 EAST PERTH WA 6892	<p>Thank you for your letter dated 24 April 2012 requesting Main Roads comments on the proposed local structure plan on Lots 3 and 806 Mandurah Road, Karnup.</p> <p>Main Roads has no objection to the proposed Structure Plan subject to the following conditions:</p> <ul style="list-style-type: none"> • access to Mandurah Road is limited to two proposed signalised intersections, namely Crystaluna Drive/Mandurah Road intersection and Singleton Beach Drive/Mandurah Road intersection; • Main Roads believe that the small strip of proposed commercial land along Mandurah Road south of Singleton Beach Drive intersection should be aligned along Singleton Beach Drive. These commercial precincts (neighbourhood centre) are likely to generate local trips (not necessarily regional trips). Hence, this could be aligned along Singleton Beach Drive to provide better access to these facilities for the local community. For this reason, Main Roads does not support the proposed left in and left out access onto Mandurah Road (south of the proposed Neighbourhood Shopping Centre). This proposed left-in and left-out movement will only increase the number of conflicting points along Mandurah Road and increases safety concern. • no additional access is obtained from Mandurah Road; and • the temporary access provision proposed for fire and emergency purpose is gated and not used for general access and only opened during the emergency. <p>If you require any further information please contact Ashis Parajuli on (08) 9323 4286. In reply please quote file reference 04/6857-05 (D12#140693).</p>
7.	Mr Brett Dunn Department of Water	PO Box 332 MANDURAH WA 6210	<p>Thank you for your correspondence and associated documents dated 24 April 2012, regarding proposed Local Structure Plan (LSP) for Lots 3 and 806 Mandurah Road, Karnup. The Department of Water (DoW) has reviewed the information and wishes to provide the following advice:</p> <p>LWMS Urban Water Management</p> <p>Consistent with Better Urban Water Management (BUWM) (WAPC, 2008) and policy measures outlined in State Planning Policy 2.9, the proposed Local Structure Plan (LSP) should be supported by an approved Local Water Management Strategy (LWMS).</p>

<p>7. continued</p>	<p>Mr Brett Dunn Department of Water</p>	<p>PO Box 332 MANDURAH WA 6210</p>	<p>The DoW currently reviewing the LWMS (March 2012) and comments are provided in the attached Appendix. It is recommended the proponent revise the document in accordance with the attached advice, and any comments from the City of Rockingham. In accordance with BUWM (WAPC, 2008) the LSP should not be finalised in the absence of a LWMS approved by the DoW and City of Cockburn.</p> <p>A key issue, as noted in item 1 of the Appendix, is that DoW requires confirmation of a sufficient non-potable water supply at the current planning stage in order to support the LWMS. It is understood that the proponent has secured a proportion of the total non-potable water required for the development through a License to Take Groundwater. Alternative sources and strategies will be required to fulfill the shortfall.</p> <p>Groundwater</p> <p>The subject area is located within the Stake Hill Groundwater Area as proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction in this proclaimed area for purposes other than domestic and/or stock watering taken from the superficial aquifer, is subject to licensing by the Department of Water. The issuing of a groundwater license is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee.</p> <p>Please note, a high proportion of groundwater in the Stake Hill Groundwater Area is currently allocated, thus there may be limited resources available to new developments. Proposed land uses requiring groundwater should identify and potentially secure fit-for-purpose water early in the planning process by consulting with the DoW. Please contact the licensing section of the Mandurah office on 9550 4222 for further advice. Water trading, innovative water reuse and recycling strategies may be needed if groundwater is unavailable.</p> <p>DEC Issues</p> <p>It appears that there is Remnant Native Vegetation on the subject land. For this reason, this proposal must be referred to the Land Use Planning section at the Department of Environment and Conservation's Swan Region (C/- Locked Bag 104, Bentley Delivery Centre, WA 6983).</p> <p>If you wish to discuss the above further please contact Patrick Ridley on (08) 9550 4237.</p> <p><u>Letter to Emerge Associates from the Department of Water</u></p> <p>Appendix: Department of Water comments on the West Karnup Local Structure Plan, District and Local Strategy- March 2012</p> <p>Thank you for the aforementioned District and Local Water Management Strategy (D&LWMS) received 30 March 2012. The Department of Water (DoW) has reviewed the D&LWMS and wishes to provide the following advice:</p>
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<p>7. continued</p>	<p>Mr Brett Dunn Department of Water</p>	<p>PO Box 332 MANDURAH WA 6210</p>	<p>Non-potable water supply</p> <ol style="list-style-type: none"> 1. DoW notes that Emerge is currently sourcing the non-potable water supply. The DoW will support the D&LWMS with confirmation of a viable non-potable supply at the current planning stage. Submission of an application for a License to Take Groundwater does not fulfill the above requirement, thus the DoW cannot support the D&LWMS at this time. 2. The available groundwater allocations are insufficient for the D&LWMS requirements and alternative options, such as water trading and/or water recycling and efficiency, should be investigated. <p>Subdivision and urban water management plans & Contingency action plan</p> <ol style="list-style-type: none"> 3. A number of key words such as "should" and "expected" are used to describe information in the UWMP. Alternative wording is required to commit to providing information within the UWMP. <p>Monitoring sites</p> <ol style="list-style-type: none"> 4. Detecting a trigger value exceedence resulting from the development within the post development monitoring duration of 2 years is considered unlikely at the monitoring location due to the large distance to groundwater (~10m). It is recommended the proponent undertakes monitoring at sites with post development clearance to groundwater of less than 5m. 5. The monitoring program should be amended to allow comparison of groundwater quality outflow to inflow (in areas with less than 5m clearance to groundwater). Monitoring sites should consider the groundwater flow direction and capture of infiltrated 1:1 ARI rainfall events from relevant bioretention areas. <p>Stormwater infrastructure</p> <ol style="list-style-type: none"> 6. Please provide a concept design for the bio-retention areas, detention areas and swales, and infiltration basin. This should include, but not be limited to, critical inverts and batter ratio's. <p>Stormwater quality</p> <ol style="list-style-type: none"> 7. Please ensure the City of Rockingham endorses changes to Criteria SWQ3 (Bio- retention areas must have maximum 1:3 side slopes and a maximum water depth no greater than 500mm). <p>It is recommended the D & LWMS is revised in accordance with the aforementioned comments, and any advice from the City of Rockingham, and resubmitted to both agencies.</p> <p>If you wish to discuss the above further please contact Patrick Ridley on (08) 9550 4237.</p>
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8.	Ms Loretta van Gasselt Department of Planning	Locked Bag 2506 PERTH WA 6001	<p>Thank you for referring the above proposal to Policy Development for comment.</p> <p>It is understood the proposed Local Structure Plan includes Residential use with lot densities between R25 and R40, a primary school, Commercial precinct, seven Public open space areas and retained remnant bushland.</p> <p>The Bush Forever policy identifies regionally significant bushland for protection. Assessment of any proposal that may affect a Bush Forever area should recognise and give due consideration to the high conservation values of the site.</p> <p>The subject land is located between Mandurah Road to the west and Bush Forever area 395 - Pagononi Swamp and Adjacent Bushland, Karnup (BF395) to the east and south. Railway reserve separates BF 395 from the subject land. Sand and limestone quarrying has occurred on Lots 805 & 806 for several years.</p> <p>It is noted that the vegetation surrounding the subject land has been assessed as having an 'extreme' bushfire hazard rating. The supporting documentation proposes the construction of buildings to Australian Standard 3959 as a component of bushfire hazard management for the site. If the area is not identified as being 'bushfire prone' under the local planning scheme there may be issues with the enforcement of AS3959. The State Government is currently investigating methodologies to map bushfire prone areas and enforce AS3959 across Western Australia. This is likely to take some time to implement. In the interim, it may be possible to enforce AS3959 under structure plan provisions. It is recommended that the City of Rockingham ensure that it has the capacity to enforce AS3959 prior to endorsing the structure plan.</p> <p>Development resulting from the proposed Local Structure Plan is unlikely to impact directly or indirectly on BF395. To ensure the protection of the regionally significant values of this Bush Forever area, it is recommended that the following advice be provided to the applicant in relation to the future subdivision of the site:</p> <ol style="list-style-type: none"> 1. The development, including construction, access and drainage, is not to result in the clearing and/or disturbance of existing vegetation within Bush Forever area 395. 2. No building materials, rubbish or other matter is to be deposited into Bush Forever area 395 during or after development. <p>Please note that this is a response to Bush Forever and bush fire matters only and does not reflect comments of other branches of the Department of Planning or a formal position of the Western Australian planning Commission, which may need to be consulted on this proposal.</p> <p>Please contact Helen Griffiths on 6551 9368 if you have any queries on this matter.</p>
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9.	Mr Robert Campbell Department of Transport	140 William Street PERTH WA 6000	<p>Reference made to your letter dated 24 April 2012 regarding the proposed Structure Plan at the above mentioned address. The DoT has liaised with the Public Transport Authority (PTA) and Main Roads Western Australia (MRWA) and provides the following comments.</p> <p>It is acknowledged that MRWA has provided a separate response to this proposal. DoT supports MRWA's comments regarding access from Mandurah Road.</p> <p>It should be noted that the Transport Portfolio's strong preference is that a 2m noise wall along the railway reserve be required as recommended in the Lloyd George Acoustics report. Should alternative measures be considered, as suggested in the Structure Plan report, these would need to be subject to further noise assessment to ensure that the level of mitigation is considered appropriate.</p> <p>It is also noted that cycling connectivity and permeability is not addressed adequately in the Structure Plan report or accompanying transport assessment. The DoT requires further consideration to be given to cycling and pedestrian access to the structure plan area.</p> <p>In view of the above, The Transport Portfolio does not object to the proposal provided the issues outlined are addressed. The DoT requests to be sent a schedule of submissions and be notified when this matter is being presented to council. Please feel free to discuss this application with Katherine Harvey on 6551 6324 if you would like to clarify any of the above information.</p>
10.	Mr Jim Dodds Department of Health	PO Box 8172 PERTH BUSINESS CENTRE WA 6849	<p>Thank you for your letter dated 24 April 2012 requesting comment from the Department of Health (DOH) on the above plan.</p> <p>The (DOH) provides the following comment:</p> <p>1. Sewerage</p> <p>Development densities ranging from R25 to R40 are required to connect to reticulated sewerage in accordance with the Government Sewerage Policy - Perth Metropolitan Region.</p> <p>2. Toxicology Programs and Services</p> <p>The document provides little evidence to support the statement that there is a very minor and spatially limited risk of potential land contamination within the site, which is not adequate for the consideration of health protection (in Section 2.16 of Environmental assessment and justification report). Details about the nature and assessment of uncontrolled land fill and historic fuel or chemical storage should be provided to demonstrate that no any health risks will be caused to future residents in relation to potential of land contamination.</p>

<p>10. continued</p>	<p>Mr Jim Dodds Department of Health</p>	<p>PO Box 8172 PERTH BUSINESS CENTRE WA 6849</p>	<p>3. Mosquito-borne Disease Control Programs and Services</p> <p>The subject land of the Structure Plan Proposal is in a location that regularly experiences considerable issues with nuisance and disease-carrying mosquitoes. Future residents and other onsite visitors may be exposed to Ross River virus and Barmah Forest virus vector mosquitoes breeding in nearby wetlands.</p> <p>The City of Rockingham needs to be confident that they can manage the risks from mosquitoes and mosquito-borne diseases and the severe impacts they can cause on the quality of life of residents.</p> <p>Therefore the proposed Structure Plan should be contingent upon a comprehensive mosquito risk assessment to enable the City of Rockingham to determine the extent of the risk from mosquitoes and mosquito-borne disease.</p> <p>The risk assessment and management plan should include, but is not limited to the following components:</p> <ul style="list-style-type: none"> ▪ Risk assessment for nuisance and disease-carrying mosquitoes for the City of Rockingham; ▪ Identification of major sources (breeding sites) of mosquitoes; ▪ Methods and feasibility of mosquito control; ▪ Environmental impacts and acceptability of proposed control options; <ul style="list-style-type: none"> • Environmental agencies may not automatically approve the use of such measures in and around environmentally significant wetlands. Therefore, it will be important that in-principle approval for effective mosquito control measures in and around these wetlands is obtained from the relevant environmental agencies before planning decisions are finalised. ▪ Cultural approaches to mosquito control; and ▪ Ensuring ongoing (indefinite) resourcing of management and control programs. <p>It may be appropriate to reconsider the proposed Structure Plan if the risk assessment indicates that nuisance and disease-carrying mosquitoes will impact substantially on the City of Rockingham; particularly if the feasibility studies indicate that the problem will be difficult to manage.</p> <p>It is further recommended by the DOH that:</p> <ul style="list-style-type: none"> ▪ New residents be warned of the risk of mosquito-borne disease and the potential for nuisance mosquitoes via an appropriately worded notification on any newly created property titles. ▪ The City must ensure proposed infrastructure and site works do not create additional mosquito breeding habitat as follows:
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<p>10. continued</p>	<p>Mr Jim Dodds Department of Health</p>	<p>PO Box 8172 PERTH BUSINESS CENTRE WA 6849</p>	<p>Changes to topography resulting from earth works (e.g. the installation of pipelines, footpaths, roads etc) must prevent run-off from creating surface ponding as it may become mosquito breeding habitat;</p> <ul style="list-style-type: none"> • Water tanks and other water-holding containers must be sealed or screened to prevent mosquito access and breeding. Regular monitoring for mosquito larvae and treatment with larvicide may also be required; • Constructed water bodies (drainage infrastructure, infiltration basins and swales, settling ponds, wetlands, etc) must be located, designed and maintained so they do not create or contribute to mosquito breeding; • Constructed water bodies (drainage infrastructure, infiltration basins and swales, settling ponds, wetlands, etc) may require regular monitoring and application of herbicides and/or removal of invasive vegetation to prevent the harbourage of mosquito larvae; and • <i>The Chironomid midge and mosquito risk assessment guide for constructed water bodies</i> (Midge Research Group, 2011) should be referred to during the early stages of planning to ensure that the potential for on-site mosquito breeding is minimised. This document is available at: www.public.health.wa.gov.au/2/654/2/mosquitoes.pm. <ul style="list-style-type: none"> ▪ The City should encourage the use of built form design measures in the construction of accommodation and recreational areas to protect future residents from mosquitoes. <ul style="list-style-type: none"> • Public open space with limited vegetation should be located between the mosquito breeding sites and residential areas to create an area that is refractory to mosquito dispersal, thereby reducing the number of mosquitoes impacting residents; and • Built form design measures (insect screening on doors and windows and screened outdoor enclosures), public education packages and public signage are included as part of the State and local government conditions of approval. <p>4. Health Impact Assessment</p> <p>You may also wish to consider incorporating Health Impact Assessment (HIA) and/or Public Health Assessment (PHA) principles in your decision making process. For your information and guidance, you may access the relevant information at the following sites:</p> <p>HIA- http://www.public.health.wa.gov.au/2/1400/2/health_risk_assessment.pm PHA- http://www.public.health.wa.gov.au/2/1399/2/public_health_assessment.pm</p> <p>Should you have queries or require further information please contact Vic Andrich on 9388 4978 or victor.andrich@health.wa.gov.au.</p>
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11.	Peter Howard Water Corporation	PO Box 100 LEEDERVILLE WA 6007	<p>Thank you for your letter of 24 April 2012 requesting comments from the Water Corporation on the proposed Local Structure Plan (LSP). The Water Corporation has no objections to the LSP, provided that the Corporation is further consulted prior to the lifting of the MRS 'Urban Deferred' zoning over the site.</p> <p>The proponent's planning and engineering consultants have been liaising with the Corporation since 2010 with the aim of resolving water and wastewater servicing constraints in the area in order to advance the 'Urban' rezoning of the land.</p> <p>The subject land is situated within the long-term catchment of the proposed East Rockingham Waste Water Treatment Plant (ERWWTP) which is scheduled for construction by the end of 2015. Wastewater flows from the south-west urban corridor are currently conveyed to and treated at the Point Peron WWTP. The Point Peron WWTP is approaching its maximum licensed treatment capacity and in order to minimise the risk of the plant capacity being exceeded before the ERWWTP is available, the Corporation has requested the WAPC to delay further any urban rezonings in the catchment.</p> <p>The Corporation has therefore previously advised the WAPC and the proponents that it would only be able to support the lifting of Urban Deferred zoning over this land earlier than 2015 if the proponents were prepared to investigate, design and construct a suitable temporary wastewater conveyance system to transfer wastewater flows from the development area into a neighbouring WWTP catchment. The proponent's engineers have recently been investigating the feasibility of transferring wastewater southwards into the catchment of the Gordon Road WWTP via temporary wastewater infrastructure which will be funded by the proponent. These investigations are ongoing.</p> <p>Consistent with the Corporation's adopted long-term conveyance planning for this area the proponent intends to locate a wastewater pump station on the eastern edge of the POS area labelled 'D' on the LSP. This pump station is planned to have a maximum pump rate of 40 litres/second, which typically requires a 30m radius odour buffer around the pump station within which odour sensitive land uses (in particular residences) should not be allowed. The LSP plan should be modified indicate the nominated location of the pump station and its long-term buffer accommodated within the POS area and the adjacent road reserve.</p> <p>The site is distant from water distribution mains with sufficient capacity to serve the full development of this land. The proponent is investigating the feasibility of extending smaller diameter water mains from the Singleton area across Mandurah Road to serve the initial development stages. The Corporation is also currently reviewing the overall water distribution planning for the Tamworth-Karnup Water Scheme which serves the south-west urban area. This planning review will define the need and timing of any additional large water distribution mains that may be required to increase the service capacity in the area.</p> <p>The Corporation encourages the investigation and implementation of water efficiency measures within new developments and consideration of water re-use opportunities. It is recommended that the Local Water Management Strategy for the subject land should address water efficiency and re-use measures to be employed within the subdivision construction and within buildings in order to minimise the use of potable water supplies.</p> <p>Should you have any queries in relation to this advice please call the officer indicated.</p>
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**CITY OF ROCKINGHAM
PROPOSED KARNUP WEST STRUCTURE PLAN
SCHEDULE OF WRITTEN SUBMISSIONS**

NO.	NAME	ADDRESS	COMMENT
1.	Dr Hannes Gebauer	229 High Street FREMANTLE WA 6160	I support the Proposed Local Structure Plan. It will offer better amenities to the local area.
2.	Mr Paul Mason	13 Curacao Lane HILARYS WA 6025	<p>I am fully supportive of the above development for the following reasons:-</p> <ol style="list-style-type: none"> 1. Extra services for Singleton at the proposed commercial precinct. 2. An extra primary school for the area to service our large population and give people a choice. 3. The land currently is in a very degraded state and is an eyesore. This will rejuvenate the area. 4. Extra housing will increase the need for a local rail station and make public transport routes more viable.
3.	Mr Ben Lin	26 Jade Court SINGLETON WA 6175	<p>I am fully supportive of the proposed plans. It would bring in more people to this area and improve the whole community and future property prices.</p> <p>The area is in need of these types of developments to be able to catch up with nearby developments ie. Mandurah. At the moment it seems like the area is centuries behind time as compared to its neighbours.</p>
4.	Mrs L Janczyk	34 Marillana Drive, GOLDEN BAY WA 6174	<p>Flora & fauna adversely impacted – less habitat. No railway infrastructure in place to support additional parking at local railway stations (no local train station). More adverse impact on local beaches by population housing lots planned are far too dense.</p> <p>R40 does not preserve the amenity of the locality and is in opposition to the relationship with other land in the locality, as well as the impact on an existing area of introducing excessive dwellings that are incompatible with the locality.</p> <p>Adverse effect of overloading existing amenities. Beach access etc. causing increased traffic flow.</p>
5.	R & D Godenzi	N/A	<ol style="list-style-type: none"> 1. Extra Commercial Precinct is good for the area. 2. Land around Singleton hills degraded, support for subdivision. 3. Additional housing good for public transport services eg. train station Singleton.
6.	Lesley Hedley	15 Reilly Street SINGLETON WA 6175	We are concerned about the impact on local facilities and the local school, both of which are currently over utilised.

7.	Leonie Stubbs	4 Bentley Street SINGLETON WA 6175	<p>Stormwater drainage - With climate change, more intense weather events are expected. Therefore the stormwater drainage should address 1:50 year event at least. Currently in Singleton even though the drains have been cleared by contractors significant weather events cause large pools to develop on the road which are dangerous.</p> <p>Mosquitoes - There is no mention of mosquitoes in the document. At times it is impossible to visit Paganoni Swamp Reserve because of the mosquito problem. Any form of spraying is not acceptable within the Reserve so how this issue is to be managed should be outlined.</p> <p>Cats - These pose a real threat to Paganoni Swamp Reserve as do foxes and rabbits. It would be good if certificates of title included a ban on owning cats or at least ensuring that they remain inside overnight.</p> <p>Rabbits - As this land is cleared more rabbits are being pushed into the reserve via the underpass and the railway line. Rabbit control through trapping and shooting should be a requirement by Council before finalising the development.</p> <p>Transfer of fauna - Collection of possums, possibly phascogales (they are in Paganoni Swamp Reserve), bandicoots, lizards, snakes and frogs should be undertaken before clearing takes place. DEC should be contacted for advice on where to relocate these animals and who is qualified to carry it out.</p> <p>Protection of habitat for cockatoo species - I have seen cockatoos foraging with the development site and believe that if the whole area of cockatoo habitat is not retained then the developers should provide a quality offset for the area that is lost to clearing. It should also be quality offset as some of this area was previously part of Paganoni Swamp Reserve and it is only since the railway was constructed that it has become degraded and that is only because the proponents have not managed the weeds which is very disappointing, considering that one of the weed species is declared.</p> <p>Primary School - I am sure this is a worthy aspiration but if Golden Bay cannot even manage to get one built with the development that is occurring within its boundaries, I can't see how this development will manage it. It should state proposed only or something of that nature on the plan.</p> <p>Paganoni Swamp Reserve - It is important that residents are made aware of the value of the reserve that is adjacent to this development. Motor bikes, quad bikes, dogs and cats are not welcome within the reserve and this should be made very clear to residents. The more development occurs, the more valuable is the retained bushland. Whilst fire management plans are important, continually burning bushland on the Swan Coastal Plain leads to weed invasion and in the longer term loss of biodiversity. Residents should be aware that there is a limit to fire suppression through prescribed burns. Proposed residents should be made aware of the risk of fire from living so close to bushland. Of course for many people this risk is mitigated by the wonder of having high quality habitat at hand for passive recreation.</p>
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7. Continued	Leonie Stubbs	4 Bentley Street SINGLETON WA 6175	TOD - I believe the proposed Karnup developm . should be delayed until details of the Transit Oriented Development has been finalised. I also believe that there should be a moratorium on the clearing of any Tuart tree as so much of our Tuart forest has already been lost on the Swan Coastal Plain. There are many other areas within the vicinity of this development for which plans have not been made and until it is clear how these will be developed and at what densities and how they will affect the TOD and this development no approval should be forthcoming.
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3 Concept Plan

site plan
KARNUP
 master plan

TAYLORROBINSON
www.taylorrobinson.co.uk

1:1000 @ A3 / 1:500 @ A1
1182
 26.09.2012
 drawn by: [signature]

ATTACHMENT 6

ATTACHMENT A: SCHEDULE OF MODIFICATIONS - WEST KARNUP LOCAL STRUCTURE PLAN

General

- a) The Local Structure Plan (LSP) report text and Appendices are to be updated to incorporate the proposed third left-in, left-out access from Mandurah Road into the LSP area south of the commercial zone.
- b) Delete the addendum Traffic Technical Note prepared by Transcore at Appendix 4.
- c) The LSP is to be updated to advise that Lot 805 Mandurah Road, Karnup is to form Stage 2 of the LSP, and that its progression is to be deferred until such time as there is an agreed Paganoni Road alignment, agreed intersection treatment of Mandurah Road and Crystaluna Drive intersection, and planning for the Karnup Transit Oriented Development (TOD) is sufficiently advanced.
- d) Update the LSP report text to reflect the current Urban zoning of the subject land under the Metropolitan Region Scheme (MRS).
- e) All road reserve widths proposed for the LSP are required to be in accordance with Table 3 of Element 2 'Movement Network' of the WAPC's *Liveable Neighbourhoods*. Where there is inconsistency with *Liveable Neighbourhoods*, the LSP report and proposed roads are to be modified to correct this.
- f) The Local Water Management Strategy (LWMS) for the LSP is to be updated to address outstanding Department of Water (DoW) requirements. The WAPC's certification of the LSP is subject to the endorsement of the LWMS by the DoW.
- g) The Bushfire Hazard Assessment (BHA) prepared for the LSP by Bushfire Safety Consulting at Appendix 1 is to be updated to represent a fire management plan that accords with the *Planning for Bushfire Protection Guidelines (May 2010)*. This should include actioning of the detailed modifications at 'Appendix I (Volume 1) - Bushfire Hazard Assessment' in this Schedule of Modifications.

The LSP report text is to be updated accordingly to refer to the above document as a fire management plan.

Executive Summary

1. The 'Purpose' subsection of the Executive Summary describes that the LSP has been prepared to assist the City of Rockingham and Western Australian Planning Commission (WAPC) to lift the Urban Deferred

zoning (under the MRS) over this landholding. This needs to be updated to reflect the current Urban zoning of the land under the MRS.

2. Delete the last sentence of the 'Purpose' subsection which states:

"The West Karnup LSP has been submitted for endorsement to the City of Rockingham."

Part One - Statutory Section

1 Structure Plan Area

3. This section is to be updated to include that progression of Stage 2 of the LSP (comprising Lot 805 Mandurah Road, Karnup as shown in lighter colouring on Plan 1) is deferred until such time as there is an agreed Paganoni Road alignment, agreed intersection treatment of Mandurah Road and Crystaluna Drive intersection, and planning for the Karnup TOD is sufficiently advanced.

4 Operation Date

4. Update this section to state that the LSP comes into operation on the date of its endorsement by the WAPC.

6.2 Detailed Area Plan Requirements

5. Delete Detailed Area Plan (DAP) requirements for lots less than 350m² in area, as these lots are subject to a requirement to lodge a planning application for and approval by the City, as directed by the Residential Design Codes (2010).
6. Delete the DAP requirement for 'any other Lot, as determined by the Developer, to control built form within the LSP area.' Any lots subject to DAP requirements are to be identified upfront, as in the case for the remainder of the lots identified as requiring DAP preparation.
7. Update the DAP requirement for lots with a boundary within 20 metres of a recognised Bushfire Risk Management area, to require instead a DAP for lots deemed to be affected (as identified spatially in the final updated fire management plan for the LSP).
8. Update the DAP requirement for lots with a boundary or frontage to Mandurah Road or Railway Reservation for noise mitigation purposes to note that the DAPs are to include a requirement for additional noise modelling for two-storey development.
9. Update the last sentence of this section to state as follows:

"DAPs may be prepared as part of a subdivision application or imposed as a condition of subdivision approval, **on the advice of the City of Rockingham.**" (additional words in bold)

6.3 Public Open Space

10. The public open space (POS) table in this section is to be updated to accord with Table 11 of Element 4 'Public parkland' of *Liveable Neighbourhoods*.
11. Include a statement that ceding of these POS areas will occur at the subdivision stage.

6.4 Reserve for Conservation

12. Include a new section 6.4 after '6.3 Public Open Space' on the 18.5 hectares of retained remnant bushland. This section is to state that the ceding of the retained remnant bushland as a reserve for Conservation free of cost to the Crown, to be incorporated into the Rockingham Lakes Regional Park and managed by the Department of Environment and Conservation, is to occur at the subdivision stage.
13. This section is to include a requirement for a Reserve Management Plan to be prepared for the 18.5 hectares that form the reserve for Conservation area in the southern portion of Lot 806, at the subdivision stage.
14. Update Section 6 'General Subdivision and Development Requirements' to require:
 - inclusion of Notifications on Title to advise of potential impacts of mosquito and midge nuisances in accordance with an approved Mosquito and Midge Management Plan.
 - inclusions of Notifications on Title to advise of the potential for noise impacts from road and rail corridors on the proposed lots identified in Figures 4.2 and 4.3 of the Noise Impact Assessment conducted by George Lloyd Acoustics (at Appendix 1).

Plan 1 - Local Structure Plan

15. Separate the land uses identified in the Legend for Plan 1 into 'zones' and 'reserves'.
16. Identify the Retained Remnant Bushland that forms the southern portion of Lot 806 as a 'Reserve for Conservation' on Plan 1 (including in the Legend for the plan):
17. Depict the proposed left-in, left-out access point from Mandurah Road immediately south of the commercial zone on Plan 1.

18. The annotation regarding the LSP design for Lot 805 is to be updated to advise that progression of Lot 805 is deferred until such time as there is an agreed Paganoni Road alignment, agreed intersection treatment of Mandurah Road and Crystaluna Drive intersection, and planning for the Karnup TOD is sufficiently advanced.

Part Two - Explanatory Section

1.2 Background

19. Update the last paragraph of this sub-section to reflect the current Urban zoning of the subject land under the Metropolitan Region Scheme (MRS).

1.3.3. Land Use

20. Update this sub-section to advise that the land previously used for limestone quarrying will be remediated appropriately to prepare it for development as set out in the LSP.

Plan 4 Metropolitan Region Scheme

21. Update this plan to reflect the current Urban zoning of the land under the MRS.

Plan 4 City of Rockingham - TPS No: 2

22. Update this plan to reflect the current Development zoning of the entire site under TPS 2.

2.1.1 Metropolitan Region Scheme

23. Update all references to the Urban Deferred zoning of the subject land to reflect the current Urban zoning of the land under the MRS.

2.1.2 City of Rockingham Town Planning Scheme No.2

24. Update paragraph three of this sub-section to reflect the current Development zoning of the land under TPS 2.

2.2.1 Statement of Planning Policy No. 2.4 - Basic Raw Materials

25. Update the last paragraph of this sub-section to reflect the current status of mining operations as having ceased, with remediation of that land set to occur to facilitate urban development.

2.2.5 Public Transport for Perth in 2031 (Draft for Consultation - DoT, July 2011)

26. Update this sub-section to advise of current and proposed long-term/future public transport bus routes to address the accessibility of the site as per the requirements of *Liveable Neighbourhoods*.

2.2.6 Planning for Bush Fire Protection Guidelines

27. Delete the last two sentences of this sub-section, and replace them with a statement advising that a fire management plan has been prepared for the LSP by Bushfire Safety Consulting (at Appendix 1) which identifies potential bushfire hazards, provides adequate separation from these areas through the LSP design, and details required fire mitigation strategies such as appropriate landscaping and interface treatment of the zone between the bushland and residential development, in accordance with the Guidelines.
28. Update this sub-section to advise that the endorsed fire management plan will be implemented at the subdivision stage.

3.7 Adjacent Conservation Reserves

29. Update this section to advise that the land the subject of the "Agreement to Reserve" area is to be ceded as a reserve for Conservation free of cost to the Crown at the subdivision stage.

5.1 Design Philosophy

30. Update this section to include the proposed third left-in, left-out access point into the site south of the commercial zone.

5.1.1 Subdivision Design Fronting Mandurah Road

31. Delete reference to the Noise Impact Assessment prepared by consultants Lloyd George Acoustics as a draft document. Also identify it as being at Appendix 1, for ease of reference for the reader.

5.3 Detailed Area Plans

32. Update this section to reflect the modifications required for '6.2 Detailed Area Plan Requirements' in Part One - Statutory Section of this Schedule of Modifications.

5.4 Planning for Bushfire Protection

33. Modify the last sentence of the second paragraph of this section as follows:

*"Overall, the Fire Management Plan demonstrates that the bushfire risk over the site can be managed, through dwelling setbacks and construction standards (as identified in the **Fire Management Plan by Bushfire Safety Consulting**)." (replacement text underlined and additional words in bold)*

34. Update the fourth paragraph to advise what the prescribed front building setbacks are for the proposed lots fronting remnant bushland, in accordance with the updated fire management plan as detailed at 'Appendix I (Volume 1) - Bushfire Hazard Assessment' in this Schedule of Modifications.

5.5 Movement Networks

35. Update this section to reflect the proposed three access points into the site from Mandurah Road (including the deletion of any references to, and inclusion of, the Traffic Technical note by Transcore at Appendix 4).

5.5.1 Access

36. Reinstate the proposed left-in, left-out access point into the LSP from Mandurah Road south of the commercial zone, and its description, back into this section.

Accordingly, delete the last sentence of this sub-section.

5.5.2.1 Integrator B Roads

37. Modify the last sentence of the last paragraph of this sub-section to reflect the correct typology of the road reserve east of the commercial zone, i.e. a Neighbourhood Connector A.

5.5.2.3 Access Streets

38. Update this sub-section to incorporate the proposed left-in, left-out access point from Mandurah Road south of the commercial zone.
39. Any reference to width of access roads fronting POS is to be in accordance with the minimum requirement of such roads provided for in *Liveable Neighbourhoods*.

5.6 Noise Impact Assessment - Road and Rail

40. Update the last sentence of this section as follows:

"Lots identified as exceeding the target and limit noise levels will be subject to a notification on the Certificate of Title, and require individual acoustic reports demonstrating the house design complies with required acoustic standards." (replacement text underlined)

Plan 6 - Internal Road Hierarchy

41. Update this Plan to depict the proposed left-in, left-out access point from Mandurah Road south of the commercial zone.

5.12 Urban Water Management

42. Update this section to advise of Department of Water support of the LWMS prepared for the LSP, at Appendix 3.

Mosquitoes and Midges

43. Include a new sub-section on the impact of mosquitoes and midges from nearby Paganoni Swamp, and the according requirement for a Mosquito and Midge Management Plan to be prepared at the subdivision stage, in addition to Notifications on title on lots.

6.1 Water

44. Update this section to reflect the current Urban zoning of the subject land under the MRS, as well as proposed water supply main provision to service the LSP.

6.2 Sewerage

45. Update this section to reflect the current Urban zoning of the subject land under the MRS, as well as proposed sewer servicing for the LSP, as identified to support the request for lifting of Urban Deferment for this land.

7.2 Metropolitan Region Scheme and City of Rockingham TPS Amendment

46. Delete this section, given the Urban zoning of the land under the MRS and the Development zoning under TPS 2.

Appendix I (Volume 1)- Bushfire Hazard Assessment

47. As per the requirements of the WAPC's Draft *Structure Plan Preparation Guidelines* (August 2012), the BHA is to be updated to represent a fire management plan that accords with the *Planning for Bushfire Protection Guidelines* (May 2010). This should include actioning of the detailed modifications in this section.

1. Introduction

48. Modify the last sentence of the first paragraph as follows:

"The fire management plan is to be prepared to the satisfaction of Local Government, the Fire and Emergency Services Authority (FESA)

and the WAPC." (replacement words underlined and additional words in bold)

49. In accordance with the requirements for the updating of the BHA in accordance with the *Planning for Bushfire Protection Guidelines (May 2010)*, delete the third paragraph of this section.
50. Modify the first sentence of the last paragraph of this section as follows:

"The proposal is to develop the subject land for commercial, residential, a primary school, public open space and conservation purposes."

2. Objectives

51. Update this section to reflect the current Urban zoning of the subject land under the MRS.

3.1 Description of the Subject Land

52. Update this section to incorporate the third proposed left-in, left-out access point from Mandurah Road (immediately south of the Commercial Precinct).

4.1 Bushfire History

53. Update this section, where information is available, to provide the bushfire history for the subject site and locality before 2010.
54. Update the last sentence of this section to state as follows:

"Given that bushfires are common in the City of Rockingham, this fire management plan plays a critical role to ensure the development of the subject land is appropriately mitigated from fire risk and threat."

4.2 Bushfire Hazard Assessment

Slope

55. Update the first sentence of this sub-section to clarify that the southern half of the subject site is generally undulating, with a high point in the south east corner.

The Bushfire Hazard Assessment Levels

56. In the second paragraph, correct the reference to the bushfire hazard rating map at Appendix E, not Appendix D.

5. Mitigation Strategy: Siting of Development

Methodology and Assumptions

57. Clarify who will be responsible for reducing and maintaining fuel loads within Building Protection Zones (BPZ) at 2 tonnes per hectare (fifth dot point of the BPZ standard requirements).

Appendix Two (Volume 2) - JDSi Servicing Report

58. Update this servicing report to reflect the current Urban zoning of the subject land under the MRS, as well as proposed servicing provisions for the LSP, as detailed in the MRS amendment report to support the lifting of Urban Deferment.

Appendix Four (Volume 2) - Traffic and Transport Management

59. The Transport Assessment report by Transcore dated August 2012 is to be updated to incorporate the proposed left-in, left-out access point from Mandurah Road south of the Commercial Precinct.
60. Section 2.0 'Introduction and Background' of the Transport Assessment (August 2012) is to be updated to advise that the sand extraction operation on the subject site has ceased operation.
61. Section 3.0 'Structure Plan Proposal' of the Transport Assessment (August 2012) is to be updated to reflect the current Urban zoning of the subject land under the MRS.
62. Delete the Technical Note by Transcore dated 21 September 2012 (subject: LSP Revised Access System - Traffic Investigation).

ITEM NO: 9.3

LAYOUT PLAN AMENDMENTS – MAPPING DATA CONVERSION

WAPC OR COMMITTEE: **Statutory Planning Committee**

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Manager – Aboriginal Communities
AUTHORISING OFFICER: Executive Director – Regional Planning and Strategy
AGENDA PART: D
FILE NO: DP/11/00058/1
DATE: 31 January 2013
ATTACHMENTS: 1. Layout Plan Amendment Schedule
2. Layout Plan Ratified Draft Schedule
3. Layout Plan Living Area Plans

RECOMMENDATION:

That the Western Australian Planning Commission resolves to:

- 1. endorse the Amendments to Layout Plans listed in Attachment 1;*
- 2. ratify the draft Layout Plans listed in Attachment 2.*

SUMMARY:

Minor amendment to the endorsed Layout Plans listed at Attachment 1 are proposed. The amendments proposed are a consequence of the conversion of those map-sets from CAD to GIS. State Planning Policy 3.2 (SPP3.2) provides that if an amendment to a Layout Plan is of a minor nature the WAPC is the only endorsement required.

Endorsement of all Layout Plans listed at **Attachment 1** as minor amendments is recommended.

BACKGROUND:

The Department of Planning, on behalf of the WAPC and the Department of Housing, is the custodian of a suite of 150 Layout Plans prepared under SPP 3.2.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Planning and Development Act 2005*
Section: Part 3 – State Planning Policies

Strategic Plan

Strategic Goal: Planning
Outcomes: Effective Delivery of Integrated Plans
Strategies: Develop integrated infrastructure and land use plans for the State

Policy

Number / Name: State Planning Policy 3.2 – Aboriginal Settlements

DETAILS:

Since the publication of SPP3.2 in August 2000 all Layout Plan map-sets have been prepared using a variety of computer-aided-design (CAD) formats. All Layout Plan map-sets are currently being converted to a common user geographic information systems (GIS) format.

This conversion process requires a comprehensive re-development of the map-set and includes a number of data and content upgrades, including the establishment of new Settlement Layout lots (SL-lots), the inclusion of recommended settlement zones, modification to ensure land-use areas accord with Aboriginal Settlements Guideline 1, inclusion of drinking water source protection areas, incorporation of updated cadastre, and many other general improvements.

GOVERNMENT AND CORPORATE IMPLICATIONS:

Layout Plans guide housing, infrastructure and enterprise development on Aboriginal Settlements. Converting the Layout Plan map-sets to a GIS format will enable Shared Land Information Platform (SLIP) functionality. This means that agencies and authorities that use the Layout Plans will be able to access digital versions for analysis and design use. Layout Plans will be the first suite of WAPC statutory plans to be comprehensively established and maintained in GIS.

CONSULTATION:

None required or undertaken.

OFFICER'S COMMENTS:

The map-sets for Layout Plans for Aboriginal communities are being converted from CAD to GIS. This has resulted in a myriad of technical changes to content and illustration of Layout Plan map-sets, which are effectively an amendment to that plan.

In the case of amendments, the CAD to GIS changes are considered to be minor amendments as the myriad changes made to content and illustration are of a

technical nature. As such, under provision 6.14 the endorsement of the WAPC only is required.

Establishing the Layout Plan suite in GIS will improve the functionality of those plans when used by associated agencies and authorities and endorsement of the consequent amendments is recommended.

Endorsement of all Layout Plans listed at **Attachment 1** as minor amendments is recommended.

Attachment 1

Layout Plan	Layout Plan Number	Amendment Number(s)
Warburton	1	1
Mount Margaret	1	2

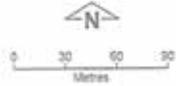
Attachment 2

Layout Plan	Layout Plan Number	Draft version
Wugguban	1	1
Yarrunga	1	1





Government of Western Australia
Department of Housing



Legend

- Land Use**
- commercial
 - community
 - industrial
 - open space
 - public utility
 - recreation
 - residential
 - road reserve
 - waterway

- Exclusion Boundary**
- chlorine gas storage
 - drinking water source without protection zone
 - fuel storage
 - industry
 - power station

- Land Administration**
- cadastre
 - settlement layout (SL)
 - settlement zone
 - SL lot numbers

- Features**
- bars
 - electricity poles
 - fuel tank
 - hydrant
 - public telephone
 - se-constructed
 - miscellaneous facilities
 - electricity overheads
 - fuel pipe
 - telecommunications cable
 - telemicrocommunications tower
 - water pump
 - water tank
 - well
 - tracks
 - wastewater pipe
 - water pipe
 - wetland

WGA Zone C1, GDA 94
Top left: 419920, 6814755
Bottom right: 420900, 6813300

Layout plan prepared by Department of Planning
Existing cadastral data supplied by the Western Australian Land Information Authority. (Licence LJ 435-2005-2)

Extraction date of cadastre 03/02/2012.
CLP derived from Mt Margaret Dist Community Layout Plan as supplied by Sinclair Knight Merz.

As-constructed survey data provided by Sinclair Knight Merz. Last completed survey date 20/06/2004

August 2010 aerial image provided by Landsat.

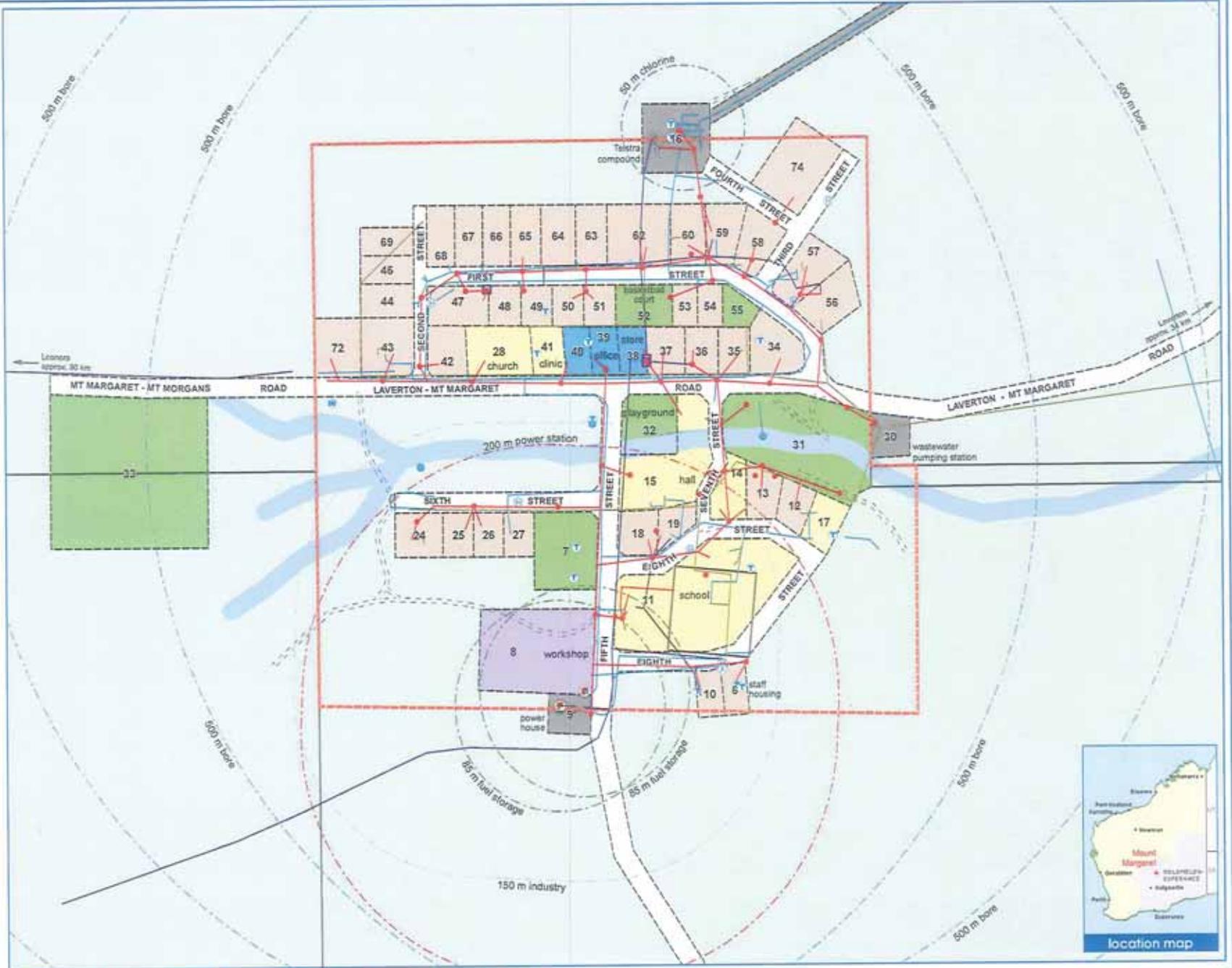
Mount Margaret LP1 - Living Area.mxd

Western Australian Planning Commission Copyright © 2010

Settlement layout not derived from calculated dimensions.

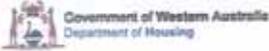
Layout Plan 1 endorsement	
Community	14 August 2001
Local Government	24 September 2001
Traditional Owners	-
WAPC	9 October 2001
Amendment 2 endorsement	
WAPC	-

This layout plan does not constitute development approval. It is the responsibility of the developer to ensure that all relevant permits, approvals, licences and clearances are in place prior to commencing physical works on the site. (Developer's responsibility for such matters may include land owner, local government, appropriate community service, other relevant representative body, Department of Environment & Conservation, Aboriginal Cultural Heritage Commission, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Work



Mount Margaret Layout Plan 1 - Living Area

Amendment 2



Legend

- Land Use**
- community
 - open space
 - public utility
 - recreation
 - residential
 - road reserve
 - rural
- Exclusion Boundary**
- drinking water source wellhead protection zone
 - fuel storage
 - power station
- Land Administration**
- cadastre
 - recommended settlement zone
 - settlement layout (SL)
 - 21 SL lot numbers
- Features**
- bars
 - electricity pole
 - fuel tank
 - public telephone
 - significant trees
 - telecommunications tower
 - water pump
 - water tank
 - ceiling
 - electricity network
 - fence
 - ridge line
 - track
 - water pipe

MDA Zone 82, QDA 94
 Top left: 382750, 6024000
 Bottom right: 383490, 6024020

Layout plan prepared by Department of Planning

Existing cadastral data supplied by the Western Australian Land Information Authority. (Licence PA 23-0502)

Extraction date of cadastre 03/02/2012.

Features derived from as-constructed survey data provided by Sinclair Knight Merz. Last completed survey date 01/12/2004.

2007 aerial image provided by Landgate.

Yarrunga LP1 - Living Area mid

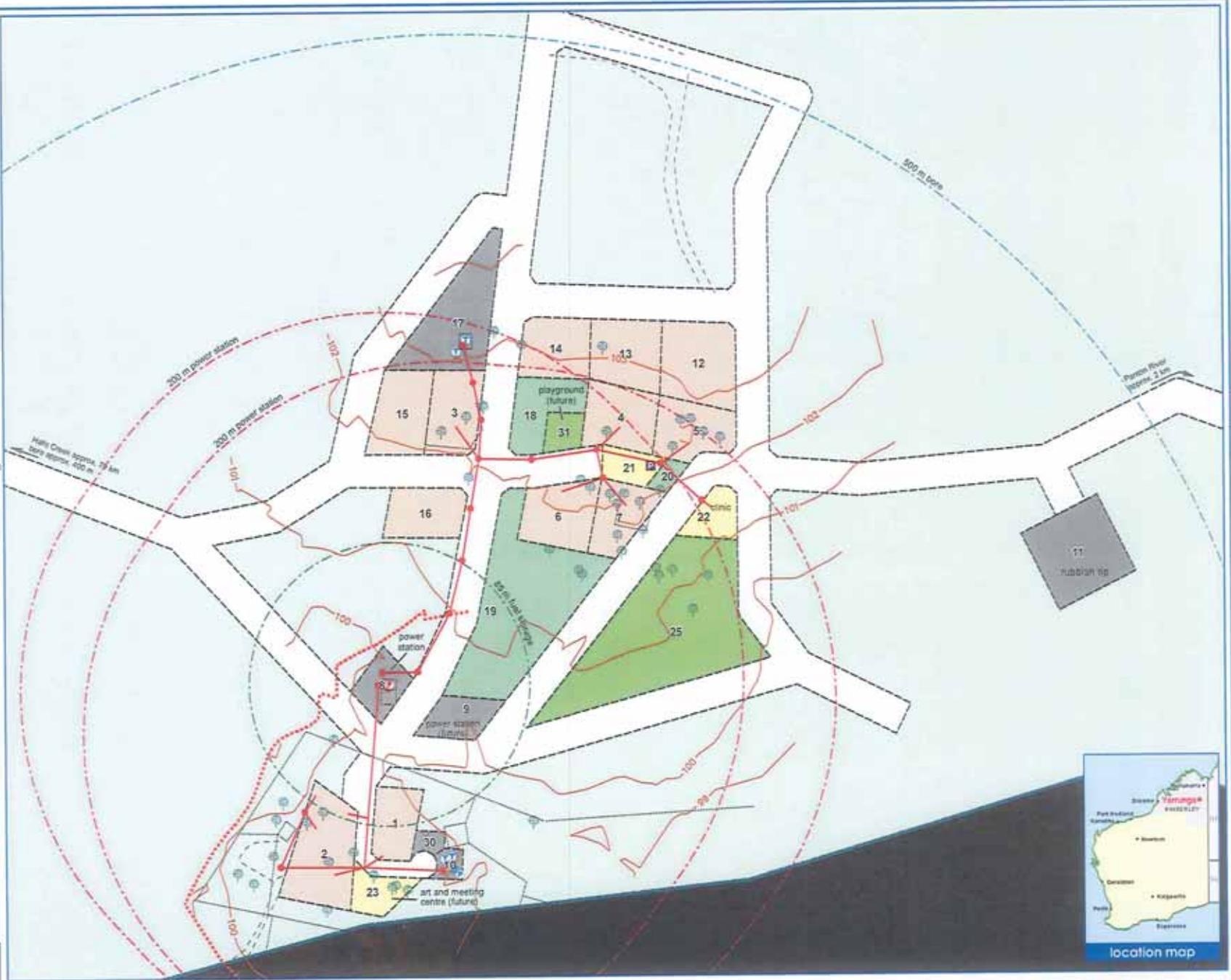
Western Australian Planning Commission Copyright © 2012

Settlement layout not derived from calculated dimensions.

Endorsement	
Community	-
Local Government	-
Traditional Owners	-
WAPC	-

This layout plan does not constitute development approval

It is the responsibility of the developer to ensure that all relevant permits, approvals, licences and consents are in place prior to commencing physical works on the site. Organisations responsible for such matters may include but not limited to local government, incorporated community groups, water service providers, Department of Environment & Conservation, Aboriginal Cultural Heritage Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.



Yarrunga Layout Plan 1 - Living Area

Draft Version 1

ITEM NO: 9.4

LAYOUT PLAN FOR ENDORSEMENT – BELL SPRINGS, SHIRE OF WYNDHAM, EAST KIMBERLEY

WAPC OR COMMITTEE: Statutory Planning Committee

REPORTING AGENCY: Department of Planning
REPORTING OFFICER: Planning Manager – Aboriginal Communities
AUTHORISING OFFICER: Executive Director – Regional Planning and Strategy
AGENDA PART: D
FILE NO: 057/1/1/25P121
DATE: 31 January 2013
ATTACHMENT: 1. Bell Springs Layout Plan 1

RECOMMENDATION:

That the Western Australian Planning Commission resolves to endorse the Bell Springs Layout Plan 1.

SUMMARY:

The Bells Springs Layout Plan 1 (LP1) has been prepared by the Department and endorsed by the resident community and the Shire of Wyndham East Kimberley (SWEK).

LP1 complies with State Planning Policy 3.2 – Aboriginal Settlements (SPP3.2). Endorsement is recommended.

BACKGROUND:

The Department's Planning for Aboriginal Communities Project (PACP) has recently completed the preparation of LP1, in partnership with the Ord Enhancement Scheme and with the support of the Kimberley Development Commission (KDC).

SPP 3.2 provides that the WAPC is required to endorse Layout Plans where they are consistent with the provisions of that policy.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	<i>Planning and Development Act 2005</i>
Section:	Part 3 – State Planning Policies
Strategic Plan	
Strategic Goal:	Planning
Outcomes:	Effective Delivery of Integrated Plans
Strategies:	Develop integrated infrastructure and land use plans for the State
Policy	
Number / Name:	State Planning Policy 3.2 – Aboriginal Settlements

DETAILS:

Bell Springs is on land that is subject to the Ord Final Agreement. The Ord Final Agreement is an Indigenous Land Use Agreement (ILUA) between the State of Western Australia and the Miriuwung Gajerrong people. The interests of the Miriuwung Gajerrong people are represented by Miriuwung Gajerrong Corp.

As a part of the Ord Final Agreement, the Ord Enhancement Scheme was established. It is a partnership between Miriuwung Gajerrong Corp and the State Government of WA, through the Kimberley Development Commission. In 2009 the Ord Enhancement Scheme and the Western Australian Planning Commission (WAPC) agreed to jointly resource the preparation of Layout Plans for Aboriginal communities in the Miriuwung Gajerrong area.

The layout plans for the Miriuwung Gajerrong lands communities were prepared by the Department. All of the communities in the Miriuwung Gajerrong lands are in the Shire of Wyndham - East Kimberley.

There are 26 communities on the Miriuwung Gajerrong lands. The Ord Final Agreement provides that 19 of those communities may be granted land titles in fee simple. Based on the priority considerations of Miriuwung Gajerrong Corp and the policy and resourcing considerations by the Department, 9 communities were identified as requiring a Layout Plan. On 29 September 2011 the WAPC endorsed Layout Plans for 8 of those communities. Bell Springs Layout Plan 1 was still under preparation at that time.

The Miriuwung Gajerrong lands communities, including Bell Springs, are reliant on Kununurra for community, education and health services, as well as employment, commercial and retail activities. They are in effect satellites proximate to and dependent on Kununurra.

The Miriuwung Gajerrong lands Layout Plans address a range of issues, including: residential demand; incompatible use separation; water source protection; Aboriginal law and culture; land tenure recommendation; community and Traditional Owner aspiration; settlement zone recommendation, and; essential services demand.

GOVERNMENT AND CORPORATE IMPLICATIONS:

Aboriginal settlement Layout Plans provide a sound basis for future development of housing, community facilities and essential service infrastructure and ensure environmental concerns are addressed.

CONSULTATION:

Preparation of LP1 has been a joint effort by OES and the Department with significant support from the KDC. Preparation included consultation with a range of agencies, authorities and non-government organisations during 2009-2012 including State Land Services, Department of Regional Development & Lands, Department of Indigenous Affairs, National Native Title Tribunal, SWEK and Department of Water.

LP1 was endorsed by the resident community on 3 September 2012. On 22 January 2013 SWEK endorsed LP1.

SPP3.2 provides that the WAPC may endorse a Layout Plan if the traditional owners have not endorsed that plan if it is satisfied that preparation of the Layout Plan has included appropriate consultation with that party and that best endeavours were made to secure the endorsement of the Layout Plan.

MG Corp has had in excess of 90 days to consider endorsing LP1. Given that it was involved in the preparation of the plan via OES, it is considered that the requirements of SPP3.2 have been satisfied and that the WAPC may endorse the Plan.

OFFICER'S COMMENTS:

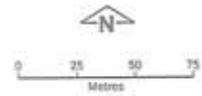
The Bell Springs Layout Plan 1 is consistent with SPP 3.2.

It has been endorsed by the resident community and Local Government, and best endeavours have been made to secure the endorsement of the traditional owners in accordance with SPP 3.2.

Endorsement is recommended.



Government of Western Australia
Department of Housing



Legend

- Land Use**
- commercial
 - community
 - open space
 - public utility
 - recreation
 - residential
 - road reserve
 - rural

- Exclusion Boundary**
- drinking water
 - storm water
 - wellhead protection zone
 - fuel storage
 - industry
 - power station

- Land Administration**
- cadastral
 - recommended settlement zone
 - settlement layout (SL)
 - 21 SL lot numbers

- Features**
- bore
 - fuel tank
 - public telephone
 - significant trees
 - structure
 - electricity network
 - lines
 - telecommunications tower
 - water pump
 - water tank
 - telecommunications cable
 - water pipe

MDA Zone S2, GDA 94
Top left: 473455, 8244045
Bottom right: 478195, 8243475

Layout plan prepared by Department of Planning
Using cadastral data supplied by the Western Australian Land Information Authority. (Licence DL 248-2007-2)
Exclusion date of cadastral 05/02/2013

Features derived from as-constructed survey data provided by Department of Housing. Last completed survey date 05/05/2004, updated 01/07/2007

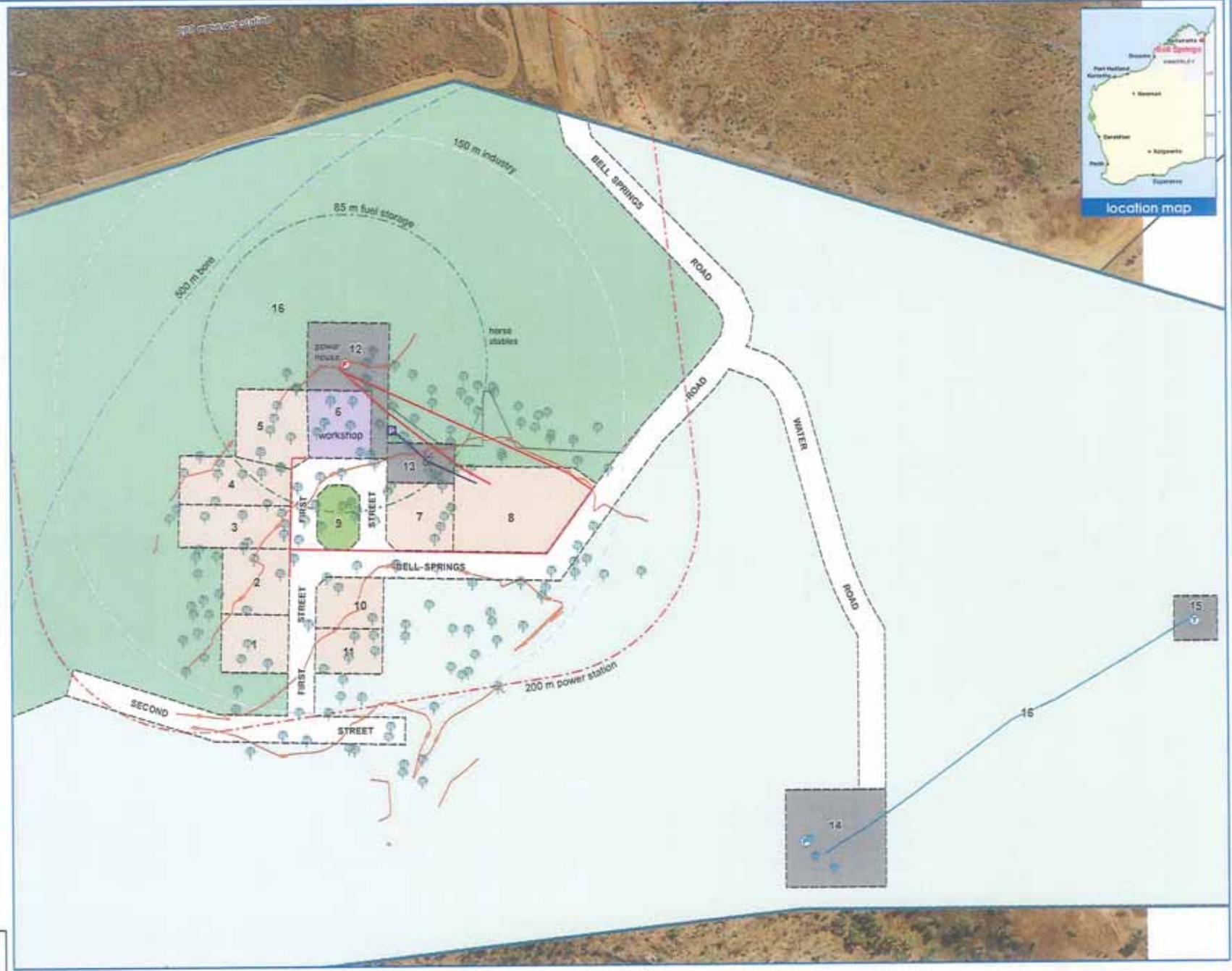
June 2011 aerial image provided by Landgate
Bell Springs LP1 - Living Area.shd

Western Australian Planning Commission Copyright © 2013

Settlement layout not derived from published documents.

Layout Plan 1 endorsement	
Community	-
Local Government	-
Traditional Owners	-
WAPC	-

This layout plan does not constitute development approval
It is the responsibility of the developer to ensure that all relevant approvals, approvals, consents and easements are in place prior to commencing physical works on the site. Organisations responsible for such matters may include local government, incorporated community groups, native title representatives body, Department of Environment & Conservation, Aboriginal Cultural Matters Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.



Bell Springs Layout Plan 1 - Living Area

Draft Version 5

ITEM NO: 9.5

REQUEST TO AMEND PLANNING APPROVAL - PROPOSED MINERAL SANDS MINE LOCATED AT LOT 59 WESTCOTT ROAD, LOT 62 HOPELANDS ROAD AND LOT 300 ATKINS ROAD, NORTH DANDALUP

WAPC OR COMMITTEE:	Statutory Planning Committee
REPORTING AGENCY:	Department of Planning
REPORTING OFFICER:	Director - Peel Region
AUTHORISING OFFICER:	Executive Director - Perth and Peel Planning
AGENDA PART:	G
FILE NO:	616-114-1
DATE:	12 February 2013
ATTACHMENTS:	<ol style="list-style-type: none">1. Approval to Commence Development (WAPC Ref: 616-114-1)2. Location Plan3. Approved Plant Location4. Proposed Plant Location

RECOMMENDATION:

That the Western Australian Planning Commission resolves to amend the Approval to Commence Development (WAPC Ref: 616-114-1, dated 29 June 2011) pursuant to Clause 24 of the Peel Region Scheme by:

- 1. modifying Condition 1 to extend the term of the planning approval from 10 years to 12 years, from the date of the original planning approval;***
- 2. deleting Conditions 6, 7 and 8;***
- 3. inserting a new condition which states:***
"The primary processing plant for the mineral sands mine shall be located on Lot 62 Hopelands Road, North Dandalup as indicated on Attachment 4;
- 4. extending the period of time for the development to be substantially commenced from two years to four years.***

SUMMARY:

On the 15 June 2011 the Statutory Planning Committee, on behalf of the WAPC, approved a development application (WAPC Ref: 616-114-1) for a proposed mineral

sands mine on Lots 62 Hopelands Road, 59 Westcott Road and 300 Atkins Road, North Dandalup.

The proponent has submitted a request to amend the Approval to Commence Development (WAPC Ref: 616-114-1) (**Attachment 1**) pursuant to clause 24 of the Peel Region Scheme (PRS). The requested amendments to the planning approval are supported.

BACKGROUND:

In October 2009, the Minister for the Environment granted environmental approval for the mineral sands mining proposal.

In February 2010, the Shire of Murray Council resolved that the development application was regionally significant and referred it to the WAPC pursuant to a resolution made in accordance with *Resolution 2011/03*. *Resolution 2011/03* was made under Clause 21 of the PRS.

In February 2011, the Shire of Murray resolved to refuse the development application under the Shire of Murray Town Planning Scheme No.4 (TPS 4).

In June 2011, the Statutory Planning Committee granted planning approval for the development application, pursuant to Clause 35 of the PRS.

In September 2011, the State Administrative Tribunal directed the Shire of Murray to reconsider its original decision on or before 14 October 2011.

In October 2011, the Shire of Murray Council granted planning approval for the mineral sands mine proposal under TPS 4.

In November 2012, the proponent expressed a desire to modify the location of the heavy haulage transport route, as a result of a desired change in the location of the primary processing plant to a different part of the subject property. As there is no scope for a planning approval issued under TPS 4 to be amended, the Shire required the proponent lodge a new planning application under TPS 4 to deal with the requested changes to the heavy haulage transport route and the location of the primary processing plant.

On 18 December 2012, the Shire of Murray granted planning approval to the subsequent planning application under TPS 4. As the Council did not consider this application to be regionally significant, it was not necessary for this application to be determined by the WAPC.

On 10 January 2013, the proponent requested an amendment to the Approval to Commence Development pursuant to Clause 24 of the Peel Region Scheme. The requested amendments to the planning approval relate to a revised location for the primary processing plant, a revised heavy haulage transport route and modifications to the timeframes for the planning approval.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Section:

Planning and Development Act 2005

Section 34

Section 162 - No development except with approval

Strategic Plan

Strategic Goal:

Planning

Outcomes:

Effective Delivery of Integrated Plans

Strategies:

Implement State and Regional Planning priorities.

Policy

Number and / or Name:

State Planning Policy No. 2.4: Basic Raw Materials

Strategic Minerals and Basic Raw Materials Resource

Policy (Peel Region Scheme)

DETAILS:

The mining project area is partly located within the Peel Region and partly located within the Metropolitan Region (**Attachment 2** - Location Plan). This report relates specifically to the approval granted under the PRS in June 2011.

The proponent seeks the following modifications to the planning approval pursuant to Clause 24 of the Peel Region Scheme:

- modify Condition 1 to extend the term of the planning approval from 10 years to 12 years, from the date of the original planning approval;
- delete Conditions 6, 7 and 8, which relate to the currently approved heavy haulage transport route along Aitkens Road, Readheads Road and South Western Highway. This route is intended to be replaced by a revised heavy haulage transport route along Hopelands and Lakes Roads to the Kwinana Freeway/Forrest Highway;
- include a new condition specifying that the primary processing Plant for the mineral sands mine shall be located on Lot 62 Hopelands Road, North; and
- extend the period of time for the development to be substantially commenced from two years to four years.

Clause 24 of the Peel Region Scheme states:

"The Commission may, on written request from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval prior to the commencement of the development that is the subject of the planning approval."

The written request for the amendment to the planning approval is consistent with the requirements of Clause 24 of the Peel Region Scheme, as it has been submitted by the owners of the land prior to development commencing on site.

GOVERNMENT AND CORPORATE IMPLICATIONS:

An amendment to the planning approval does not have any Government or Corporate implications.

CONSULTATION:

In 2011, the original WAPC application was referred for comment to the Department of Water, Department of Environment and Conservation, Department of Mines and Petroleum, Department of Health, Public Transport Authority, Main Roads Western Australia (MRWA), Westnet Rail and DBNGP Nominees Pty Limited. None of these referral agencies objected to the proposal, but advice was provided by some agencies.

The request to amend the WAPC's planning approval was referred to MRWA for comment. MRWA advises that the tracking path for the heavy haulage vehicles at the intersection of Lakes Road and Osprey Link will need to be reassessed as the current assessment does not account for a median island that has been constructed at this intersection. In this respect, Main Roads has requested the following advice note be added to the planning approval:

"Main Roads requests that the tracking path for the Restricted Access Vehicles path at the intersection of Osprey Link and Lakes Road in the Transport Route Report be reviewed to ensure that the tracking path is adequate and upgrade the intersection to the satisfaction of Main Roads."

The request to amend the planning approval was not referred to the Shire of Murray for comment as the Shire had already approved a planning application for the revised location of the primary processing plant and the modified transport route on 18 December 2012. It is noted that the proposed amendments to the PRS planning approval are consistent with the planning approved granted by the Shire of Murray on 18 December 2012.

OFFICER'S COMMENTS:

The site is zoned Rural under the PRS and Rural in the Shire of Murray Town Planning Scheme No. 4. One of the purposes of the Rural zone, in the PRS, is to provide for the wise use of natural resources including water, flora, fauna and minerals. The proposed development is consistent with this purpose.

Consistency with strategic planning

The *Nambeelup North Dandalup Local Rural Strategy* identifies:

- the subject land for rural purposes; and
- an area of land immediately south of the subject land as being suitable for long-term rural residential development, subject to extraction of minerals on the subject land.

The development proposal is consistent with the *Nambeelup North Dandalup Local Rural Strategy*.

The proposal does not prejudice current strategic planning work being undertaken for the South Metropolitan Peel Structure Plan project.

Revised location of the primary processing plant

When planning approval was originally granted in June 2011, the primary processing plant was to be located on Lot 59 Westcott Road (**Attachment 3**). The proponent now proposes to locate the primary processing plant on a different portion of the subject land (Lot 62 Hopelands Road) (**Attachment 4**) and advises that the revised location of the processing plant:

- is further from local residences (other than those with which the proponent has reached agreement), which will reduce the risk of noise affecting residences; and
- facilitates the change to the revised heavy haulage route (along Hopelands Road, Lakes Road and Kwinana Freeway/Forrest Highway), which will have positive impacts on local amenity.

The location of the primary processing plant is considered to be an operational aspect of the development and does not fundamentally change the nature of the approval granted by the WAPC. The revised location of the plant is supported for the following reasons:

- a. it is unlikely to have adverse impacts on nearby residents; and
- b. the overall scale of development remains the same.

Revised heavy haulage transport route

The currently approved heavy haulage transport route is along Aitkens Road, Readheads Road, South Western Highway and Greenlands Road to the Forrest Highway. The proponent is now proposing to use a revised heavy haulage transport haulage route along Hopelands Road and Lakes Road to the Kwinana Freeway/Forrest Highway.

The proponent has identified a number of benefits that will be provided by the revised heavy haulage transport route. These include that it:

- will result in no truck movements along two kilometres of unsealed road (Atkins Road and Readheads Road), which are known school bus routes;
- avoids truck movements past a number of local residences; and
- enables the repositioning of the primary processing plant and associated internal access in a manner which will cause less disruption to local residents.

The proponent has also advised that a new truck type with greater carrying capacity will be used. The greater carrying capacity of these trucks will reduce the number of truck movements per day and will enable the mine operator to transport the mineral concentrate only during daylight hours. This should reduce the amenity impacts on residences along the revised heavy haulage transport route.

The above-mentioned benefits adequately demonstrate that the revised heavy haulage route will result in an improved outcome over the currently approved heavy haulage transport route.

Conditions 6, 7 and 8 of the planning approval require that the proponent upgrade the intersections at Atkins Road/Readheads Road and at Readheads Road/South Western Highway and the railway crossing at Readheads Road. If the heavy haulage transport route is revised as proposed, there would be no reason for the proponent to upgrade these intersections.

Given that the current PRS approval involves the primary processing plant being located on Lot 59 Westcott Road, it would be appropriate for a new condition to be imposed specifying that the primary processing plant shall be located on Lot 62 Hopelands Road if Conditions 6, 7 and 8 are removed.

Lakes Road and Osprey Link intersection

It is not considered necessary to include the advice note requested by MRWA in relation to the intersection of Osprey Link and Lakes Road in the amended planning approval as:

- the Lakes Road/Osprey Link intersection is part of the local road network and is not reserved as a regional road in the Peel Region Scheme;
- the Shire of Murray has considered the new transport route in the assessment of a development application to which it granted planning approval on the 18 December 2012 and has not identified any potential issues with the Lakes Road/Osprey Link intersection and has not imposed any conditions relating to this intersection; and
- the existing planning approval issued by the WAPC includes an advice note which states that the proposed heavy vehicle route is subject to assessment and compliance with Main Roads Heavy Vehicle Operations Branch. The proponent will need to obtain approval from the Heavy Vehicle Operations Branch prior to using the revised heavy haulage transport route and that approval process may require road improvements.

Modifications to the timeframes of the planning approval

The current planning approval is subject to the development being substantially commenced within a period of two years and will lapse if development has not substantially commenced by the 29 June 2013. To avoid the planning approval lapsing it is recommended the planning approval be amended to extend the period of time for development to be substantially commenced from two years to four years. This extension to the period of time for substantial commencement will also bring the lapse dates for the Shire of Murray and WAPC planning approvals into closer alignment.

It is also recommended that Condition 1 be modified to extend the term of the planning approval from 10 years to 12 years, from the date of the original planning approval.

Conclusion

The proponent's request to amend the planning approval is supported.



COPY

Our Ref : 616-114-1
 Your Ref :
 Enquiries : Jas Lapinski (Ph 9586 4689)

Planning Solutions (Aust) Pty Ltd
 P O Box 8701
 PERTH BUSINESS CENTRE WA 6849

Application for Approval to Commence Development dated 5 February 2010 received 18 February 2010.

Lot Number	: 59, 62 & 300
Location	: -
Plan / Diagram	: Plan 739 Deposited Plan 31012
Volume/Folio	: 2004/874, 1081/577, 2558/496
Locality	: Westcott Road, Hopeland Road & Atkins Road, North Dandalup
Owner	: Lanstal Pty Ltd 56 Kings Park Road WEST PERTH WA 6005, Thorndale Pty Ltd P O Box 111 NORTH DANDALUP WA 6207

Under the provisions of the Peel Region Scheme this application has been referred for determination by the Western Australian Planning Commission.

The application has now been considered by the Commission and the formal notice setting out the terms of the decision is attached.

A copy of this decision has been forwarded to the Local Government for information.

You are advised of the need to consult with the local government with regard to the gaining of all necessary approvals and the issuing of the requisite building licence.

This decision is issued pursuant to the provisions of the Peel Region Scheme, and has been made by the Commission after due consideration of the regional planning implications of the proposal. The development must also comply with the requirements of Council's Town Planning Scheme(s) and any determination in this regard must be made by the local government. The Commission's decision, therefore, is made without prejudice to any others that may be separately required from Council.



Our Ref : 616-114-1
Your Ref :
Enquiries : Jas Lapinski (Ph 9586 4689)

PEEL REGION SCHEME

Shire of Murray

APPROVAL TO COMMENCE DEVELOPMENT

Name and Address of Owner and Land on which Development Proposed:

Owner	:	Lanstal Pty Ltd 56 Kings Park Road WEST PERTH WA 6005, Thorndale Pty Ltd P O Box 111 NORTH DANDALUP WA 6207
Lot Number	:	59, 62 & 300
Location	:	-
Plan / Diagram	:	Plan 739 Deposited Plan 31012
Volume/Folio	:	2004/874, 1081/577, 2558/496
Locality	:	Westcott Road, Hopeland Road & Atkins Road, North Dandalup
Application Date	:	5 February 2010
Application Receipt	:	18 February 2010
Development Description	:	Mineral Sand Mine

The application for approval to commence development in accordance with the plans submitted thereto is granted subject to the following condition(s):

1. This approval is limited to a period of 10 years from the date of this decision.
2. The site is to be maintained in a neat and tidy condition to the specifications of the local government and to the satisfaction of the Western Australian Planning Commission.
3. Vehicles, equipment, and stockpiling shall be located in such a manner as to minimize their visibility from neighbouring residents and public roads to the specifications of the local government and to the satisfaction of the Western Australian Planning Commission.
4. An alternative effluent disposal system is to be provided to the specifications of the local government and to the satisfaction of the Western Australian Planning Commission.

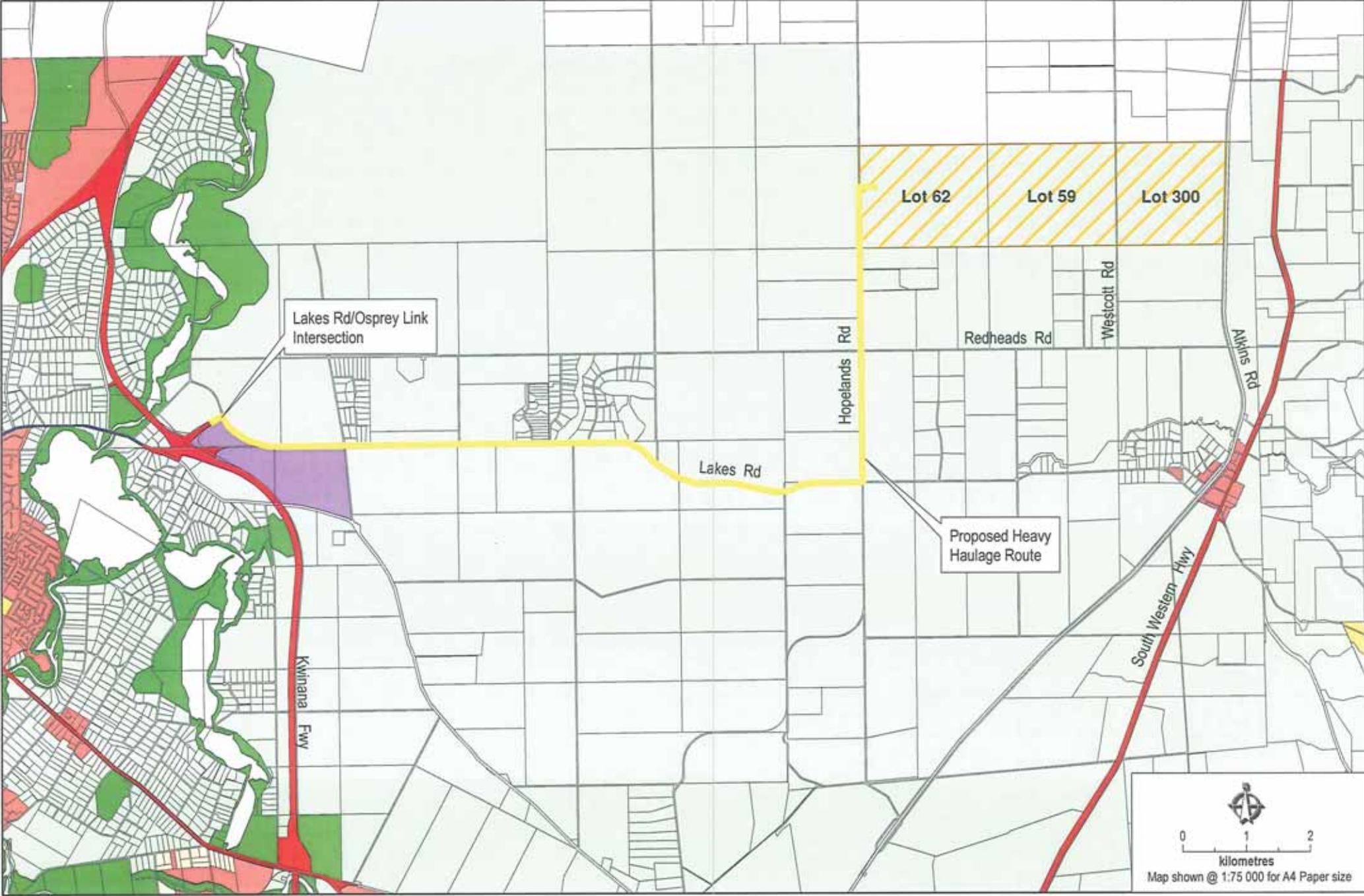
140 William Street, Perth, Western Australia 6000, Locked Bag 2506 Perth, 6001
Tel: (08) 6551 9000; Fax: (08) 6551 9001; Infoline: 1800 626 477
e-mail: corporate@planning.wa.gov.au; web address <http://www.planning.wa.gov.au>
ABN 35 482 341 493



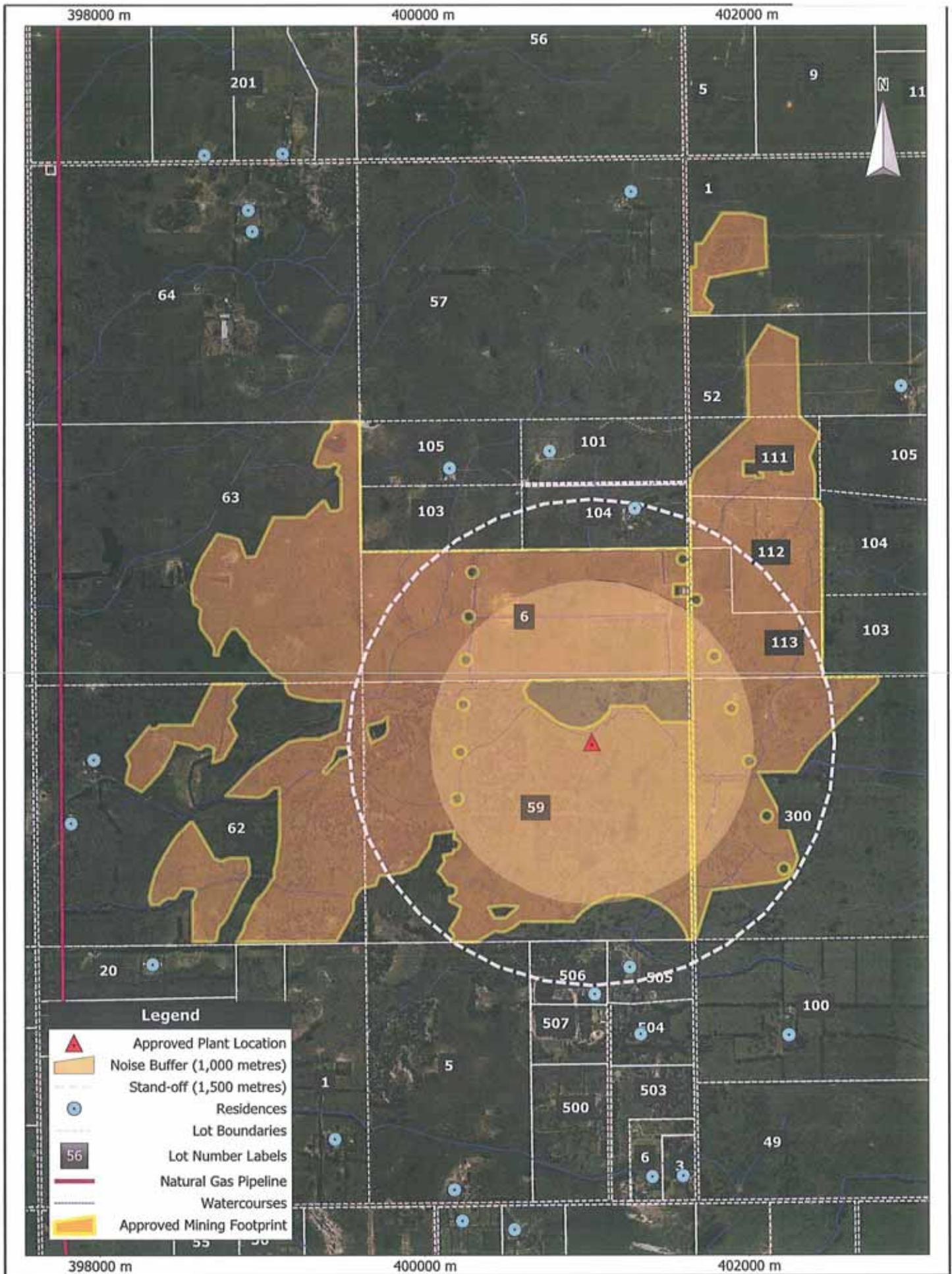
If the development the subject of this approval is not substantially commenced within a period of two years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.

A handwritten signature in black ink, appearing to read "Tony Evans".

Tony Evans
Secretary
Western Australian Planning Commission
29 June 2011



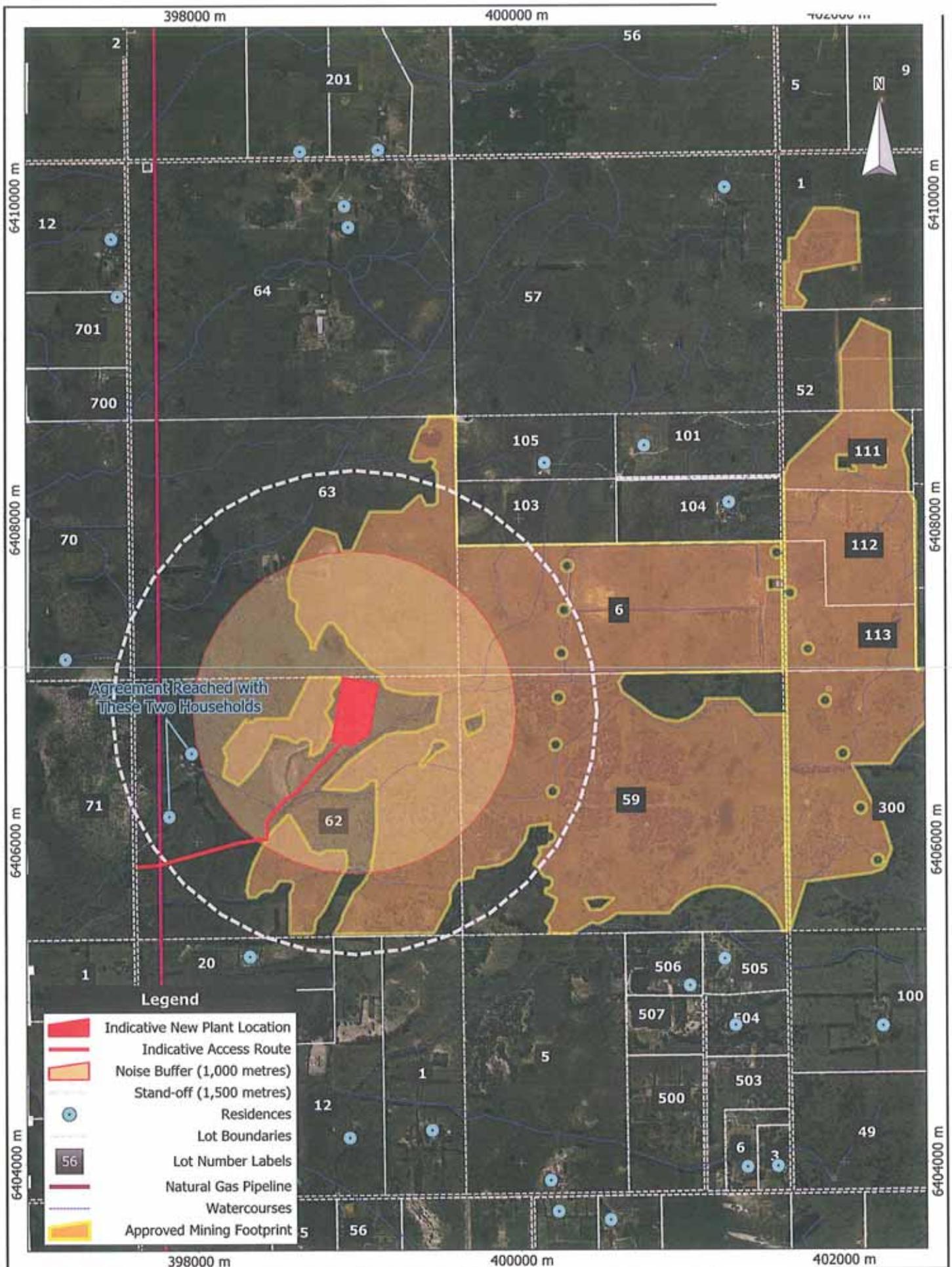
LOCATION PLAN



Legend

- Approved Plant Location
- Noise Buffer (1,000 metres)
- Stand-off (1,500 metres)
- Residences
- Lot Boundaries
- Lot Number Labels
- Natural Gas Pipeline
- Watercourses
- Approved Mining Footprint

<p>Environmental + Water Resource Consultants</p> <p>4 Cook St West Perth WA 6008 Telephone: + 618 9226 3166 Facsimile: + 618 9226 3177 info@mbsenvironmental.com.au</p>	<p>Scale: 1:30000 Original Size: A4 Air Photo Date: 2012 Grid: Australia MGA94 (50)</p> <p>0 500 m</p>	<p>MZI Resources Limited Keysbrook Mineral Sands Project</p>	Approved Plant Location
			Figure 1



Agreement Reached with These Two Households

Legend

- Indicative New Plant Location
- Indicative Access Route
- Noise Buffer (1,000 metres)
- Stand-off (1,500 metres)
- Residences
- Lot Boundaries
- Lot Number Labels
- Natural Gas Pipeline
- Watercourses
- Approved Mining Footprint

Environmental + Water Resource Consultants

MBS ENVIRONMENTAL

4 Cook St
West Perth WA 8005
Telephone: + 618 9226 3166
Facsimile: + 618 9226 3177
info@mbsenvironmental.com.au

Scale: 1:30000
Original Size: A4
Air Photo Date: 2012
Grid: Australia MGA94 (50)

0 500 m

MZI Resources Limited
Keysbrook Mineral Sands
Project

Proposed Plant Location

Figure 2